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| <b>Application Number:</b> | <b>2014/0520</b>   | <b>Application Type:</b>          | Outline   |
| <b>Proposal:</b>           | Outline application for residential development comprising 47 dwellings with all matters reserved except for access and layout | <b>Location:</b>                  | Land adjacent to Johnny Barn Close, Cloughfold, Rossendale, BB4 7TL |
| <b>Report of:</b>          | Planning Unit Manager  | <b>Status:</b>                    | For publication   |
| <b>Report to:</b>          | Development Control Committee  | <b>Date:</b>                      | 21 <sup>st</sup> April 2015   |
| <b>Applicant:</b>          | Hurstwood Holdings   | <b>Determination Expiry Date:</b> | 27 <sup>th</sup> April 2015   |
| <b>Agent:</b>              | Mr Michael Gilbert   |                                   |   |

|                         |                              |                   |             |
|-------------------------|------------------------------|-------------------|-------------|
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|---|--------------|
| <b>REASON FOR REPORTING</b>                                     |              |
| <b>Outside Officer Scheme of Delegation</b>                     | <b>Major</b> |
| <b>Member Call-In</b><br>Name of Member:<br>Reason for Call-In: | <b>NA</b>    |
| <b>3 or more objections received</b>                            | <b>Yes</b>   |
| <b>Other (please state):</b>                                    |              |

## 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 Committee refuse planning permission for the reasons set out in Section 10.

## 2. SITE

The two hectare site is located adjacent to but outside the defined urban boundary. The site comprises an area of improved grassland with mature trees bordering Edge Lane. The site is used for agricultural purposes and is currently used to graze sheep. Vehicular access to the site can be achieved via a vehicular access gate at the northern end of Johnny Barn Close. Ground levels slope down towards the southern site boundary. The high point within the site is midway along the northern boundary of the site where ground levels are approximately 237m above sea level; and the low point is to the south western corner where ground levels are approximately 216 m. The site is bound to the north east by pasture land, south east by an access track which is also a Public Right of Way; to the south west by Johnny Barn Close; and to the north-west by the existing settlement and dwellings located on Edge Lane. A Public Right of Way crosses the northern corner of the application site between Edge Lane and the wider countryside to the north. The northern edge of the Cloughfold Conservation Area is located adjacent to the western corner of the site.

### **3. RELEVANT PLANNING HISTORY**

There is no relevant site history associated with this site.

### **4. PROPOSAL**

The application seeks outline planning consent for the development of 47 residential dwellings with details of access and layout submitted for approval. Matters of appearance, landscaping and scale are reserved for future consideration, albeit that indicative information has been submitted through the submission of the Design and Access Statement and associated plans. On this basis scale, design, materials and architectural details of the buildings; and the developments landscaping and boundary treatments are all details to be submitted as part of a Reserved Matters application should outline permission be granted.

Vehicular access into the site would be taken from Johnny Barn Close via the existing gated entrance into the field. The access will be upgraded to form 6 metre wide road with 2 metre wide footways either side. From the access and main spine road, the width of the road will be reduced to provide 4.5 metre wide road from which there will be shared driveways serving a number of the dwellings.

The submitted layout identifies 47 dwellings of which the following indicative mix would be provided:-

15 x 2 bed dwellings (social rent)  
8 x 3 bed dwellings  
17 x 4 bed dwellings  
3 x 5 bed dwellings

The submitted layout indicates that there will be a mix of dwelling heights on site, which will predominantly be two storeys in height; however there will be a number of 2.5 storey units also provided. Parking will be provided within curtilage, however a parking court will be provided for plots 20 – 34.

The layout includes the provision of three areas of public open space which are set behind retaining walls. Details of indicative on street tree planting are also provided.

To help demonstrate that the principle of residential development could be acceptable, the application has been accompanied by a range of supporting documents as follows: -

- Accessibility Questionnaire
- Design and Access Statement
- Ecological Assessment
- Flood Risk Assessment and Drainage Strategy
- Landscape and Visual Appraisal
- Planning Statement
- Plans and drawings
- Transport Assessment

## 5. **POLICY CONTEXT**

### **National Planning Policy**

#### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published by the Department of Communities and Local Government (DCLG) on the 27<sup>th</sup> March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The NPPF sets out the requirements for the planning system to the extent that it is relevant, proportionate and necessary to do so.

The ministerial forward to the NPPF states that "*Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision*". There are three dimensions to sustainable development, including (paragraph 7):

- "*an economic role – contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth... ..*"
- "*a social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services... ..*"
- "*an environmental role – contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity... ..*"

To achieve sustainable development, economic, social and environmental gains should be sought jointly.

Paragraph 12 of the NPPF states that, "*This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.*"

Paragraph 14 of the NPPF states, "*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*"

Specific to decision-taking, the NPPF states that this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  1. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  2. *specific policies in the Framework indicate development should be restricted.”*

Paragraph 187 of the NPPF states that, *“Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.*

Paragraph 197 of the NPPF states that *“in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”*

## **National Planning Practice Guidance (NPPG) 2014**

This online resource was launch on the 6<sup>th</sup> March 2014 and follows a review of planning policy guidance undertaken by Lord Taylor of Goss Moor which began in October 2012. The resource presents 41 categories, from Advertisements to Water Supply, with each category containing a number of sub-topics.

### **Development Plan Policies**

#### **Rossendale Core Strategy Development Plan Document: The Way Forward (2011 - 2026)**

The Core Strategy was adopted on the 8<sup>th</sup> November 2011 and was adopted in accordance with the Planning and Compulsory Purchase Act 2004. The Core Strategy precedes the publication of the National Planning Policy Framework (NPPF), however, the relevant policies are in full accordance with the NPPF and as such should be afforded full weight in determination of this application. The following policies are considered relevant to the determination of this application:-

Policy AVP4 – Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

Policy 1 – General Development Locations and Principles

Policy 2 – Meeting Rossendale’s Housing Requirement

Policy 3 – Distribution of Additional Housing

Policy 4 – Affordable and Supported Housing

Policy 8 – Transport

Policy 9 – Accessibility

Policy 16 – Preserving & Enhancing the Built Environment

Policy 17 – Rossendale’s Green Infrastructure

Policy 18 – Biodiversity, Geodiversity and Landscape Conservation

- Policy 19 – Climate Change and Low and Zero Carbon Sources of Energy
- Policy 21 – Supporting the Rural Economy and its Communities
- Policy 22 – Planning Contributions
- Policy 23 – Promoting High Quality Design Spaces
- Policy 24 – Planning Application Requirements

The Core Strategy replaces the policies outlined in the 1995 Local Plan in its entirety, except for a number of policies shown on the Proposals Map which have been continued in the Core Strategy. Of relevance to the determination of this application is Policy DS1: The Urban Boundary which has been continued into Core Strategy policy 1 General Development Locations and Principles.

