

TITLE: 2006/134 – (OUTLINE) ERECTION OF 12 DWELLINGS ON LAND AT BACUP ROAD, HAREHOLME, RAWTENSTALL

TO/ON: DEVELOPMENT CONTROL COMMITTEE 30TH MAY 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 15TH JUNE 2006

APPLICANT: UNITED UTILITIES

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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 application site is an irregularly shaped plot of land of approximately 0.58 hectares in area. It is located due north east of the junction of Bacup Road and Highfield Road in an area of predominantly residential development. The site is derelict and is currently occupied by the remains of Rostron's Buildings and self seeded trees.

Outline planning permission is sought to erect twelve dwellings on the land. The applicants have requested that the siting of those dwellings, and the proposed means of gaining vehicular access to them, be formally considered as part of this application.

The site falls within the urban boundary as defined by the Rossendale District Local Plan.

Relevant Planning History

2003/607 – Use of site as a temporary compound and construction of a permanent highway access – APPROVED December 2003

2005/163 – (Outline) erection of twelve dwellings on land off Bacup Road, Hareholme, Rawtenstall. REFUSED June 2005

Notification Responses

A press notice and site notices were posted and one letter has been received, which has raised the following points:

- In principle support for residential development on this plot of land.
- A concern that the closure of Gilbert Street will result in restricted parking for the residents of Gilbert Street.
- No allowance has been made for visitor parking for the existing dwellings

The agent for the application has submitted the following information in support of the application:

- As the housing supply issue was the only reason for a negative vote on the application, I was surprised to hear that a further two applications for residential development were approved, against Officer's recommendation.
- After the decision I received a number of letters from representatives of both the Rostron Buildings and Brookland Street, who were upset by the result, and copies of these letters have accompanied the planning application.
- We were aware of the restrictive policy on housing when the original proposal was submitted, but considered that the scheme, because of its significant community benefits, would have received special consideration.
- The site is unallocated within the urban boundary and residential development would be preferred on this site as it would:
 - Remove an eyesore
 - Improve the appearance of the riverbank and valley
 - Provide parking for and improvements to the amenity of adjoining properties
 - Improve highway safety
 - Regenerate the area, and
 - Benefit the community

Consultation Responses

County Planning Officer

Object as the Council's housing target can reasonably be met through the implementation of existing residential planning permissions. Therefore, there is no need for further housing at present.

County Highways

Object. The benefit to be gained by the removal of three existing substandard accesses cannot be guaranteed and as their closure is an essential requirement in determining this application, I must request that the application be refused on the grounds of highway safety.

RBC Forward Planning

No response.

RBC Tree Officer

No objections subject to the imposition of conditions requiring a tree survey to be carried out in order to ascertain whether any trees of any value exist on the site and requiring the carrying out of replacement tree planting should any trees of value be removed.

Environment Agency

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

Land raising within the 8 metre easement adjoining the bank top should not take place, and as such we suggest any approval of this application is subject to a relevant condition.

Development Plan Policies

Rossendale District Local Plan

Policy DS1 - Urban Boundary
Policy DC1 - Development Criteria
Policy E4 – Tree Preservation

Joint Lancashire Structure Plan

Policy 1 – General Policy
Policy 2 – Main Development Location
Policy 12 – Housing Provision
Policy 24 - Flood Risk
Parking standards

Other Material Planning Considerations

PPS1 – General Policy and Principles
PPG3 – Housing
PPG13 – Transport
PPG25 – Development and Flood Risk

RBC Housing Position Statement

Planning Issues

The location for the proposed development is within the urban boundary and therefore the proposal complies with Policy DS1 of the Rossendale District Local Plan. The proposed development is located within the main development locations, as described in Policy 2 of the Joint Lancashire Structure Plan.

The main issues to consider when determining the application relate to highway issues, housing supply, flood risk and whether circumstances exist to warrant an exception to housing policy.

Highway Issues

Vehicular access to the proposed development will be gained from Bacup Road, via a new access. In principle, there are no objections to this, especially as planning permission exists for the formation of a new vehicular access to the site. Whilst it is acknowledged that the level of visibility that the proposed access would afford to drivers of vehicles entering Bacup Road is not perfect, it is considered that there is sufficient overall highway benefit, with the closure of three substandard existing accesses to counter this deficiency. This coupled with the proposed widening of the footpath, as part of the proposed development, will improve the visibility to an acceptable level. It is noted that the highways authority have objected on the grounds that the Gilbert Street is not included within the site curtilage and the proposed benefit cannot be guaranteed. However, it is considered that this could be achieved by means of a condition if required. Adequate car parking provision has been allocated within the site for the proposed development. Therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan and the Council's adopted car parking standards.

