

**TITLE: APPLICATION 2006/50  
RESIDENTIAL DEVELOPMENT OF 55 DWELLINGS  
LAND OFF GREENSNOOK LANE, BACUP**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE - 5 APRIL 2006**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**DETERMINATION EXPIRY DATE: 2 May 2006**

**APPLICANT: Brother Developments Ltd**

### **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**

This application relates to a D-shaped site of approximately 1.53 hectares in area, that wraps around an existing bungalow fronting Greensnook Lane (No 32).

The site itself has a 50m long frontage to Greensnook Lane (to the west side of the existing bungalow), and is bounded on the west and north sides by a single-track lane (Todmorden Old Road). While a small part of the site is occupied by the foundation of a previous agricultural building, the greater part is a field. This field slopes generally from the north to the south, possessing a number of mature trees towards its boundaries. A number of the trees near to the Todmorden Old Road boundary, and those between the application site and Greens Lane, are within a Tree Preservation Order.

Although the site lies within an area that is in predominantly residential use, it is bounded on its south side by Christ Church (a Grade II listed building), whilst land on the opposite side of Todmorden Old Road is, in part, rural in character.

### **Relevant Development Control History**

2003/530 - At its meeting in November 2004 Committee considered an application seeking permission to erect 34 dwelling units on the site as a whole. In accordance with the Officer Recommendation, this application was refused principally on the grounds that the proposed development would contribute unacceptably to housing-supply, contrary to Policy 43 of the then-adopted Structure Plan and the corresponding policy of the emerging Structure Plan. The other reasons for refusal related to the overall density of the proposed development and the detriment to highway safety, street-scene and neighbour amenity which would be caused by specific parts of the intended scheme.

2004/177 - At its meeting in June 2004 Committee considered an application seeking permission to erect a 2-storey building, to contain 6 apartments, on part of the site measuring 0.1ha in area and formerly occupied by the agricultural building. In accordance with the Officer Recommendation, this application was granted permission.

2005/66 - At its meeting in May 2005 Committee considered an application seeking permission to erect 55 dwelling units on the site as a whole. In accordance with the Officer Recommendation, this application was refused principally on the grounds that the proposed development would contribute unacceptably to housing-supply, contrary to Policy 12 of the newly-adopted Structure Plan. The other reasons for refusal related to the detriment to highway safety and neighbour amenity which would be caused by specific parts of the intended scheme.

### **Proposal**

Permission is now sought for essentially the same development as that proposed by Application 2005/66 and refused by Committee less than a year ago.

The submitted scheme entails principally:

- Construction of a new road that runs parallel to Todmorden Old Road/Greens Lane, and which connects to Greensnook Lane to the west side of No 32 and has one cul-de-sac taken off it to serve the part of the site to the east side of No 32.
- Erection of a 2-storey block of six apartments to the west side of No 32, with its front elevation facing Greensnook Lane and with a communal car park to its rear.
- Erection of 49 dwellings varying in size and form. In terms of size, 8 will be 2-bedroomed, 24 3-bedroomed and 17 4-bedroomed. In response to the changes in ground-level across the site, it is proposed that the 2-bedroomed units have the appearance of being 1-storey as viewed from the front/2-storey from the rear, and all but 6 of the other dwellings would have the appearance of being 2-storey on one side/3-storey on the other.
- Use of re-constituted stone and concrete tiles to construct the buildings.
- Retention of the majority of mature trees bounding the site, but would require pruning-back of one mature Sycamore, proposes the replacement of 3 Ash trees said to be over-mature/in poor condition, and the felling of a group of young, self-seeded Sycamores located in a more central location.
- Provision of a broad belt of public open space between Todmorden Old Road and the proposed dwellings.