### **Emerging planning policy**

#### **Site Allocations and Development Management Development Plan Document: Lives and Landscapes (Local Plan Part 2).**

This document is currently under production and upon adoption will be part of the Council's Development Plan alongside the Core Strategy. The document will designate land for future development and or protection and will present a suite of policies for Development Management purposes. The document is at a relatively early stage of preparation, with consultation to date focussing on proposed changes to the existing Green Belt and Urban Boundary, as well as updates to the Evidence Base. A Draft Plan (showing proposed sites and relevant Development Management policies) will be consulted on over summer this year and Pre-Submission Publication occurring later this year, with adoption expected in early 2017.

As part of the document preparation process, the Council has undertaken a review of the existing Green Belt and Urban Boundary, to assess whether any changes should be made, as set out in Policy 1 of the adopted Core Strategy. Part of the site which is subject to this planning application (reference RCGL (UB) 19) was considered as part of this boundary review process. Members should however be aware that the site under consideration as part of this application extends beyond that considered through this process and includes land beyond the 8 Edge Lane. The assessment provides the following concluding remarks which are pertinent to the determination of this application:-

- *The boundary extending no further north than the existing urban extent of Edge Lane*
- *A landscaped edge should be created to minimise impacts on the countryside*
- *Care will be needed to ensure that any development is of high quality and is well integrated into the landscape*
- *The site is adjacent to Clough Fold Conservation Area and any changes to the Urban Boundary would need to respect the setting*
- *There is a view into the open countryside at this point. Boundary change should be limited to no further north than the existing extent of Edge Lane*

*The assessment concluded that the site (RCGL (UB) 19) is a location with good access including to an existing bus route; and that any built development within a revised urban boundary would need good landscaping and should complement the setting of the Conservation Area.*

### **Other material considerations**

Open Space and Play Equipment Contributions Supplementary Planning Document (October 2008)  
Planning Obligations in Lancashire  
Lancashire and Blackpool Local Flood Risk Management Strategy 2014 – 2017 (adopted April 2014)  
Cloughfold Conservation Area Appraisal, Character Appraisal and Management Proposals Plan (Adopted 2011)  
Historic Environment Good Practice Advice in Planning – Note 3 – The Setting of Heritage Assets - English Heritage (March 2015)  
A Landscape Strategy for Lancashire – Landscape Character Assessment

## 6. **CONSULTATION RESPONSES**

**Campaign to Protect Rural England** – Objection. They raise concern that the site is located in the Green Belt and that development in such areas should be resisted. They indicate that Rossendale has a 7.9 year supply of viable housing land and that this figure is likely to be increased when the DCLG population figures are translated into household growth figures. They indicate that Rossendale has 77 hectares of brownfield land, of which 59 hectares are suitable for housing (NLUD database). They consider that brownfield land should be targeted for development in advance of needless countryside destruction.

*N.B. For clarity members should be aware that the site is not located in the Green Belt, but is located within the countryside.*

**Environment Agency** – Raise no in principle objections subject to a condition which requires the submission of a surface water drainage scheme.

**Lancashire Constabulary** – They indicate that the Design and Access Statement makes no mention of physical security; however they indicate that the development should be built to Secured By Design Standards; the front and rear of dwellings should be protected with dusk till dawn lighting units; the rear and side of dwellings should be secured with a 1.8 metre fencing arrangement; and landscaping and areas of public open space should not prevent opportunities for natural surveillance.

**Lancashire County Council – Ecology** – Objection. They identify the main ecological issues arising from the proposal include potential impacts on bats (European Protected Species) and amphibians, including Great Crested Newts (European Protected Species). They indicate that further information is required prior to the determination of the application to address these matters. Should information be received which addresses these issues then they recommend that conditions in respect of external lighting, vegetation removal, additional badger surveys, habitat creation and landscaping details, reptile reasonable avoidance measures, and tree protection measures.

**Lancashire County Council – Education** – Request a financial contribution for 12 primary school places and 0 secondary school places. A total contribution of £144,355 is required which is based upon a formulaic approach outlined in the consultation response.

**Lancashire County Council – Highways** – No objection to the principle of development subject to the conditions for the submission of a Construction Method Statement and the provision of the estate road and pedestrian links being developed to adoptable standards. They recommend that the nearby bus stop is relocated and upgraded to provide improved passenger services, the cost of which would be borne by the developer (£5,000). They indicate that a Traffic Regulation Order will be pursued by LCC Highways to ensure that the

sightlines are maintained at the junction of Johnny Barn Close and Newchurch Road, the cost of which (£1,500) would be secured via a S106 Agreement. They indicate that there is sufficient parking provided across the development as a whole, however they raise concern that the affordable units only provide 1.5 spaces per dwelling which may be insufficient during peak periods. They identify a number of amendments to the layout including the provision of adequate visibility splays, widening of driveways, the provision of refuse collection points within the development, amendments to parking provision, the removal of hedgerows between garages and footways, and the provision of adequate garage or cycle store provision.

**Lancashire County Council – Lead Local Flood Risk Authority – Objection.** They indicate that the site is susceptible to ground water flooding. They identify a small stream that runs parallel to the northern boundary of the development site. Although there is a bund between the stream and the northern boundary of the development site, LCCs investigations show that this channel overtops during periods of heavy rainfall with surface water travelling through the development site towards Johnny Barn Close and affecting Johnny Barn cottages. LCC also observed flooding along Edge Lane which is likely to be surface water flooding related. They indicate that this comes from the small stream that runs parallel to the northern boundary of the development site and this discharge's into the highway drainage system causing the system to surcharge and subsequently resulting in surface water flows down Edge Lane. They indicate that surface water from the development site is to eventually drain to either a sewer system in Johnny Barn Close or surface water sewer in Newchurch Road. They indicate that the connection will surcharge and cause flood risk to the development site if the highway drainage problem on Edge Lane is not resolved.

**Natural England** –No objections. They advise that the proposal is unlikely to affect any statutorily protected species or landscapes

**Rossendale Borough Council – Environmental Health – Air Quality and Noise – No objections.** In order to protect neighbouring residential amenity during the construction phase of development the Council's conditions are recommended to restrict the hours of working and to restrict deliveries on a Sunday.

**Rossendale Borough Council – Environmental Health – Contaminated Land – No objections** subject to the submission of a Preliminary Risk Assessment and subsequent remediation if necessary.

**Rossendale Borough Council – Conservation Officer – Objection.** They indicate that the site lies directly to the east of Cloughfold Conservation Area and that the development represents a departure from the distinct linear character of the Conservation Area. They consider that the proposal will cause substantial harm to the setting of the Conservation Area and consider that there is no clear or convincing justification to demonstrate that the development could not be achieved in a less sensitive location, nor that substantial harm is necessary to achieve wider public benefits. They consider that that the substantial harm to the setting of the Conservation Area is not justified and therefore the proposal is contrary to paragraphs 132 and 133 of the NPPF and Core Strategy Policy 16 points 1, 5 a) b) and 6. They indicate that some limited modest development may however be possible at the foot of the site providing that it respects the setting of the Conservation Area by considering scale, density, layout, materials and plot size.

