

Application No: 2009/126	Application Type: Full
Proposal: Erection of 2 detached dwellings, restoration and re-profiling of land, provision of 4-space car park for use by Balladen CP School, & works to Lomas Lane	Location: Land adjacent Carr Farm, Lomas Lane, Rawtenstall
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 6 July 2009
Applicant: Park Royal Developments	Determination Expiry Date: 7 July 2009
Agent: Platt White Partnership	

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

X

Member Call-In

X

Name of Member:

Cllr June Forshaw / Cllr Swain

Reason for Call-In:

So the DC Committee can fully weigh-up the regeneration possibilities this application will bring to this site. The previous application was approved by committee due to the positive regeneration of the site. This should be taken into account by the committee.

More than 3 objections received

Other (please state):

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.

APPLICATION DETAILS

1. SITE

This application relates to land at Carr Farm, access to which is from Lomas Lane, a narrow tarmaced lane, lacking footways. Although Balladen Community Primary School and housing to the other side of the lane have pedestrian access to it, Lomas Lane is not their principal means of access.

Carr Farm is no longer a working farm. The old farmhouse is a Grade II listed building. To its west side is a pair of substantially complete semi-detached houses, for which permission was granted under Application 2006/487. The farmhouse and pair of semi-detached houses lie within the Urban Boundary of the settlement of Rawtenstall.

Until recently land immediately to the south of the farmhouse and the pair of semi-detached houses was occupied by agricultural buildings and a haulage business. This land, and that surrounding it, lie within the Countryside.

2. RELEVANT PLANNING HISTORY

2006/487 Erection of 2 detached houses & a pair of semi-detached houses, block of stables and manege at Carr Farm

In November 2006 permission was granted for the erection of the substantially complete semi-detached houses now to be seen.

It also provides for the erection of two 4-bedroomed detached houses (with integral garages) on the site of former agricultural buildings of relatively modern and poor appearance. They are to face on to a courtyard serving also the old farmhouse and semis, with long rear gardens terminating with a row of stables. Beyond the stables would be a sand paddock, occupying the final part of the land occupied by the haulage business, and largely screened from view from the surrounding Countryside by existing mounds.

Besides extinguishing the haulage use, the scheme also proposed the formation of a couple of passing-places on Lomas Lane for use by vehicles and provision of a separate footway of 70m in length for use by children going to the primary school/pedestrians generally.

Although the application contravened prevailing housing/countryside policy Committee concluded that permission should be granted. The Summary Reason for Approval reads as follows :

“The Council considers that circumstances exist to warrant permitting the proposed residential development as an exception to Policy 12 of the Joint Lancashire Structure Plan and Policy DS5 of the Rossendale District Local Plan by reason of its regenerative impact and the improvement to highway & pedestrian safety on Lomas Lane and the improvement to the setting of Carr Farmhouse (a Grade II listed building). Furthermore, subject to conditions, it is satisfied the

development will not result in significant detriment to neighbours or in respect of any other material planning consideration.”

2007/307 Erection of 4 detached houses and formation of new access at Carr Farm

This application proposed revision of the previously-permitted scheme and resulted from the new owner of the land realising that a covenant existed in respect of part of the land to be build upon. Accordingly, they proposed to move three houses and alter the access arrangements. Under delegated powers, this application was refused by Officers in January 2008 for 4 reasons :

1. The proposed development would in part be situated on Greenfield land, and would contribute towards an inappropriate excess in housing supply provision.
2. The proposed development would in part be located within the Countryside, and would constitute inappropriate development.
3. By nature of its siting/layout/scale/appearance the proposed development would detract to an unacceptable extent from the character and appearance of Carr Farmhouse (a Grade II listed building) and the character and appearance of the Countryside.
4. The applicant has not demonstrated that the proposal provides access/parking facilities which will not unduly affect neighbours or highway safety.

3. THE PROPOSAL

The current application seeks permission for the erection of 2 detached houses to be located further into the Countryside than the 2 detached dwellings approved under Application 2006/487.