Housing Supply

One major issue associated with this application, is one of housing supply. The level of supply is calculated by deducting the total number of completions (992 identified in Housing Land Position Report) from the number of dwellings identified in the Structure Plan (ie of 1920), equating to a remaining provision of 928. The number of dwellings with planning permission equates to 1268. Therefore, the number of dwellings with planning permission, in addition to the number of dwellings lost, equates to an oversupply 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).

Judged against the Housing Policy Position Statement (as approved by Executive on 17th August 2005), the proposed development will result in a net gain in the number of dwellings within the borough and moreover is not located within either the Rawtenstall Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Area. Therefore the proposed development is not in accordance with the Housing Policy Position Statement.

Flood Risk

The site for the proposed development is liable to flood and consequently any future occupiers of the proposed dwellings may be at risk from flooding. The Environment Agency are satisfied that the proposed development will not have a significant adverse impact, subject to conditional control and have no objections in principle. Therefore, the proposed development is in accordance with Policy 24 of the Joint Lancashire Structure Plan and government guidance in the form of PPG25.

Special Circumstances

Consideration has been given as to whether or not the Special Circumstances, put forward by the applicant's agent, justify approving this proposal. However, it is contended that they do not for the following reasons.

It is acknowledged that some applications for residential development have been approved, but each application has been assessed on its own merits. It is accepted that the site for the proposed development is currently in an untidy condition and that the proposed development will improve the appearance of the site. However, there is a strip of land immediately adjacent to Bacup Road, which contains a number of trees and acts as a screen to the derelict part of the site. Therefore, it is considered that although the proposed development will improve the appearance of the site, it is not deemed enough to warrant an exception to the concerns regarding housing policy.

Conclusion

The proposal is considered to be acceptable in all other respects, or could be rendered so through the imposition of suitable conditions. However, on balance it is considered that the concerns regarding housing supply outweigh all other considerations in this instance and therefore a recommendation of refusal is made.

Recommendation

That planning permission should be refused, for the following reasons:

Reasons

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

Local Plan Policies

DS1
DC1
E4

Structure Plan Policies

Policy 1
Policy 2
Policy 12
Policy 24

8 METRE STRIP AT TOP OF BANK TO ENABLE ACCESS TO RIVER IRWELL FOR MAINTENANCE PURPOSES

FOOTWAY OVER BRIDGE TO BE WIDENED IN CONJUNCTION WITH NEW ACCESS TO SITE & PROVISION OF A PELICAN CROSSING ON BACUP ROAD. VEHICULAR VISIBILITY FROM NEW ACCESS WILL DEPEND ON EXTENT OF SECTION 278 WORKS WITH HIGHWAY AUTHORITY BUT WILL BE NOT LESS THAN 70m.

PATHS TO FRONT OF 3 TERRACED UNITS FROM WIDENED FOOTWAY

EXISTING TREES ENHANCED BY NEW PLANTING TO GARDENS

TREES TO BE REMOVED

ESTATE ROAD TO BE 5.5m WIDE CARRIAGEWAY WITH 2 NO 1.8m FOOTWAYS.

