

**TITLE: APPLICATION NUMBER 2004/012  
CONVERSION OF THE FORMER CHAPEL INCLUDING PHYSICAL  
ALTERATIONS TO FORM 12 APARTMENTS WITH ACCESS ROAD  
AND 19 CAR PARKING SPACES AND 2 RESIDENTS SPACES  
AT: FORMER CHAPEL, OFF YORK STREET, CRAWSHAWBOOTH**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE / 11<sup>th</sup> JULY 2006**

**BY: DEPUTY CHIEF EXECUTIVE/HEAD OF LEGAL AND DEMOCRATIC  
SERVICES**

**STATUS: FOR PUBLICATION**

**APPLICANT: BARNETT CONSTRUCTION LIMITED**

### **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**

This application was received 7<sup>th</sup> January 2004. This application was considered by the Development Control Committee on the 27<sup>th</sup> May 2004 where it was minded to approve the application subject to the provision of a legal agreement. A chronology of key dates attached at Appendix 1.

This application relates to the former Rakefoot Methodist Chapel which is a grade II listed building. Approval is sought to create 12 new apartments within the former Chapel. A number of physical changes form part of the application and amendments to the existing access.

The Head of Legal and Democratic Services informs me that no instructions have been received to commence the preparation of a S106 legal agreement. Recent changes to the Development Plan require that the application be reconsidered against prevailing policies in order to determine whether the application is acceptable and in accordance with these new policies.

Members should also note that other similar applications, which have also been considered previously by this committee, also appear on this agenda. Although the

various resolutions were passed at different times they were all passed before the adoption of the current Joint Lancashire Structure Plan and the Council's Housing Policy Position Statement. The decision whether or not to grant planning must be made in accordance with the development plan policies in force at the time unless material considerations indicate otherwise. Members resolved to approve this application at the previous committee in September 2004 but a decision notice has not been issued and planning permission has not been granted as the S 106 agreement has not been completed. There have been significant material changes in the policy position since the resolution to grant planning permission was made. In such a circumstance, the decision to grant planning permission should be reconsidered. Furthermore as the Committee did not delegate anything other than the issuing of the decision notice on completion of a satisfactory S106 agreement it is necessary to refer, the reconsideration of this matter back to this Committee. It is not for officers to take the reconsidered decision.

The Development Plan within Rossendale comprises the Rossendale District Local Plan (adopted 12<sup>th</sup> April 1995), the Joint Lancashire Structure Plan 2001-2016 (adopted 31<sup>st</sup> March 2005) and RPG 13 (which became RSS and part of the development plan on 28<sup>th</sup> September 2004). It can be observed that the Local Plan is now over 10 years old whereas the other two elements of the development plan are much more recent in origin. A statement of non-conformity with the Adopted Structure Plan with respect to certain Local Plan policies was issued on 6<sup>th</sup> July 2005. One of the policies which is considered to be not in conformity with the Structure Plan by the County Council is policy H3 which allocates housing sites.

Given that the application relates to a residential scheme the most relevant changes to the development plan, therefore, relate to the provision of housing. I will discuss the prevailing policy framework below and other relevant material planning considerations in respect of housing which have arisen since Members were minded to approve the application in May 2004. The report does not re-reconsider other aspects of the application which are unaffected by changes to the development plan. The previous committee report is included and a chronology is included at Appendix 1.

### **Additional Information**

The applicant's agent has provided additional information to support this planning application. I have summarised the key points below:

- A recent survey has confirmed that the building is in need of substantial repair in the order of £250,000 to make the building watertight.
- The applicant draws members attention to the planning history of the site and the recent appeal decision relating to the adjoining site.
- The chronology does not provide a full picture of attempts made by the applicant to secure the provision of the Section 106 agreement. Therefore, with regard to fairness, the weight attached does not reflect the circumstances of this case.
- The weight which should be afforded to preserving listed buildings.

Issues relating to the listed building are discussed later in this report.

### **Regional Spatial Strategy**

Regional Planning Guidance was adopted in March 2003 and following the commencement of the new Planning and Compulsory Purchase Act is now the

Regional Spatial Strategy for the North West (RSS). RSS has formed part of the Development Plan for Rossendale since 28<sup>th</sup> September 2005.

The overriding aim of RSS is to promote sustainable development. The key objectives of RSS include:

- achieve greater economic competition and growth with associated social progression;
- to secure an urban renaissance in the cities and towns of the north west;
- to ensure active management of the Region's environmental and cultural assets;
- to secure a better image for the Region and high environmental and design quality; and
- to create an accessible Region with an efficient and fully integrated transport system

Policy DP1 requires that development plans adopt the following sequential approach to meet development needs, taking into account local circumstances, the characteristics of particular land uses, and the spatial development framework; the effective use of existing buildings and infrastructure within urban areas particularly those which are accessible by public transport, walking or cycling; the use of previously developed land particularly that which is accessible by public transport walking or cycling; and thirdly development of previously undeveloped land that is well related to houses, jobs and so on and can be made accessible by public transport, walking or cycling.

Policy DP2 requires an enhancement in the overall quality of life experience in the Region. It states that the overall aim of sustainable development is the provision of a high quality of life, for this and future generations.