Each of the houses would be of stone/slate construction and possess 4-bedrooms and a double-garage. Rather than face on to a courtyard serving also the old farmhouse and semis, these houses are turned through 90 degrees and the ground levels would be reduced by 1.25m to 2m. Their front gardens would be bounded by 0.9m high timber fencing and their rear gardens by 1.8m high timber fencing.

The submitted drawings also show that a car parking area would be formed to the south side of the access to serve the proposed houses, near to its junction with Lomas Lane. It would require alteration of ground levels, measure 10m x 11m, with lockable barrier and spaces marked out for 4 cars.

In support of the application, the applicant points out:

- The houses have been located as close as possible to the area the subject of the restrictive covenant and are within the ‘brownfield’ area of the site.
- The floor area of the houses is similar to those previously approved and the ridge height is lower.
- The proposal provides benefits for the community : a drop-crossing facility, advanced warning signs and increased length of passing-place on Lomas

Lane; 4- space car park for use by school staff, with a secure barrier to prevent unauthorised use; restoration and re-profiling of a greater area of land; removal of hardstanding and improved curtilage to Carr Farmhouse; & pedestrian access through the land connecting to Hardman Avenue.

4. **POLICY CONTEXT**

National

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Pollution Control

Development Plan

Regional Spatial Strategy (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
RDF2 Rural Areas
L4 Regional Housing Provision
RT2 Managing Travel Demand
RT4 Management of the Highway Network
RT9 Walking & Cycling
EM1 Environmental Assets
EM2 Remediating Contaminated Land

Rossendale District Local Plan

DS1 Urban Boundary
DS5 Development Outside the Urban Boundary & Green Belt
E7 Contaminated Land
DC1 Development Criteria
DC2 Landscaping

Other Material Planning Considerations

LCC Landscape Strategy for Lancashire
LCC Parking Standards
RBC Core Strategy
RBC Rossendale Strategic Housing Market Assessment (October 2008)
RBC Interim Housing Policy Statement (July 2008)
Listing Description - Carr Farmhouse

5. **Consultation Responses**

LCC (Highways)

The County Council seeks to encourage alternative means of travel to schools than the private car. No case has been advanced to show that the school presently lacks appropriate off-street parking facilities. If there was such a deficiency it would need to be shown that this could not be made good within the existing school grounds/ accessed from Linden Lea before consideration was given to the 4-space car park proposed.

Whilst the previously-permitted scheme proposed the provision of 2 passing-places for vehicles on Lomas Lane, the current proposal joins them together, which may result in use for parking and/or result in more traffic movements by parents wishing to pick-up/drop-off children at the school.

The implications of the two foregoing matters for highway safety have not been adequately assessed by the applicant.

The turning-head agreed previously has been changed in a manner that is less satisfactory.

Fences/walls adjacent to junctions should be less than 1 metre high or set back for adequate sight lines.

The latter two matters can be satisfactorily addressed through amendment of drawings / conditions.

All the above need to be satisfactorily addressed before approval could be recommended.

6. Notification Responses

To accord with the General Development Procedure Order two site notices were posted on 05/6/09 and neighbours were notified by letter on 19/6/09

A letter has been received from the resident of Carr Barn Cottage, objecting to the proposal on the following grounds :

- There is no valid reason for permitting building in the countryside when permission has already been approved to build in a non-controversial location.
- The proposed dwellings would severely damage the rural aspect of the area and set a precedent for development of land in the countryside.
- The proposed dwellings would directly affect our privacy, overlooking the rear of our property.
- The proposed car park would jeopardise the rural aspect of the area and there is no valid reason for the car park to be built in a countryside area.

Balladen Community Primary School

A letter of support has been received from the Headmaster of the school. He is of the view that the proposals would "*considerably improve the safety of the children of Balladen School when travelling across and up and down Lomas Lane*".

Rossendale Civic Trust

Supports the application as it would appear that the same justification for allowing building on the site would be as applicable as before i.e. that it is a site that seriously needs attention.