**Rossendale Borough Council – Forward Planning – Objection.** The site is located in the countryside outside the urban boundary and given the current status of the Site Allocations

document should therefore be considered as contrary to Policy 1. The site does not meet the requirements for unallocated Greenfield land release set out in Policy 2 (bullet point 7(ii)) and in paragraph 193. Part of the site that is the subject of this application was considered within the Boundary Change consultation process and significant issues were raised requiring further consideration including flood risk and landscaping. The Council indicated that these issues need to be resolved before proceeding with the proposed boundary change. The Site Allocations and Development Management DPD is at a relatively early stage of production, with a Draft Plan to be consulted on in summer, followed by publication later in 2015. The Council has identified a 5 year supply of deliverable housing land (July 2014) and Core Strategy Policy 2 is of relevance to the determination of the application. It is recognised that part the site may have some merit, however, the present scheme is not considered acceptable in policy terms.

**Rossendale Borough Council – Property Services Manager** – Objection. the PBA Flood Risk Assessment does not adequately address the existing flood risk in this area and the additional risk posed by the proposed development. A Flood Risk report has been completed by Jacobs on behalf of LCC (not in the public domain) which reinforces the Council’s concerns regarding potential flooding. In 2012 there was extensive flooding in this area caused by run-off from the upland area above the site. Much of this was channelled into Edge lane causing flooding of property with minor recurrences since 2012. There were also flows directly from the hillside where a significant spring, pond and historic water tanks are located with additional flows from a private access road causing severe ponding and flooding to Johnny Barn Close. There is only one watercourse in the area to discharge these flows into, much of the existing infrastructure is of insufficient capacity to cope with flood flows, and there is insufficient data to show this can cope with flood events and any additional flows from the proposed development.

**Rossendale Civic Trust** – Objection. The development extends beyond the defined urban boundary and is not in accordance with the Core Strategy. The site slopes steeply and the proposed 2 and 2.5 storey dwellings would be highly visible interventions in the sloping hillside. They consider that the development to be an intrusive “skyline” development which does not sit well in relation to the more local scale of Johnny Barn Farm.

**United Utilities** – No objection subject to a condition requiring the submission of a scheme for the disposal of foul and surface water.

## **7. NOTIFICATION RESPONSES**

To accord with the Development Management Procedure Order 114 neighbour notification letters were sent to neighbouring properties on the 10<sup>th</sup> February 2015 and site notices were displayed on the 9<sup>th</sup> February 2015. It was advertised in the press on the 30<sup>th</sup> January 2015. 34 letters of objection have been received and the reasons for objection are summarised below:

- Impact on green belt
- Loss of greenfield land
- Development should be focused on brownfield sites
- Development extends beyond the urban boundary
- Increased risk of flooding from surface water
- Impact on the water table
- Inadequate drainage infrastructure
- Inappropriate access arrangements
- Highway safety concerns and increased risk of accidents



Increased traffic and congestion  
 Parking will occur on Newchurch Road  
 Distance to the nearest bus stop is understated and the frequency of bus services is overstated  
 Schools are full to capacity  
 Inappropriate density of development  
 Impact on the character of the area and open countryside  
 Impact on the character of the Conservation Area and views to / from it  
 The area is heavily used for recreation (walkers and horse riders) by the wider community  
 Impact on views across the open countryside  
 Impact on Public Rights of Way (PROW)  
 Impact on trees  
 Impact on wildlife habitats and ecology  
 Unstable land due to subterranean works including historical mining sites  
 Impact on air quality  
 Constriction impacts (noise, vibration, deliveries etc.)  
 The site is a valuable landing site for the Air Ambulance Service  
 Inadequate public consultation  
 Loss of light  
 Loss of view  
 Decrease property value  
 This is a precursor for further development  
 The application contains material errors of fact, omission and conclusion

## 8. **ASSESSMENT**

The main issues to consider when determining this application are:-

Principle of development

- i) Strategic location
- ii) Greenfield land
- iii) Existing uses
  - a. Agricultural land
- iv) Proposed uses
  - a. Residential
    - i. Identifying the objectively assessed housing need
    - ii. Housing land supply assessment
    - iii. Housing mix
    - iv. Affordable housing

Impact on the character and appearance of the surrounding countryside

Impact on Cloughfold Conservation Area

Impact on the highway network and transport infrastructure

- i) Sustainable location
- ii) Proposed access arrangements
- iii) Impacts on highway network
- iv) Parking
- v) Public Rights of Way

Design and amenity issues

Design and crime

Pollution

- i) Noise
- ii) Contaminated Land

Education

Ecology, Nature Conservation and Trees  
Flood risk and drainage  
Sustainability credentials  
Planning Obligations  
Other issues  
    i) Impact on property values  
Planning balance and conclusions

## **Principle of development**

### i) Strategic location

The Council's Core Strategy seeks to locate development within the defined urban boundary as defined on the Proposals Map by Policy DS1: The Urban Boundary unless it has to be located in the countryside, and should be of a size and nature appropriate to the size and role of the settlement; or where necessary as amended in the Site Allocations DPD, subject to satisfying certain criteria. The policy indicates that proposals outside of the urban boundary will be determined in accordance with relevant national and local planning guidance.

The site is located adjacent to but outside the urban boundary and as such the proposed development is contrary to Core Strategy Policy 1 which states that development should be located within the urban unless area unless it needs to be located within a countryside location.

As noted within earlier sections of this report, a proportion of the land (up to the end of the bungalows on Edge Lane) was put forward as a possible Local Plan boundary change in 2012/2013. This was on the basis that the site was relatively close to Rawtenstall; on a reasonable bus route and in a popular residential area. It is therefore recognised that the site (or at least the southern part of it) does have some merit as a location for housing.

The responses to the Boundary Change consultation identified some significant issues requiring further consideration including flood risk and landscaping. In its response to the comments made the Council indicated that until these had been resolved it would not be proceeding with the proposed boundary change.

The overall Plan is at a very early stage of preparation with a Publication version of the document not due to be published until later this year. There were a significant number of objections to the proposal to take the land out of the urban boundary, including both individuals and a local residents group. Taking into consideration NPPF paragraph 216, it is considered that, at this stage of plan preparation only minimal weight should be given to the fact that there has been a boundary change proposed at this location. In addition, and advised previously, the area of land proposed for development is around 50% larger than that which was consulted on as part of the Boundary Review process. It is therefore considered that even if the issue of prematurity were to be discounted, a significant proportion of the site would be located outside the extent of the boundary change considered to date.

### ii) Greenfield land

NPPF paragraph 17 identifies a set of twelve core land use planning principles, of which bullet point 8) states that planning should "*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high*

*environmental value.*” Notwithstanding this, the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per-se.

Paragraph 111 of the Framework reiterates that of paragraph 17 bullet point 8 but also indicates that Local Authorities “*may continue to consider the case for setting a locally appropriate target for the use of brownfield land.*” The Core Strategy aims to prioritise the development of previously developed land as there is a considerable amount of vacant, under-used and previously developed land and buildings within the borough. Core Strategy Policy 2 sets a target of 65% of all new dwellings to be provided on previously developed land (PDL) across the Borough, although it is noted that the policy states that a lower target will be set for Rawtenstall. Part 7 of the policy indicates that the development of unallocated greenfield land, such as the application site will be permitted where *inter alia* it is (i) for 100% affordable and / or supported housing schemes; or (iii) it delivers a significant social, economic, or environmental benefits.