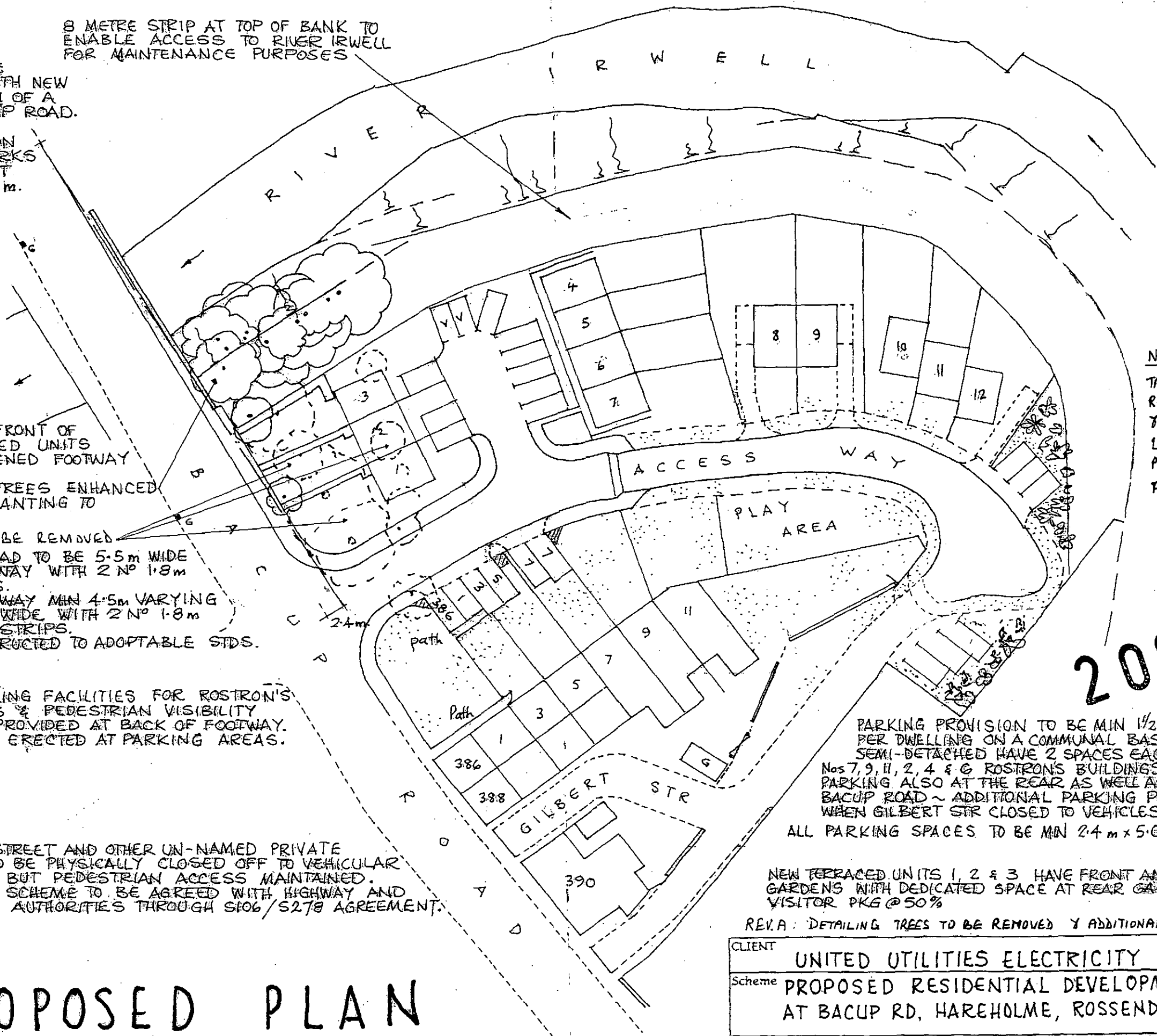
ACCESS WAY MIN 4.5m VARYING UP TO 6m WIDE WITH 2 NO 1.8m SERVICE STRIPS.

ALL CONSTRUCTED TO ADOPTABLE STDS.

NEW PARKING FACILITIES FOR ROSTRON'S BUILDINGS & PEDESTRIAN VISIBILITY SPLAYS PROVIDED AT BACK OF FOOTWAY. NO GATES ERECTED AT PARKING AREAS.

GILBERT STREET AND OTHER UN-NAMED PRIVATE STREET TO BE PHYSICALLY CLOSED OFF TO VEHICULAR TRAFFIC, BUT PEDESTRIAN ACCESS MAINTAINED. DETAILED SCHEME TO BE AGREED WITH HIGHWAY AND PLANNING AUTHORITIES THROUGH S106/S278 AGREEMENT.

PROPOSED PLAN



NOTE: ALL SELF PLANTED TREES & SHRUBS TO BE REMOVED WITHIN THE WALL & FENCED AREA AND NEW LANDSCAPE SCHEME AND PLANTING TO BE AGREED AT DETAILED STAGE

PARKING PROVISION TO BE MIN 1/2 SPACES PER DWELLING ON A COMMUNAL BASIS WHILST SEMI-DETACHED HAVE 2 SPACES EACH.

Nos 7, 9, 11, 2, 4 & 6 ROSTRON'S BUILDINGS HAVE PARKING ALSO AT THE REAR AS WELL AS 388 BACUP ROAD ~ ADDITIONAL PARKING PROVIDED WHEN GILBERT STR CLOSED TO VEHICLES.

ALL PARKING SPACES TO BE MIN 2.4m x 5.0m.

NEW TERRACED UNITS 1, 2 & 3 HAVE FRONT AND REAR GARDENS WITH DEDICATED SPACE AT REAR GARDEN. VISITOR PKG @ 50%

REV.A: DETAILING TREES TO BE REMOVED & ADDITIONAL PARKING SPACES MARCH'06

CLIENT	UNITED UTILITIES ELECTRICITY PLC	
Scheme	PROPOSED RESIDENTIAL DEVELOPMENT AT BACUP RD, HAREHOLME, ROSSENDALE.	
Drawing No:	AAH/R/3A	Date: MARCH 2005.
A.A. HATTON & ASSOCIATES.		
Architectural Technologists, Surveyors, Building & Planning Consultant, "Fawns Keep", 19 Green Lane, Higher Poynton, Cheshire, SK12 1TJ. Tel: 01625 879376 Fax: 01625 856926		

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16 MAR 2006