Although the position of the houses as previously permitted would be more appropriate for the setting of Carr Farm (as they would enclose the former farm yard space) but the opportunity to build-out that scheme is not there due to the covenant.

The suitability of the design of the houses is questionable, but they will still have an enclosing effect. Hopefully design details will be resolved after the basic principle has been established.

It is commendable that the applicant has included in this present application upgraded safety measures for pedestrians, including a new access for vehicles.

7. Assessment

The main considerations of this application are: 1) Principle; 2) Countryside Impact; 3) Heritage Interest; 4) Housing Policy; 5) Neighbour Amenity; 6) Contaminated Land; & 7) Traffic / Parking.

Principle

The area in which the two houses are proposed is Countryside. Government guidance in PPS7 states that Local Planning Authorities should strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in Development Plans.

In accordance with PPS7, Policy RDF2 of the RSS and Policy DS5 of the Local Plan preclude the erection of new houses in the Countryside except in very limited circumstances (eg an agricultural need).

The extant permission does allow erection of 2 houses in the Countryside. The permission to do so was granted as an exception to policy most particularly to get rid of the haulage business at Carr Farm and the lorry movements on Lomas Lane associated with it.

Condition 11 of Planning Permission 2006/487 reads as follows :

“Prior to the commencement of construction of any of the dwellings hereby permitted use as a haulage yard of any of the land within the application site or land edged blue on the submitted Site Location Plan shall cease and any vehicles, trailers and associated plant and equipment shall have been removed from the said land.”

As previously indicated, implementation of this permission has commenced and use of the site as a haulage yard has ceased and cannot resume lawfully. Accordingly, to permit the current application will not bring with it the benefit of ending the haulage business and associated lorry movements. This being the case, it will not be appropriate to grant permission to the current scheme if it will cause greater harm than would complete implementation of the previously permitted scheme and it has not been adequately demonstrated that this harm will be outweighed by other benefits.

The formation of the proposed 4-space car park, to serve the school to the other side of Lomas Lane, is not appropriate development within the countryside. This car park did not form part of the scheme previously permitted.

Countryside Impact

PPS7 states that : *“Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced”*.

Although Permission 2006/487 provides for construction of 2 houses in the Countryside, their impact on the essentially open and rural character of the area was being minimised through proximity to, and relationship with, the existing housing on and around site and the now substantially complete semis (all within the Urban Boundary).

The two houses now proposed would be located further into the Countryside than the two houses previously permitted (and for which permission still exists) and, by reason of their different orientation and level, would be visually segregated from the cluster of buildings to which the previously approved houses were designed to relate to.

Heritage Impact

The Council’s Conservation Officer advises that the heritage interest would be better served by keeping the new development close to the Urban Boundary and within a tighter building group. The two houses now proposed will appear to be located in the open land and, in terms of design, have an urban feel. If the two permitted houses are not to be built the impact on the setting of Carr Farmhouse (the listed building) from the two houses now proposed could be somewhat reduced by providing intervening planting. The submitted scheme does not propose this.

Housing Policy

PPS3 sets out Government guidance on a range of issues relating to the provision of housing. Paragraph 3 states that *“One of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time, whether through new development or the conversion of existing buildings. The aim is to provide a choice of sites which are both suitable and available for housebuilding. This is important not only to ensure that everyone has the opportunity of a decent home but also to maintain the momentum of economic growth”*. Paragraph 8 goes on to say *“It is an essential feature of the plan, monitor and manage approach that housing requirements and the ways in which they are to be met, should be kept under regular review. The planned level of housing provision and its distribution should be based on a clear set of policy objectives, linked to measurable indicators of change...Reviews should occur at least every five years and sooner, if there are signs of either under or over-provision of housing land”*.

The Regional Spatial Strategy for the North West (published September 2008) sets a target of 4,000 new homes to be provided to the period 2021 within Rossendale. Of these, at least 65% should be on previously developed land. The proposal will not assist in meeting this target as PPS3 excludes agricultural buildings from the definition of previously developed land. Furthermore, the Strategic Housing Land Availability Study, approved in March this year, notes that Rossendale can meet its provision for the next 10 years from outstanding planning permissions (adjusted for those not coming forward) and sites identified on previously developed land.