The matter of affordable housing is discussed in further below; however the applicant does not propose to deliver a scheme which will provide 100% affordable units, and as such would not meet this policy criterion. In respect of criterion (iii) the scheme will deliver in particular social benefits, principally through the delivery of both market and affordable housing and as such weight would be afforded to this in the overall planning balance. Full consideration of this matter is provided within the Planning Balance section of this report.

### iii) Existing uses

NPPF Chapter 11 (Conserving and enhancing the natural environment) paragraph 112 indicates that “*Local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land (BMV). Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality.*”

The site comprises an area of improved grassland which is used for grazing sheep. There has been no formal Agricultural Land Classification document submitted in support of the application, and as such no firm conclusions can be drawn as to its agricultural land classification. However, it is noted that significant concerns are raised by residents in respect of flooding and surface water runoff and as such it is not considered, in such circumstances that this would constitute BMV. Notwithstanding this, even if the whole of the site was classified as BMV agricultural land, the loss would be limited in terms of its size and would have a very limited impact upon the overall national supply of BMV agricultural land. When considered in the context of NPPF paragraph 112, the benefits of the scheme, including the delivery of market and affordable housing, must be weighed against the loss of 2.0 hectares of agricultural land.

### iv) Proposed uses

#### a. Residential

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, “*boost significantly the supply of housing*”. Paragraph 17 states further that the planning system should “*proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.*” NPPF indicates that this will be achieved first and foremost, by local planning authorities, “*using their evidence*

*base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.”*

#### i) Identifying the objectively assessed housing need

In order to meet future housing need, Core Strategy Policy 2 identifies a need to deliver 3,700 (net) dwellings over the Development Plan period (2011 – 2026) which equals an annual requirement of 247 dwellings. The Core Strategy contains a housing trajectory which aims to present a realistic view of house building over the plan period and as such the annual targets vary to take account of this approach. This was found sound by the Planning Inspector in his examination of the Core Strategy. The Council has commissioned Nathaniel Lichfield and Partners to update its Strategic Housing Market Assessment (SHMA), however this process is currently on going and its findings on objectively assessed housing need have yet to be published.

#### ii) Housing land supply assessment

NPPF paragraph 47, bullet point 2, requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional 5% to 20% buffer depending on past performance of delivery; and identify a supply of specific, developable sites to broad locations for growth, for years 6-10, and where possible, for years 11-15.

The NPPF is clear that for sites to be within the five year supply, local planning authorities must identify ‘specific’ ‘deliverable’ sites that are available ‘now’. The footnote to Paragraph 47 clarifies that, *“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”*

The Council published its 5 year Housing Land Supply Report in July 2014 which presents the Council’s latest 5 year housing land supply position. The document indicates that as of 31 March 2014, the Council has between 7 and 7.7 years supply of deliverable housing land for the period 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2019 across the borough. Given that there is a demonstrable five year supply of housing land (including a 5% buffer), paragraph 49 of the Framework is not engaged. As such, the development plan policies referred to above, and with which the proposal is in conflict with, must continue to attract full weight in the determination of this application.

Members are advised that the applicant has raised significant doubts about the robustness of the Council’s 5 year supply position. The applicant’s assessment indicates that the Council is only able to deliver *“at best a 3.1 year deliverable housing supply.”* The applicant, on the basis of its assessment, concludes that this represents a *“significant and serious shortfall.”* Clearly officers refute this position, and conclude that paragraph 49 of the Framework is not engaged in consideration of this application.

#### iii) Housing mix, type and density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy policy 2 aims to achieve a minimum density of 30 dwellings per hectare across the borough.

The submitted layout identifies 47 dwellings of which the following indicative mix would be delivered on site:-

- 15 x 2 bed dwellings (social rent)
- 8 x 3 bed dwellings
- 17 x 4 bed dwellings
- 3 x 5 bed dwellings

The scheme will deliver a mix of detached and terraced properties on site and would deliver a mixed scheme which focuses on the delivery of family dwellings. The site would deliver 23.5 dwellings per hectare (gross), however it is noted that the density of development will increase significantly should a net density figure be identified due to the significant areas of open space and highway which are included. The proposed density of development is considered to be at odds with the surrounding character of dwellings in the area which includes cottages and large detached dwellings set within large plots. The density of development presents a suburban response to an edge of settlement location and is considered inappropriate in this context.

#### iv) Affordable housing

NPPF paragraph 50 requires Local Authorities to identify the affordable housing need for an area and then, *“set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified and the agreed approach contributes to the objectives of creating mixed and balanced communities.”* Core Strategy Policy 4 presents the policy framework for the provision of affordable housing within residential schemes. The policy identifies a range of affordable housing requirements dependent upon specific site circumstances; for example it states that 30% (minimum) affordable housing should be provided on greenfield sites over 8 dwellings; 40% wherever practicable, particularly on large sites or those within areas of high demand; and 100% on un-allocated greenfield sites.

The policy indicates that affordable provision should comprise an equal mix of affordable housing tenures. The applicant has indicated that they would provide 15 two bed dwellings for social rent. This figure therefore would comprise 32% of all units on site and would meet the minimum 30% requirement as prescribed by the policy in circumstances where the site is classified as greenfield. However, in this instance the site is classified as an un-allocated greenfield site and as such in these circumstances the scheme should deliver 100% affordable units. The proposed offer therefore falls well short of this policy requirement.

#### **Impact on the character and appearance of the surrounding countryside**

Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by, *“protecting and enhancing valued landscapes.”* In addition to this, one of the twelve core planning principles outlined in paragraph 17 states that planning should, among other things, *“take account of the different roles and character of different areas.....recognising the intrinsic character and beauty of the countryside.”*

Core Strategy Policy 18 “*seeks to avoid any harmful impacts of development on all aspects of Rossendale’s natural environment including its landscape assets.*” The policy aims to “*safeguard and enhance landscape character, in accordance with the relevant and up-to-date landscape character assessment...and where negative effects on landscape character are unavoidable suitable measures will be required to mitigate any negative impacts.*”

The site lies in the upper tier of the Settled Valley 8a Irwell, (reference – Johnny Barn, Rawtenstall (February 2015) Lives and landscape Assessment - Penny Bennett Landscape Architects) on the edge of the urban area and forms part of the wider landscape and the setting for the Cloughfold Conservation Area. The site extends some way beyond the existing building line formed by the bungalows on Edge Lane. These properties represent modern extensions to the original Cloughfold hamlet which otherwise remains minimally affected by suburban development north of the B6238.

The site comprises for the most part well managed grassland although it is accepted that there are signs of deterioration in grazing quality in the lower areas of the site closer to the existing residential properties. The site is considered to be of local important to people living and walking nearby.

The applicant has submitted a Landscape and Visual Appraisal (LVA) document in support of the planning application. The document concludes that the proposed development would have limited effects on local landscape character and visual amenity of local viewpoints, particularly those which are adjacent to the site boundaries or nearby to the site. The Appraisal states that the effects of the development will be mitigated in the long term by the incorporation of a robust landscape strategy which would include tree planting to the northern / north-eastern boundary to create a feathered edge.