## **Notification Responses**

Letters have been received from 24 local residents, together with a petition bearing 125 signatures, objecting to the application for the following reasons:

- No need for this housing as 400+ new houses are presently being built on sites at Douglas Road/Tong Lane, Rochdale Road, etc.
- There is a lack of facilities/infrastructure to support more housing in Bacup.
- The site is outside the Masterplan area identified as in need of regeneration.
- Brownfield sites should be developed before Greenfield sites such as this.
- Bacup is fast-losing its green-spaces, and this one is of particular importance as it bounds a well-used route giving pedestrians access to the countryside, it gives people on this route a fine view of Christ Church/over Bacup, it is itself of outstanding landscape appearance, and its development would result in the loss of trees/harm to wildlife (including deer, foxes, badgers, bats & birds).
- The slope of the site means the proposed dwellings will not be in-keeping, dominating the skyline/towering over existing buildings.
- The proposed dwellings will destroy the 'green' outlook from some of the neighbouring dwellings, whilst causing a loss of privacy for others.
- The local and wider road network is inadequate to accommodate additional traffic.
- The construction and subsequent traffic associated with the development exacerbate existing congestion as the capacity of local roads is reduced by on-street parking.
- The proposed development will endanger children making their way to/from Thorn School, as its access-point to Greensnook Lane is near to the blind-bend with Carlton Street and other access-points.
- The site is not well-served by buses and the applicants idea that private car usage by occupiers of the proposed houses will be reduced by providing bike-garaging facilities is fanciful given the topography of the area.
- The proposed development may exacerbate existing drainage problems with water pooling where Todmorden Old Road meets Greensnook Lane.

The Ramblers Association objects for the following reasons:

- Sufficient residential planning permissions exist to meet the Borough's housing requirements.
- This is a Greenfield site and ought to be retained as an open space.
- The development will result in loss of outstanding views from Todmorden Old Road towards Christ Church/over the whole of Bacup.
- Detriment to the setting of Christ Church, a listed building.
- Loss of trees.
- Greensnook Lane is narrow and the proposed site access is close to the blind-bend with Carlton Street.
- Whilst the applicant seeks to make much of the 'sustainable' nature of the development proposed, and the provision of solar-panels and low-energy white-goods, etc would be most welcome, the site is not well-served by bus services.

CPRE objects to the proposal on the grounds that this is a Greenfield site and sufficient sites for housing have already been granted permission.

Bacup Consortium Trust objects to the application for the following reasons: Permissions exist already for sufficient new housing units to be built to meet the needs of the Borough in the coming years, many of them to be in Bacup. New developments on peripheral sites such as this will be detrimental to the ELEVATE initiative.

This site is mainly Greenfield, whilst policy favours the re-use of previously developed land.

The site borders the Rossendale Valley Way and its development will result in loss of the view of the picturesque Christ Church over a wooded meadow.

### **Consultation Responses**

LCC (Planning) advises that:

1. The proposal is contrary to Policy 12 of the Structure Plan and will contribute unacceptably to housing over-supply in the Borough.
2. Whilst Policy 1f and Policy 12 of the Structure Plan require that priority be given to re-use of brownfield land part of this site is Greenfield.
3. Policy 1b of the Structure Plan requires development to contribute to achieving high accessibility for all by walking, cycling and public transport. The site has poor accessibility and ought not to be granted without a developer-contribution of £84,000 to address specific transport and accessibility issues.
4. The proposed development would result in an excessive amount of parking, contrary to the provisions of the adopted Parking Standards, which indicate that residential developments with 30 or more units should provide a maximum of 1.5 parking spaces per dwelling,
5. There would be some adverse landscape and visual impact as a result of the loss of this 'green wedge' of countryside within the town and use of a 'suburban' layout that is not altogether in-keeping with the area. However, the scale of the buildings proposed, and their intended facing materials, are appropriate.
6. The mature trees bounding the site are an important feature of the site and ought to be retained wherever possible and replaced where not.
7. Trees affected by the proposal may have the potential to support roosting bats. Permission ought not to be granted without the applicant having first carried out an assessment of the impact of the proposal on bats, other protected species and breeding birds.

### **LCC (Highways)**

No objection in principle.