The Interim Housing Policy Statement (July 2008) amplifies upon the housing policies of PPS3, the Regional Spatial Strategy and the Council’s LDF Core Strategy. It does not preclude residential development outside the Urban Boundary of settlements in Rossendale so long as the proposal accords with the following criteria :

- 1. Proposals are for solely affordable and/or special needs housing as defined in the Glossary; or*
- 2. It is accommodation for agricultural or forestry workers, subject to an assessment of the need for the unit.*

The applicant maintains that this proposal will not add to housing numbers as a covenant prevents them erecting the 2 detached houses permitted under Application 2006/487. However, whilst this may presently be the case, a covenant is a private matter between different landowners and the impediment to implementation of the extant permission it presently poses may be removed.

The application site is located in the countryside and the proposed development is neither for solely affordable and/or special need housing nor for the provision of agricultural or forestry workers accommodation. The proposal is therefore contrary to the Council's Interim Housing Policy Statement.

Neighbour Amenity

The proposed houses are sited further away from existing houses than the extant approval provides for. Their orientation is such that there will be no direct view into the habitable room windows of neighbouring houses. They would offer significant views of land to the rear of them, on part of which is sited a manege associated with the occupants of Carr Barn. However, a manege does not require the same level of protection from overlooking. Due to its siting the 4-space car park would not be near to residential properties.

Accordingly, it is considered that the development would not have an unduly detrimental impact on the amenities of any neighbouring properties.

Contaminated Land

The application is accompanied by a Ground Condition report. As expected, it identifies a need to site-strip to remove soil contaminated as a result of oil spillages and replacement of soil within intended gardens.

Traffic / Parking

LCC (Highways) has expressed concerns regarding various aspects of the current scheme. Certain of its concerns relate to matters of detail that could be easily addressed through amended drawings &/or conditions. However, it has other more fundamental concerns about the appropriateness and implications for pedestrian safety of providing the 4-space car park and elongated passing-place on Lomas Lane. Consequently, the Highway Authority does not presently feel able to recommend approval to the submitted scheme.

8. Conclusion

The implementation of this scheme would have a significantly greater impact on the Countryside / Heritage Interest than would completion of the previously-permitted development under Application 2006/487, and also contravene national and local housing policy. The 'benefits' of the current scheme claimed by the Applicant in relation to the 4-space car park for the school and the elongated passing-place on