Despite the conclusions of the applicant’s LVA, it is considered that the proposal would have a detrimental effect on the setting of the conservation area (as discussed in detail below). The LVA does not show the development being visible from the Conservation Area which is considered inaccurate and this impact would be particular pronounced during the winter months.

This is an open site and there is little screening around the periphery to reduce the impact of any development that might take place on this site to both residential and non residential receptors. The site is also visible from Newchurch Road, where there is a break in the suburban edge at the point where footpath number 185 heads up the hillside. This is one of the few places on Newchurch Road where there are views north up to the hills above and it is important in that respect for reinforcing the areas South Pennine context.

The new development would be highly conspicuous through gaps in the existing properties on Newchurch Road, as it extends up the slope on the north east boundary of the site. The site would also be highly conspicuous to views south west from the paths on the hillside north west of the site, as a consequence of developing the higher ground of the site. Views from Whinberry Naze on the south side of the valley would clearly see the new development on the north east edge, which would be prominent, not being screened by intervening vegetation or buildings.

The indicative landscaping proposals fail to provide any planting at a higher level and at the interface between the open countryside and the new buildings, which means that the proposals would be very prominent. The scheme fails to develop frontages facing footpath 185 up to Far Height Side along the east side of the site have been missed, despite the applicants stated objective of trying to make the development outward facing. It is also

considered that footpath 171 would be significantly affected by the proposals as the new link shown in the applicants Design and Access Statement fails to present an attractive pedestrian route.

It is considered that the weight to be afforded to the applicants LVA should be limited. It is considered that the impacts of the development would result in significantly harmful landscape and visual impacts. On this basis, it is considered that the development would be contrary to Core Strategy Policy 18 and paragraphs 17 and 109 of the NPPF.

### **Impact on Cloughfold Conservation Area**

The site lies directly to the east of the Cloughfold Conservation Area which was designated by the Council on 7<sup>th</sup> August 1974 under provisions now carried forward into Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has prepared the Cloughfold Conservation Area Character Appraisal which defines and records the special architectural and historic interest of Cloughfold Conservation Area and identifies opportunities for enhancement.

Section 12 of the NPPF outlines the government's stance on the determination of applications affecting the setting of designated heritage assets between paragraphs 126 and 141. Paragraph 126 indicates that Local Planning Authorities should set out in their Local Plan to have, *"a positive strategy for the conservation and enjoyment of the historic environment."*

Core Strategy Policy 16 states that the Council will *"protect, conserve, preserve and enhance Rossendale's historic built environment including...Conservation Areas."* The policy indicates that, *"heritage assets...contribute to the local distinctiveness and character of the area. Their futures, including their settings will be safeguarded and secured."* The policy identifies a series of mechanisms by which heritage assets will be safeguarded and secured.

The Conservation Area Character Appraisal indicates that the conservation area is characterised in part by its linear layout; views to the north over open countryside and moorland; spacious plot sizes; and a low density of development. The Council's Conservation Officer has provided the following comments about the Conservation Area:-

*"Cloughfold as a linear settlement, developed in a north-south alignment initially, and in the 20th century in an east-west direction. The conservation area focus and historic core is centred on the crossroads of Dobbin Lane in the south, Newchurch Road and Edge Lane to the north. Edge Lane appears to be an historic greenway, and appears as well-established on the 1845 Ordnance Survey Map. It possesses high banks, mature trees and a distinctly rural character. Edge Lane is markedly quiet, emphasising the countryside location.*

*The linear layout is accentuated by the siting of buildings close to pavement edges, particularly at the east of Newchurch Road and Dobbin Lane. Buildings possess generous plots to the rear, or are surrounded by larger plots, such as the Baptist Church. Buildings are a variety of ages, styles, footprints and orientations, reflecting the development of the settlement over the centuries.*

*A series of views north to the open countryside are glimpsed between buildings along Newchurch Road travelling east or west, emphasising the contrast between the rural landscape and the settled area. Houses along Edge Lane serve as the northern boundary*

*to the settlement, and are sited in a linear fashion with generous plots. They are a maximum of two storeys and modest in scale, and mainly of 20th century date.”*

The NPPF defines the setting of a heritage asset as being, *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”* (NPPF Annex 2: Glossary). NPPF paragraphs 137 to 138 deal with Conservation Areas and their setting. Paragraph 137 indicates that Local Planning Authorities should, *“look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”*

The Council’s Conservation Officer considers that the proposal will impact negatively on views to the north from the centre of the conservation area, where the glimpses towards countryside will be replaced by views towards the development. The development’s incongruous, parallel block layout will be evident from this location. Views towards the conservation area will also be severely impaired from the east facing the site, and from Edge Lane looking south or east.

She considers that the proposal in its current form will cause substantial harm to the setting of the conservation area. The layout, volume, design and location of the development will weaken the character of the conservation area, and the development will destroy the rural atmosphere currently experienced at Edge Lane, which also contributes to the character of Cloughfold, and forms part of the setting of the conservation area.

She feels that the proposed layout does not reflect the linear layout of the area, and the volume of houses will cause a visually incongruous massing in the landscape. Further to this she indicates that the proposal does not respect the contrast between rural location and settled area, currently marked by houses along Edge Lane; the raised location will make the development particularly prominent, and the three-storey buildings do not reflect the modest surrounding development.

She cites 8 Edge Lane as a successful development which serves as a visual marker between rural countryside setting and settlement as it is modest in scale, responds to the topography of the site, and its form is softened visually by the backdrop of mature beech trees along Edge Lane. The Conservation Officer considers that development to the north of this point would impact negatively on the rural setting of the conservation area; whilst development immediately to the east would also impact negatively on the setting of the conservation area.

NPPF paragraph 131 requires local planning authorities when determining applications to *“take account of the desirability of sustaining and enhancing the significance of heritage assets”*. Paragraph 132 takes this further stating that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”*. It goes on to clarify that *“significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”*.

Paragraph 133 goes on to note that, where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.



The Conservation Officer indicates that there is, “no clear or convincing justification provided within the submission to demonstrate that the development could not be achieved at a less sensitive location. The submission does not demonstrate that the substantial harm is necessary to achieve wider public benefits. Therefore the substantial harm to the setting of the conservation area is not justified, so the proposal is contrary to paragraphs 132 and 133 of the NPPF.” On the basis of these conclusions, she indicates that the scheme is contrary to Core Strategy Policy 16 criterion 1, 5 a) and b), and 6.

## **Impact on the highway network and transport infrastructure**

NPPF paragraph 32 states that Transport Assessments should be prepared for all developments that generate significant amounts of traffic. The Transport Assessment should identify opportunities for sustainable transport modes; ensure that safe and suitable access to the site can be achieved for all people; and that improvements to the highway network are provided that would limit any significant impacts of the development. NPPF states that, “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” The applicant has submitted a Transport Assessment (TA) in accordance with the requirements of NPPF.

### i) Sustainable location

The presumption in favour of sustainable development, which is identified by the National Planning Policy Framework (NPPF), means that it is necessary to consider whether the proposed development represents a sustainable form of development. As part of this overall assessment, consideration of whether the proposed development is accessible to everyday facilities and employment by non-car modes of transport should be given.