### **Environment Agency**

No objection subject to conditions, most particularly to regulate the rate of run-off of surface water from the site.

### **United Utilities**

No objection subject to conditions.

### **RBC Drainage**

No objection subject to conditions.

## **Development Plan Policies**

### Rossendale District Local Plan (Adopted 1995)

- DS1 (Urban Boundary)
- E4 (Tree Preservation)
- HP2 (Listed Buildings)
- DC1 (Development Criteria)
- DC2 (Landscaping)
- DC3 (Public Open Space)
- DC4 (Materials)

### Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 General Policy
- Policy 2 Main Development Locations
- Policy 7 Parking
- Policy 12 Housing Provision
- Policy 20 Lancashire's Landscapes
- Policy 21 Lancashire's Natural & Man-Made Heritage

## **Other Material Planning Considerations**

- PPS1 (Sustainable Development)
- PPG3 (Housing)
- PPG13 (Transport)
- PPG15 Historic Environment

- RSS for the NW
- LCC Parking Standards
- RBC Housing Position Statement
- Bacup, Stacksteads & Britannia AAP

## **Applicant's Case**

The applicant's agent has submitted a statement in support of this application. They argue that approval should be given for the proposal because:-

- a) it meets the requirements of PPG3 and PPG13 (the site is sustainably located close to local infrastructure, community facilities and a bus route; the land is located within the defined urban area; and the application proposes a mix of housing types at a density in excess of 30 dwellings per hectare).
- b) it meets the requirements of all other relevant planning policies and Government Guidance, including the existing Regional Spatial Strategy and the draft replacement (the latter proposes an increase in the housing provision for Rossendale and, if adopted, would ease the current housing over-supply situation).
- c) the proposed development will aid in the regeneration of a part of the Housing Market Renewal area of Bacup (in particular, it will help to meet the perceived need for new housing types in this part of the Borough, for which there is a limited amount of brownfield land available).
- d) the proposed dwellings will be in-keeping with the character and appearance of the locality and do not adversely affect the setting of the adjoining Listed Church.
- e) adequate provision is made for the 'off-street' parking of vehicles.
- f) the proposed dwellings will be to the 'excellent' rating under the EcoHomes environmental rating system promoted by BRE and the development will

- incorporate other features to aid sustainability (eg each dwelling will be provided with a garden shed in which to store cycles or motorbikes).
- g) adequate provision is made for public open space.
  - h) for the most part, trees that are in reasonable health/physical condition are to be retained and those that are not will be replaced.

### **Planning Issues**

In dealing with this application the main issues to consider are: 1) Principle; 2) Housing Policy; 3) Neighbour Amenity; 4) Traffic/Parking; & 5) Other Matters.

#### Principle

As the proposed development is located within the Urban Boundary of Bacup it complies with Policy DS1 of the Rossendale District Local Plan and Policy 2 of the more-recently adopted Structure Plan, which seeks to concentrate most development in principal urban areas such as this. However, in accordance with Government guidance, Policy 12 of the Structure Plan states *"In each district, priority will be given to the re-use or conversion of existing buildings, and then the use of previously developed land ..... in preference to greenfield land"* in meeting its housing needs. Whilst a small part of the application site has a valid permission for residential development (0.1 ha of a site having an area of 1.53 ha), this proposal must be looked upon as one that is for greenfield development. The applicant has not demonstrated that there is a need to develop this greenfield site, there being so many other brownfield sites within the Urban Boundary of Bacup that should take priority.

