

Application Number:	2013/0537	Application Type:	Full
Proposal:	The construction of 15 detached family dwellings with a new access to be incorporated from Burnley Road. The development also to include access and infrastructure works to the proposed residents allotment, together with the infrastructure and facilities required for the community allotment and garden scheme.	Location:	Land opposite 1001-1037 Burnley Road, Loveclough
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	25 March 2014
Applicant:	Mr K Howieson	Determination Expiry Date:	07 April 2014
Agent:	GL Consultancy		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
Email:	planning@rossendalebc.gov.uk		

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

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

BACKGROUND INFORMATION

Members will recall planning application 2013/0256, for “The construction of 15 detached dwellings with a new access from Burnley Road. Access and infrastructure works to resident's allotments and infrastructure and facilities including growing houses and a community education building for a community allotment and garden scheme “. That application was refused by Members at the 09 October 2014 Development Control Committee for the following reason:.

“The scheme would result in the development of an un-allocated Greenfield site within the Countryside for housing. The Applicant has not advanced the case to outweigh the harms arising from the proposal in terms of inappropriate development within the Countryside, lack of Affordable Housing and the contribution to accord with the Council’s adopted Open Space & Play Equipment Contributions SPD (2008), and detriment to the essentially open and rural character of the area. The development is considered contrary to Sections 3, 6, 7, 8, 10, and 11 of the National Planning Policy Framework, and Policies 1, 2, 3, 4, 18, 22, 23 and 34 of the Council’s adopted Core Strategy DPD (2011).”

The Case Officer Report, committee update report and Minutes of the Meeting are appended to this Report.

Since that application at 10 December Committee, Members granted planning permission on land immediately to the west of the site for “Allotments, with associated communal allotment building, hardstanding for 7 cars, site access improvement, pond, fencing & landscaping” (Ref 2013/0461).

1. RECOMMENDATION

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

2. SITE

The site essentially remains as per the previous application ref 2013/0256. The applicant has since placed two containers on a section of the land. This is currently being investigated by the Council’s enforcement section and has no material bearing on the outcome or merits of this application.

3. PROPOSAL

The applicant now seeks planning permission for essentially the same as that refused under planning reference 2013/0256 but with the following amendment:

- A minor alteration to the layout of the proposed houses to enable a road through the housing development directly into the propose Community Garden Facility and associated buildings and infrastructure.

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

- Four of the houses to be Affordable Units in line with the Council’s Core Strategy
- £20,490 to meet the requirements of the Council’s Open Space and Play Provision SPD.

They have also stated that: “Whilst it is accepted that a separate application has been made for 28 allotments on part of the site there is no evidence that any funding is available for this and so the applicant has offered to provide those facilities in addition to the separate Community facilities that are not part of the allotment application.”

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

In addition to the above the applicant considers that planning permission 2011/0457 at Loveclough Working Men’s Club has set a precedent for residential development in the area.

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

4. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 3 Supporting a Prosperous Rural Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 4 Loveclough
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale’s Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable & Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- LCC Planning Obligations in Lancashire (2008)
- RBC Open Space & Play Equipment Contributions SPD (2008)

5. CONSULTATION RESPONSES

RBC (Forward Planning)

Recommend Refusal

The following additional comments have been provided:

An argument is contained within the Planning Statement about the lack of alternative housing allocations within Loveclough and the high score within the SHLAA. The Core Strategy does not include allocations as it is a strategic document; this will be dealt with via the "Lives and Landscapes" Site Allocations DPD but this is not programmed for adoption before January 2017. It is recognised that the application site does perform well within the SHLAA but this document does not have any status with respect to allocations. Furthermore, further site assessment has shown that the site is predominantly Greenfield (with the exception of the Garage Colony), the land having rejuvenated back to Greenfield from any previous historic use some time ago, accordingly, it is considered the SHLAA record should be revised in this respect. The site was not taken forward as part of the recent "Boundary Changes" consultation for "Lives and Landscapes" due to its location on the west of Burnley Road (contrary to AVP4) and its visual impact. A thorough appraisal of all potential housing sites within the urban boundary will be undertaken as part of the next stage of the plan preparation process.

The Council currently does have a 5 year land supply plus 20% which has been upheld on appeal. The "Lives and Landscapes" Site Allocations DPD will provide a sustainable long term supply. Even if on review of the 5 year Land Supply in June/July this year the Council is then unable to demonstrate a 5 year supply it debatable that priority should then be given to developing a site that is in the countryside, contrary to Policy AVP4 and largely greenfield.

Comments from other statutory consultees remain unchanged from the previous application.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 08/01/2014 and site notices were posted on 08/01/2014 and letters were sent to neighbours on 06/01/2014.

By way of letters and emails 292 objections have been received to the application. The main points of which remain as per the previous application, with the following additions:

- What is proposed is merely a superficial re-working of the applicant's previous submission
- The developer seeks to link their development to the LVAA scheme, yet the LVAA has no wish to be associated in any way with the developer
- The applicant offers no information as to how his proposed Community Garden Facility is to be financed, managed and maintained.

7. ASSESSMENT

This application does not propose any significant alterations to the layout of the houses or the allotment facilities. Accordingly the main considerations of the application are :

1) Principle; 2) Housing Policy; 3) Access/Parking; & 4) Planning Contributions.

Principle

I do not consider that the additional information submitted outweighs the in principle objection to residential development in this area of Countryside outside of the Urban Boundary of Loveclough.

Housing Policy

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

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

Access / Parking

The new access to be created to the community allotment facility would not have a detrimental impact on highway safety in the area. Accordingly comments in respect of the access/parking remain unchanged from the previous report.

Planning Contributions

No contributions have been sought by LCC Education or LCC Highways. Having regard to the Council's SPD there would be a requirement to make a contribution of £20,490 towards Open Space and Play provision.

The applicant has now made it clear whether they will make this contribution in addition to undertaking works in relation to the allotments and community education building.

I do not consider the costs of these works sufficient to outweigh the harms of the proposal in terms of inappropriate development within the Countryside, lack of Affordable Housing, and detriment to the essentially open and rural character of the area, more particularly so given the recent approval for allotments by LVAA.

9. RECOMMENDATION

That the application be refused.

10. REASON FOR REFUSAL

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