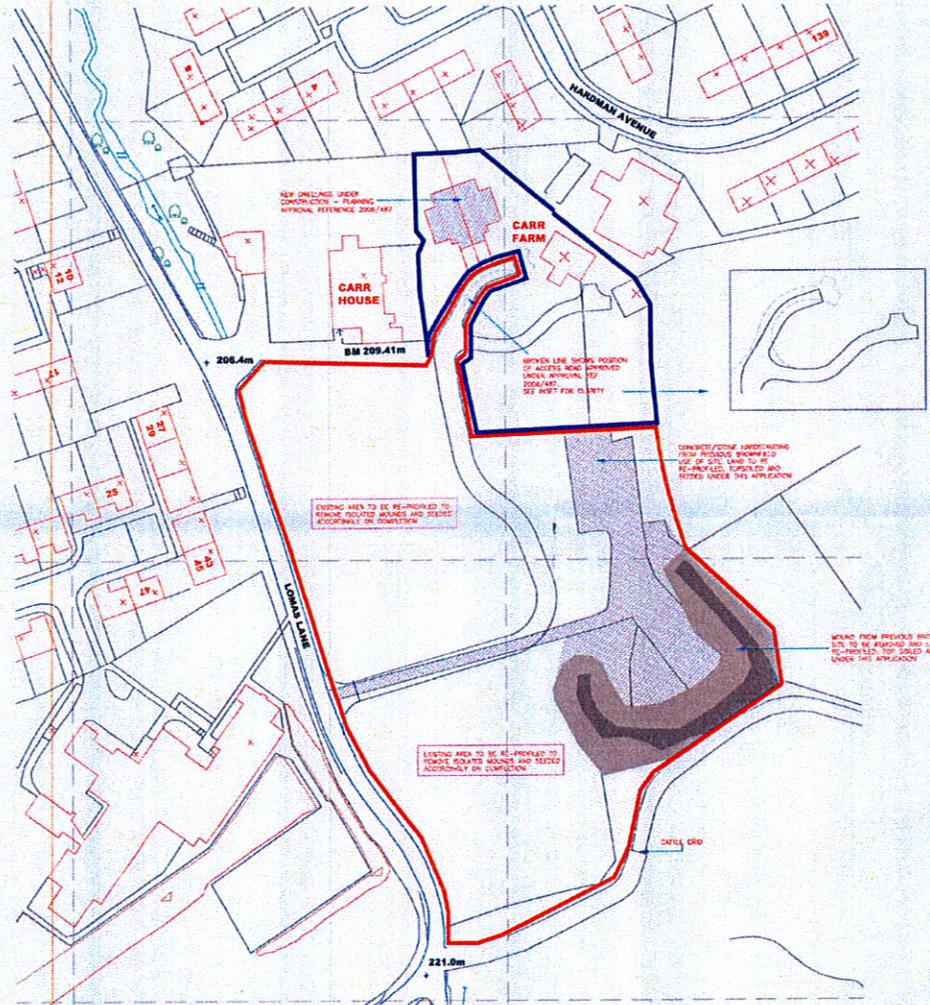
Lomas Lane are not accepted by the Highway Authority to be such. Nor can it be said in favour of this proposal that it will secure removal from the site of the haulage business and its associated lorry movements.

9. **Recommendation**

That permission be refused for the following reasons :

1. This proposed development is contrary to the provisions of PPS3, Policy L4 of the Regional Spatial Strategy and the Council's Interim Housing Policy (July 2008) which only permits new residential development outside the defined Urban Boundary for affordable or special needs housing or for agricultural or forestry workers. The circumstances have not been advanced to warrant an exception to policy being granted in this instance.
2. The proposed development would in part be located within the Countryside and would constitute inappropriate development. The application therefore conflicts with the provisions of PPS7, Policies RDF1 / RDF2 of the Regional Spatial Strategy (2008), Policy DS1 / DS5 of the Rossendale District Local Plan (1995). The circumstances have not been advanced to warrant an exception to policy being granted in this instance.
3. By nature of its siting/layout/scale/appearance the proposed development will detract to an unacceptable extent from the character and appearance of Carr Farmhouse (a Grade II listed building) and the character and appearance of the Countryside. The application is therefore contrary to the provisions of PPS7 / PPG15, Policy EM1 of the Regional Spatial Strategy (2008), and Policies HP2 and DC1 of the Rossendale District Local Plan (1995).
4. The applicant has not demonstrated that the proposal provides safe and satisfactory access / parking arrangements, most particularly there are concerns about the appropriateness (in terms of sustainability) and implications for pedestrian safety of providing the 4-space car park and elongated passing-place on Lomas Lane. The application therefore conflicts with the provisions of PPG 13, Policies RT2 / RT4 / RT9 of the Regional Spatial Strategy (2008), and Policy DC1 of the adopted Rossendale District Local Plan (1995).