#### Housing Policy

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

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

LCC (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units. The Council's Housing Position Statement accepts the contention that the Borough will over-shoot its housing allocation unless the circumstances in which permissions are now granted are limited to those set out in its Housing Position Statement:

*"Applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:*

- a) *In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or*
- b) *The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and*
- c) *The proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and*
- d) *The proposal will assist the regeneration of the site; and*
- e) *The proposal meets an identified local housing need."*

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

- the application will result in a significant number of additional dwellings units.
- whilst the application site does lie within the boundaries of the Bacup, Stacksteads & Britannia Area Action Plan, it lies within one of the "non-intervention" areas identified in the Issues & Options Report, and its development will make less likely the regeneration of more central/priority sites which are highlighted.
- the detriment to the setting of Christ Church (a Grade II listed building) which the development would cause is not such as to alone warrant refusal of this application.
- there is a valid permission for development of the small part of the site which was formerly occupied by an agricultural building and now of unkempt appearance. The greater part of the application site is of pleasing appearance, forming an attractive 'green' open space. Accordingly, I do not consider the site to be in need of the proposed development to secure its regeneration.
- no indication has been given of how the proposal will meet in perpetuity a recognised local need for housing. Although reference has been made by the applicant to the benefit of providing new, quality housing to widen housing choice in Bacup, development is underway on new housing developments at Douglas Road/Tong Lane and Rochdale Road that will yield a substantial number of new dwellings.

Accordingly, the application is recommended for refusal on the grounds that the proposal is contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016) and to the Council's Housing Position Statement. The applicant has made reference to the Draft Regional Spatial Strategy submitted to the Secretary of State in January 2006. Whilst it is the case that it proposes an increase to the Structure Plan housing provision to be made available within this and neighbouring authorities, it cannot be given significant weight in the determination of this application. I say this for a number of reasons, not least because its time-horizon extends beyond 2016 and, as it has only just been put on public consultation, it is quite some way from 'adoption' and may well change. LCC (Planning) does not consider it to tip the balance in favour of a permission contrary to Policy of the Structure Plan, nor do I consider it to do so contrary to the Council's Housing Position Statement.

#### Neighbour Amenity

Whilst in other respects acceptable, Application 2005/66 was refused permission as the erection of a terrace of 4 houses on the elevated ground immediately to the rear of 32 Greensnook Lane, at a distance of 8-11m from the party-boundary, would unacceptably reduce the privacy of that resident.

The application now submitted has turned this 3-storey block of 4 terraced houses through 90 degrees, with the result that there would now be a blank gable of 9.5m in width and with a gutter-height of 6.5m/ridge-height of 10.25m, standing 2.5-3.5m beyond the party-boundary. This gable will stand 22m from the neighbouring dwelling, elevated 3.5+m above it. Whilst this arrangement avoids overlooking of the neighbouring property, I consider that the neighbour would experience an unacceptable overbearing affect.

#### Traffic/Parking

Whilst in other respects acceptable, Application 2005/66 was refused permission as the Highway Authority considered the off-street parking arrangements for the two dwellings proposed nearest to the site access-point likely to result in dangerous backing manoeuvres by vehicles. The application now submitted satisfactorily addresses this issue.

#### Other Matters

In light of the conclusions I have arrived at on the above issues, I have not sought from the applicant:

1. The financial contribution requested by the County Council to address deficiencies in accessibility.
2. The amendment of the scheme to reduce the parking provision to accord with the approved Parking Standards.
3. An assessment of the impact of the proposal on bats, other protected species and breeding birds, and the means by which such impact can be avoided/mitigated.

#### Recommendation

That planning permission be refused for the following reasons:

#### Reasons for Refusal

1. The application proposes development of peripheral, greenfield land in a manner which encourages unsustainable levels and modes of travel, contrary to Policy 1 and Policy 12 of the adopted Joint Lancashire Structure Plan. The applicant has not demonstrated that there is a need to develop this site in preference to more centrally-located and brownfield sites available within the Urban Boundary of Bacup and do so in a manner providing parking in excess of Policy 7 of the Structure Plan and the approved Parking Standards.
2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.
3. It is considered that the terrace of houses to be erected on Plots 50 to 53, because of their siting/elevation/size, would cause an unacceptable loss of amenity for the occupiers of 32 Greensnook Lane (most particularly by reason of overbearing), contrary to Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the Rossendale District Local Plan.