Core Strategy Policy 1 indicates that development should maximise access by public transport, walking and cycling in a manner that promotes safe and inclusive communities and promotes co-location of services and facilities. Core Strategy Policy 24 indicates that positive consideration will be given to developments that provide direct walking, cycling and public transport access as part of the design.

Section 3 of the Transport Assessment (TA) provides an assessment of the sites accessibility credentials. The site is located relatively close to Rawtenstall town centre and is within walking distance. The nearest bus stops are located within walking distance, approximately 300 metres from the site on Newchurch Road and is served by a half hourly bus service which connects the site to Rawtenstall, Waterfoot, Bacup and Bury where the shops, health services and other facilities are located. The nearest Primary School is located approximately 900 metres from the site and there is a secondary school bus running along Newchurch Road past the site. LCC Highways have recommended that the nearby bus stop is upgraded to provide a bus shelter in order to improve passenger service and promote the sustainability of this site. These details would be secured as part of a package of off-site highway works and the monies associated with these would be secured through a S106 Agreement.

### ii) Proposed access arrangements

Access to the site will be via the existing access off Johnny Barn Close. The access will be upgraded to form a continuation of Johnny Barn Close northwards. The carriageway of the site access will have footways on both frontages and will be designed to facilitate low vehicle speeds. LCC Highways have reviewed the proposed access arrangements and

raise no objections. In terms of off-site highway works, they indicate that a Traffic Regulation Order will be pursued to ensure that the sightlines are maintained at the junction of Johnny Barn Close and Newchurch Road for highway safety reasons.

### iii) Impacts on highway network

Section 5 of the Transport Assessment provides an assessment of trip generation and distribution from the development. The TA indicates that 20 and 21 vehicles would pass through the Johnny Barn Close / New Church Lane in the AM and PM peak hours respectively. The TA concludes that the scheme will result in low level trip generation and as such would not result in a severe impact on the local highway network. LCC Highways have reviewed the TA and raise no objections to the proposed impacts on the highway network and therefore the proposals comply with the provisions of NPPF paragraph 32.

### iv) Parking

Appendix one of the Core Strategy identifies parking standards for all new development, including residential development. The appendix identifies that following standards:-

| <b>Unit size</b> | <b>No of spaces</b> | <b>Accessibility reduction</b> |
|------------------|---------------------|--------------------------------|
| 1 bedroom        | 1 space             | Via Travel Plan                |
| 2-3 bedrooms     | 2 spaces            | Via Travel Plan                |
| 4+ bedrooms      | 3 spaces            | Via Travel Plan                |

LCC Highways have assessed that proposed parking provision and conclude that the development as a whole has a sufficient number of parking spaces, although they raise concern that the parking provision for the 2 bed units would only provide 1.5 parking spaces which they consider may be insufficient at peak demand periods. LCC Highways do not object to the application on this basis and it is also noted that the standards identified in the policy are quoted as being maxima.

### **Design and amenity issues**

Chapter 7 of the NPPF relates to matters of design. Paragraph 61 of the Framework requires that decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 64 indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. At a local level, Core Strategy policies 1, 16 and 23 are also relevant to the determination of the application and aim to deliver a development which is, *“the highest standard of design that respects and responds to local context, distinctiveness and character; contributes positively to local identity and heritage in terms of scale, density, layout, materials and access; and protect(s) important local and longer-distance views.”*

Although the application has been submitted in outline, matters of access and layout are for consideration at this stage. The proposed layout provides a large grassed area in the centre of the site and a landscaping strip to the northern boundary of the site. The significant rise in levels towards the northern edge of the site highlights the prominence of this part of the site and the need for a quality landscaping scheme to be implemented. Although the indicative landscaping details attempt to soften the impact of the scheme on the surrounding area, however the layout is considered to be a suburban design response in terms of its uniform and regularity which fails to address and build upon the existing character of the settlement. The proposed layout incorporates plots set within a small

curtilage and this approach fails to deliver the organic layout which is described within the submitted Design and Access Statement and also fails to reflect the local character and identity of its surroundings, which notably includes the conservation area to the south and the surrounding open countryside. The eastern boundary of the site is unsatisfactory as it neither presents a strong urban face, nor a clear landscaped edge but rather an uneasy mix of the two. This scheme would need to be significantly amended to ensure that a clear transition between urban form and the countryside to be achieved.

The layout includes the use of retaining walls in order to deal with the challenges that the topography of the site presents. The visual impact of these retaining walls may well result in a dominant and visually oppressive feature in the landscape and would dominate the development.

Although appearance is a matter reserved for future consideration, the indicative images of dwellings shown within the Design and Access Statement are unimaginative house types, which typify that found within a suburban setting rather than the context within which the site is located.

The location of dwellings achieve standard separation distances, between proposed and existing dwellings and on this basis could ensure the amenity of existing and proposed are provided. This however does not reflect the character of the surrounding settlement and further consideration of this would help to assimilate the scheme within its surroundings.

On the basis of the information submitted it is considered that the layout would fail to respect and respond to its context and would fail to make a positive contribution towards the local identity of the area. Matters of impact upon the setting of the Conservation Area are addressed elsewhere within this committee report.

## **Design and crime**

NPPF paragraphs 58 and 69 indicate that planning decisions should aim to ensure that developments “*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.*” Core Strategy Policy 23 states that developments should be designed to make crime difficult to commit by increasing the risk of detection and provide (where necessary) for well designed security features.

The Lancashire Constabulary Architectural Liaison Officer has reviewed the proposed scheme and has provided some detailed comments in respect of design and crime. They have indicated that the scheme should be built to Secured By Design security standards and make various details security comments which would be address as part of future reserved matters applications. It is considered that these matters could be secured via a suitably worded condition.

## **Pollution**

### **i) Noise**

NPPF paragraph 123 states that Local Planning Authorities should avoid granting consent for development which would give rise to significant adverse impacts on health and quality of life and should mitigate and reduce any impacts to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

The Council's Environmental Health Officer has reviewed the proposals and considers that the main noise impacts associated with the scheme will occur as a consequence of the construction works associated with the build programme. A condition has been recommended by the Environmental Health Officer to limit the hours of working on site and to restrict deliveries on a Sunday in order to protect the residential amenity of adjoining neighbours. These matters could be secured via a suitably worded planning condition.

## ii) Contaminated Land

NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

The Council's Contaminated Land Officer has reviewed the proposed scheme and indicates that the historic plans show no activities on the site that could be indicative of historical contamination. However, they indicate that there has been sand extraction and subsequent infill, prior to the current land use, on the adjoining site. As the proposed use is classified as a 'sensitive use' and they consider that there is potential for organic contamination within the underlying geology they recommend that a Preliminary Risk Assessment is a condition as part of any consent.

## Education

In March 2014, Lancashire County Council issued a document which sets out its methodology for claiming education contributions against housing developments, which are projected to create a shortfall of school places within the local area of a development. Lancashire County Council has advised that the proposed development would result in a material increase in the demand for primary school places that could not be met by existing provision. They have indicated, based upon their latest assessment, that they would be seeking a contribution for 12 primary school places and 0 secondary school places. It is necessary for a planning obligation to secure a financial contribution of £144,355 towards creating additional primary school places in the surrounding area. These matters would be secured by a S106 Agreement.