Contact Officer	
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Service / Team	Development Control
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LOCATION PLAN - 1:500
 (All information relating to the location and block plan details are taken from OS recorded information. FWP can accept no responsibility for any inaccuracy)

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Rossendale CM
 2009/126

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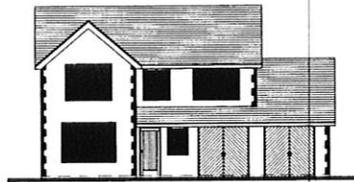
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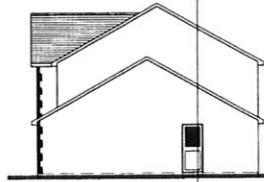
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 COMPRISING OF 238 DETACHED PROPERTIES

Subject
 LOCATION PLAN

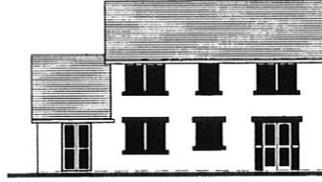
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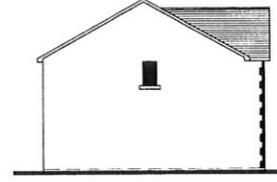
FRONT ELEVATION



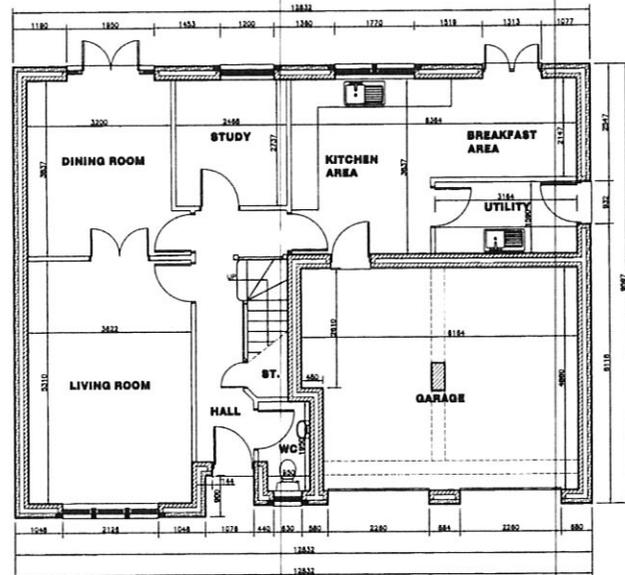
SIDE ELEVATION



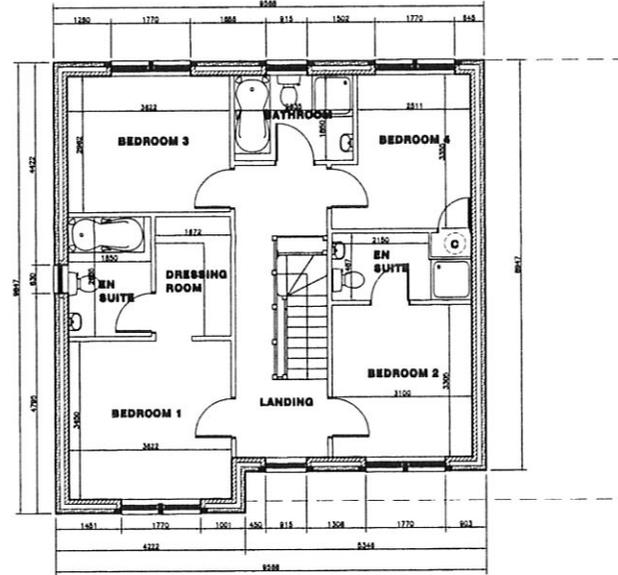
REAR ELEVATION



SIDE ELEVATION



PROPOSED GROUND FLOOR LAYOUT



PROPOSED FIRST FLOOR LAYOUT

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WALLS - 100MM X 140MM HIGH COURSED STONEMARK SIMILAR TO SEMI DETACHED DWELLINGS UNDER CONSTRUCTION; PLANNING APPROVAL NO: 2004/481 WITH STONE HEADS AND COLLS TO THE APPROVAL OF THE LOCAL AUTHORITY PLANNING OFFICER.