## Ecology, Nature Conservation and Trees

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

The applicant has submitted an Ecological Assessment in support of the planning application and this has been reviewed by Natural England (NE) and Lancashire County Council – Ecology (LCC – Ecology). NE has advised that the proposal is unlikely to affect any statutorily protected sites or landscapes.

LCC Ecology has reviewed the submitted Ecological Assessment and have indicated that the presence / absence of bat roosts within trees in the northwest corner of the site has not been sufficiently established and nor is the assessment of the likely impacts on amphibians, including Great Crested Newt considered adequate. They indicate that DEFRA Circular 01/2005, states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. On this basis and in the absence of the required ecological information being submitted there is insufficient information to determine the application. Details of this reason for refusal are outlined at the end of this report.

## **Flood risk and drainage**

Core Strategy Policy 1 aims to take a precautionary approach to flood risk, whilst Core Strategy Policy 19 aims to locate development in areas of low flood risk, or where appropriate mitigation is undertaken to demonstrate that the development is not at an unacceptable risk of flooding and will not increase flood risk elsewhere.

The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission in accordance with the requirements of NPPF and the NPPG. The FRA indicates that the site is located in Flood Zone 1 and is therefore classified as an area with a 'Low Probability of Flooding'. The Sequential Test does not apply to residential development within flood zone 1. The FRA indicates that there are no records of known flooding from any source within the site and the FRA therefore focuses upon managing surface water run-off from the new development to ensure no adverse impact elsewhere.

A significant number of objections from local residents relate to the issue of flooding. A number of experiences have been shared and photographic evidence submitted in support of their objections. Lancashire County Council - Lead Local Flood Authority and Rossendale's Property Services Manager have objected to the application and indicate that the site is susceptible to groundwater flooding making particular reference to incidences which occurred in 2012 and other incidences since this date. They identify a small stream that runs parallel to the northern boundary of the development site which overtops during periods of heavy rainfall with surface water travelling through the development site towards Johnny Barn Close and affecting Johnny Barn cottages. LCC and Rossendale's Property Services Manager also observed flooding along Edge Lane which is likely to be surface water flooding related. They indicate that this comes from the small stream that runs parallel to the northern boundary of the development site and discharge's into the highway drainage system causing the system to surcharge resulting in surface water flows down Edge Lane. Rossendale's Property Services Manager indicates that there is only one watercourse in the area to discharge these flows into and much of the existing infrastructure is of insufficient capacity to cope with flood flows. He states that there is insufficient data in the FRA to show this can cope with flood events and any additional flows from the proposed development.

The applicant has submitted a preliminary indicative surface water management strategy in support of the application to assess the viability of effectively draining the proposed residential development. The Strategy indicates that the system will be designed to accommodate run-off for events up to the 1 in 100 years (plus a 30% allowance for climate change) with run-off rates restricted to existing greenfield run off rates. It is noted that the Environment Agency and United Utilities have reviewed the FRA and raise no objections to the development subject to the inclusion of a surface water drainage condition to ensure that the risk of flooding is reduced and that a satisfactory surface water storage and

disposal scheme is implemented as part of any future scheme. Notwithstanding this, there are objections from the Rossendale's Property Services Manager and LCC - Lead Local Flood Authority in addition to significant evidence from residents. On the basis of these objections, it is concluded that insufficient information has been submitted which satisfactorily demonstrates that there sufficient capacity available to deal with flood lows and flood events.

### **Sustainability credentials**

NPPF paragraph 93 indicates that, "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions...and is central to the economic, social and environmental dimensions of sustainable development." Paragraph 96 requires new development to be designed to minimize energy consumption. Core Strategy Policy 19 identifies how the Council will promote climate change mitigation and adaption within new developments, whilst Core Strategy Policy 23 indicates that developments should accord with or exceed the current national targets such as Code for Sustainable Homes.

The applicant indicates that the proposed development will minimise the impact on the environment as it will be designed to be energy efficient and have regard for low carbon design. The applicant states further that the scheme will include areas of open space and tree planting and that a drainage strategy will be implemented which will provide betterment or the existing position. Notwithstanding this, it is noted that the applicant does not make any firm commitment to achieve a specific sustainability rating, such as Code for Sustainable Homes and as such it is envisaged that the site will achieve compliance with current building regulations.

### **Planning Obligations**

NPPF paragraphs 203 and 204 sets out the government's policy on planning obligations. Core Strategy Policy 22 presents the policy framework for securing developer contributions and planning obligations. The development would result in contributions towards bins, public open space, education, highways and affordable housing; however, as the application is recommended for refusal, no further negotiations have taken place between the applicant and the council on the content of a legal agreement.

### **Other issues**

#### **i) Impact on property values**

The planning system does not exist to protect neighbours from financial loss, but rather to protect their amenity. As such, a potential effect on house prices (whether that be a decrease or increase) is not considered to be material in the determination of a planning application.

### **Planning balance and conclusions**

Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of Section 38(6), the Development Plan for Rossendale comprises the:

- Adopted Core Strategy for Rossendale (2011)
- Joint Lancashire Minerals and Waste Local Plan (2009)

The Core Strategy DPD was adopted in accordance with the Planning and Compulsory Purchase Act 2004. Although the DPD was adopted prior to NPPF it is considered that relevant policies are in full conformity with NPPF and should be afforded full weight in the determination of this application. The Core Strategy was found sound by an Inspector at the Examination in Public.

The National Planning Policy Framework (NPPF) was published in March 2012 and is the most recent expression of government policy. Whilst the NPPF does not change the legal status of the Development Plan, it constitutes an important material consideration in the determination of planning applications.

The Core Strategy seeks to concentrate growth in accordance with Core Strategy Policy 1. The application site is located outside the defined urban boundary and as such its development would be contrary to the Council's recently adopted spatial strategy for the borough as provided by Core Strategy policies 1, 2 and 3.

The Council's 5 year Housing Land Supply Report (July 2014) identifies a five year supply of deliverable housing land, therefore paragraph 49 of the Framework is not engaged. Although the NPPF aims to "*boost the supply of housing*", the development would be fundamentally in conflict with the strategy identified to deliver the development needs of the borough and it is considered that there are other material considerations which indicate otherwise. In such circumstances the development plan policies referred to above, and with which the proposal is in conflict with, must continue to attract full weight in the determination of this application.

Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development identified by NPPF means that it is necessary to consider whether the proposed development represents 'sustainable development'. NPPF paragraph 7 sets out the three dimensions to sustainable development as being:

- Economic
- Social
- Environmental

NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent. Furthermore, to achieve sustainable development, economic, social; and environmental gains should be sought jointly and simultaneously.

i) An economic role

The economic role is defined as "*contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.*"

The government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. The proposed development will contribute to some degree both directly and indirectly to the local and wider economy, from the initial construction stages through to operational use which would mean some increased spending on local services resulting in a direct boost to the local economy. In light of the Governments push for economic growth (expressed in the 'Planning for Growth', Ministerial

Statement) these factors must be afforded positive weight in favour of the development. However, it is not considered that the proposal is one for development of the right type and in the right place. However, in terms of the second element of the definition significant concerns are raised about whether the existing infrastructure provides sufficient capacity to cope with flood flows and events.

ii) A social role

The social role is defined as, *“supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; by creating a high quality built environment with accessible local services that reflect the community’s needs and support its health, social and cultural wellbeing.”*

The scheme will deliver a mix of both market and affordable housing which will make a positive contribution towards meeting the housing needs of the borough, albeit that the scheme would not deliver 100% housing as required from **greenfield** development outside of the settlement boundary. No details are provided by the applicant to indicate when the scheme will be delivered, however the delivery of houses should be afforded positive weight in the determination of the application. Although the application is submitted in outline, matters of layout have been submitted for approval as part of this application. It is considered that the layout would fail to respect and respond to its context and would fail to make a positive contribution towards the local identity of the area. Subject to the successful conclusion of a planning obligation it is considered that the social impacts of the development in terms of education could be successfully mitigated.

iii) An environmental role

The environmental role is defined as, *“contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

The defined urban boundary restricts development in the open countryside but also provides a means of protecting the open countryside from inappropriate development. This approach to locating development accords with the Core planning principles identified in paragraph 17 of the NPPF which states that local planning authorities must make planning decisions *“recognising the intrinsic character and beauty of the countryside.”* The site is not very well enclosed and the northern parts of the site are highly prominent due to the raised topography of the site. Clearly developing the site would result in the loss of open aspect through the development of built form and would result in an extension of the settlement boundary into the open countryside.

Although the site itself does not have any special landscape value in terms of a formal designation, it is of great value to the community and its users (PROW) and plays an important role in the setting to the Cloughfold Conservation Area (as discussed further below). It is concluded that the impacts of the development would result in both harmful landscape and visual impacts and would be contrary to Core Strategy Policy 18 and paragraphs 17 and 109 of the NPPF.

Cloughfold Conservation Area is located to the south of the application site. The NPPF paragraph 132 states that *“great weight should be given to the asset’s conservation”* and in such circumstances *“consent should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh*



*the harm or loss.*” The Council’s housing land supply position would suggest that there are a number of alternative, more sustainable developments with consent within the borough which could be developed for housing, and that in this case the benefits of the scheme are not considered substantial and nor would they outweigh the harm to the setting of the conservation area. It is concluded that the impacts of the development on the setting of the conservation area are contrary to paragraphs 132 and 133 of the NPPF and Core Strategy Policy 16 criterion 1, 5 a) and b), and 6.

#### iv) Conclusions

Paragraph 6 of the Framework sets out the Governments view of what sustainable development means in practice for the planning system. In a case such as this, consideration of sustainability concerns more than just proximity to facilities; it also means ensuring that the physical and natural environment is conserved and enhanced as well as creating a high quality built environment which contributes to building a strong economy through the provision of new housing of the right type in the right location at the right time.

It is considered that the proposals would fail to satisfy the three dimensions of sustainability identified in paragraph 7 of the Framework. In particular, it is considered that the environmental limb, which requires new development to contribute to protecting and enhancing the natural, built and historic environment is not satisfied in this case, primarily as a consequence of the sites location outside the define urban boundary, its landscape and visual impacts and its impact upon the setting of the Cloughfold Conservation Area.

Whilst it is recognised that the proposal would result in some social and economic benefits, there is clearly an overlap in the three roles of sustainable development and paragraph 8 acknowledges this, stating that each role, *“should not be taken in isolation because they are mutually dependent.”* Further, *“to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.”*

The proposed development would fail to deliver a sustainable form of development. It is considered that the full extent of the site is unsuitable for residential development and as such represents an unsustainable development as it is beyond the limits of the urban area that would cause significant harm to the setting of the conservation area and with the result in harm to the landscape. It is therefore considered that the development fails to constitute sustainable development as provided by paragraph 7 of the Framework and is contrary to Core Strategy policies 1, 2, 3, 16, 18, 23.

## **9. SUMMARY REASON FOR REFUSAL**

On the basis of the Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Core Strategy comprises the development plan for Rossendale Borough Council and measured against these policies, the application fails and as such determination of the application in accordance with the Development Plan would lead to a refusal. The development is an unsustainable form of development which runs counter to the spatial strategy outlined in the Core Strategy. The development would conflict with the environmental role of sustainable development as defined by the NPPF; albeit it also has the effect of placing it in breach of those aspects of the economic role of sustainable development concerning the right type and place of land. The Council can demonstrate a 5 year supply of housing land and as such it is not considered that there are any other material considerations which would outweigh this harm and therefore it is recommended on this basis that planning permission is refused.

## 10. **RECOMMENDATION**

That the application be refused for the following reasons:-

### **Spatial Strategy**

1. The Rossendale Core Strategy Development Plan Document presents the spatial framework for growth and development in the Borough up to 2026. The application site is located outside the defined urban area and would be contrary to the provisions of Core Strategy Policy 1. Developing this site would constitute an unsustainable form of development which would run counter to adopted spatial strategy for the district contrary to policies 1, 2, 3 of the Rossendale Core Strategy and the National Planning Policy Framework (March 2012).

### **Landscape and visual impacts**

2. The development would extend beyond the edge of the urban area and would present a incongruous and highly prominent development within the landscape. The development fails to safeguard and enhance the wider landscape character and presents a scheme which fails to mitigate its impacts. In addition the development would have a detrimental visual impact upon users of the public rights of way, both adjacent to and crossing the site. As such, the development would be contrary to Core Strategy Policy 18 and paragraphs 17 and 109 of the National Planning Policy Framework (March 2012).

### **Impact on setting of the conservation area**

3. The site is located within the landscape setting of Cloughford Conservation Area and it makes an important contribution to character of the conservation area including views to and from the conservation area and would impinge upon the setting in which to appreciate this attractive conservation area. The layout fails to reflect the linear characteristics of the settlement and will therefore cause substantial harm to the significance of this heritage asset and its setting. As such the proposal is contrary to Core Strategy Policy 16 criterion 1, 5 a) and b), and 6 and paragraphs 132 and 133 of the National Planning Policy Framework (March 2012)

### **Design**

4. The proposed layout presents a suburban layout characterised by its uniformity and regularity which fails to address and build upon the existing character of the settlement or to deliver a clear transition between urban form and the countryside. The layout includes retaining walls which create a dominant and visually oppressive feature of the development. As such the proposal is contrary to Core Strategy policies 1, 16 and 23 and the National Planning Policy Framework (March 2012)

### **Flood risk**

5. Due to evidence of severe flooding to this area in the past, it is essential that calculations are provided and approved by the Council to demonstrate that existing flows and new surface water flows from this development can be accommodated and that the downstream sections are of sufficient capacity and of sufficient standard to cope with the existing and additional flows. In the absence of such information it is considered that it has not been adequately demonstrated that the site will be acceptable in terms of flood risk. As such the development is considered to be contrary to Core Strategy Policies 1, 19, 22, 23 and 24 and Section 10 of the National Planning Policy Framework (March 2012).