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Revisions

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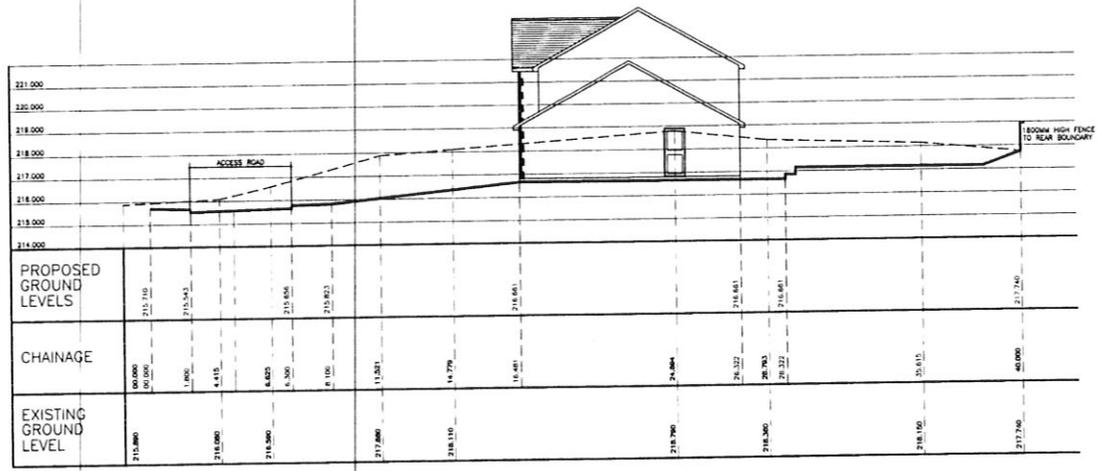
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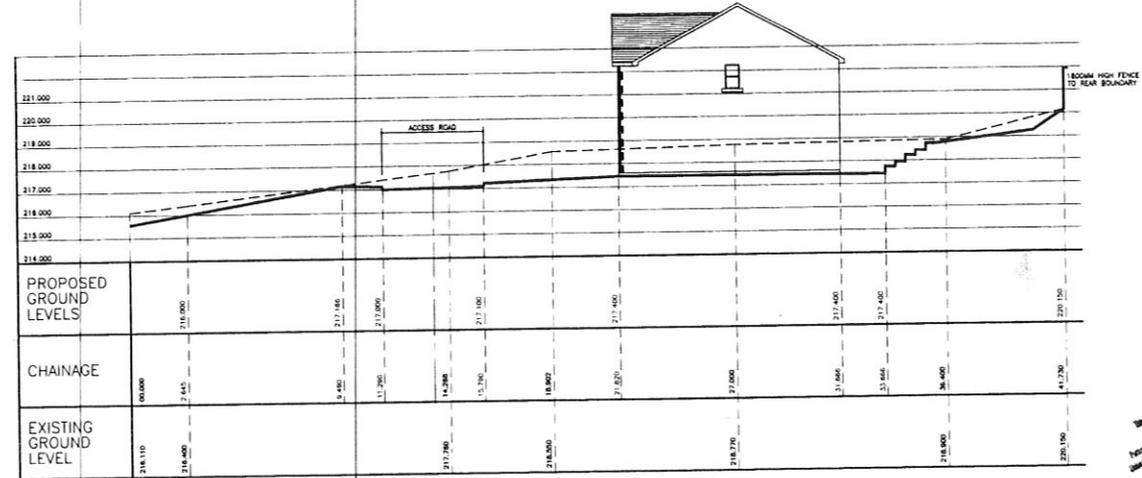
Project
**PROPOSED RESIDENTIAL DEVELOPMENT
COMPRISING OF 208 DETACHED PROPERTIES**
12 MAY 2009

Subject
**PROPOSED RESIDENTIAL DEVELOPMENT
ELEVATIONS** 009/126

Drawn by: **ah**
Checked by: **dk**
Scale: **1/100**
Date: **MAR 09**



SITE SECTION A.A THROUGH PLOT 1



SITE SECTION B.B THROUGH PLOT 2

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Project
 PROPOSED RESIDENTIAL DEVELOPMENT
 COMPRISING OF ONE DETACHED PROPERTY

Subject
 2009/128
 112 MAY 2009

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