Policy DP4 states that economic growth and competitiveness, with social progress for all is required. Local authorities and others should set out, in their regional strategies and development plan policies, guidance to ensure that development and investment will, to the fullest extent possible, simultaneously and harmoniously:

- help grow the Region's economy in a sustainable way; and
- produce a greater degree of social inclusion

Policy UR4 sets a target for Lancashire of reaching, on average, at least 65% of new housing on previously developed land.

Policy UR6 states that local authorities should develop an understanding of local and sub-regional housing markets in order to adopt a concerted and comprehensive approach to influencing housing supply. It goes on to state that this would be especially important in Rossendale. A comprehensive approach to housing renewal, clearance and urban regeneration, particularly in Regeneration Priority Areas, is required.

Policy UR7 states that Local Planning authorities should monitor and manage the availability of land identified in development plans to achieve the annual average rates of housing provision.

## **Joint Lancashire Structure Plan 2001-2016**

Previous consideration of this application pre-dates the adoption of the Joint Lancashire Structure Plan. I consider that policies 1 and 12 are most relevant in this instance.

Policy 1b (General Policy) requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.

Policy 1f (General Policy) states development proposals should contribute to achieving *“urban regeneration, including priority re-use or conversion of existing buildings and then use brownfield sites”*

Policy 12 states *“that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016”*.

Paragraph 6.3.13 states *“Where there is a significant oversupply of housing permission, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project. Any such project should be compatible with, and help achieve, the regeneration objectives of the Local Authority. Districts may identify, through the Local Plan/Local Development Framework process, other circumstances where it may be appropriate to approve residential development in a situation of housing oversupply, such as the conversion benefits of maintaining an existing building worthy of retention.”*

Policy 21 states *“Lancashire’s natural and manmade heritage will be protected from loss or damage according to the hierarchy of designations of international, national, regional, county and local importance.”*

Listed buildings 1, 2\* and 2 are identified in the policy as of national importance.

## **Rossendale District Local Plan**

Key policies from the Local Plan against which the proposal was previously assessed but which have now been declared not to be in conformity with the Structure Plan are DC1 and H3.

Policy DC1 (Development Criteria) of the Rossendale District Local Plan states that all applications for planning permission will be considered on the basis of

- a) location and nature of proposed development,
- b) size and intensity of proposed development;
- c) relationship to existing services and community facilities,
- d) relationship to road and public transport network,
- e) likely scale and type of traffic generation,
- f) pollution,
- g) impact upon trees and other natural features,
- h) arrangements for servicing and access,
- i) car parking provision
- j) sun lighting, and day lighting and privacy provided

- k) density layout and relationship between buildings and
- l) visual appearance and relation to surroundings,
- m) landscaping and open space provision,
- n) watercourses and
- o) impact upon man-made or other features of local importance.

Policy H3 (Land for Residential Development) of the Rossendale District Local Plan allocates the site to meet the housing needs of the Borough.

Policies HP.2 and HP.4 relate to listed building and new uses for old building and are identified in the original report to committee which is attached at the end of this report.

### **Other Material Planning Considerations**

#### **Fairness**

As already noted, this application was previously considered by the Development Control Committee in May 2004 when it was minded to approve the application subject to a section 106 agreement. I have attached for members' information a chronology of key dates at appendix 1 in relation to the process of this application and the preparation of the section 106 agreement. However, I take the view that, in the light of the change in circumstances which has occurred since May 2004 and which has not been considered by members, it would not be appropriate for officers simply to issue the decision notice without reference back to members.

The legal position is that the Council must have considered all material considerations affecting the application as at the date when the decision notice is issued. In this case, as I have already explained, significant changes both to the development plan and to other material considerations which bear on housing development in the Borough have occurred since the Development Control Committee considered this application in May 2004. It is necessary now for members to reconsider the application in the light of these changes.

It is in the nature of this case that the application was made and originally considered by the Development Control Committee in different circumstances. To the extent that delay in progressing the completion of the section 106 agreement and thus issuing the decision notice has allowed the opportunity for the subsequent changes to occur, it is right to consider fairness to the applicant before arriving at a decision now. It is not, however, a question of whether it is fair to take the changed circumstances into account. The Council must take them into account and would be in breach of statutory duty were it not to do so. Rather, the question is how fairness to the applicant should weigh in the balance against other material considerations.

I consider that, whilst fairness should certainly be taken into account, it is not a matter which should prove decisive in arriving at a conclusion unless the planning merits are otherwise reasonably equal in respect of whether to grant or refuse. I also consider that, in approaching the issue of fairness to the applicant, it should be borne in mind that it has always lain in the power of the applicant to counteract any delay by appeal to the Secretary of State for non-determination and, if thought appropriate, by submitting a unilateral planning obligation as part of such appeal.

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## **Housing Position Statement**

The final version of the Housing Position Statement was issued by Rossendale Borough Council on 17<sup>th</sup> August 2005. However, it should also be noted that neither the draft nor final version constitutes a statutory document and does not therefore form part of the development plan for Rossendale. However, the document provides interpretation of the reasoned justification of policy 12 of the Structure Plan and should be used as guidance in the assessment of applications for residential development in conjunction with policy 12 of the Structure Plan.

The policy document states that '*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 i.e. for 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 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*
- d) *The proposal will assist the regeneration of the site; and*
- e) *The proposal meets an identified local housing need.'*

The proposal does not seek to replace existing housing on a like for like basis as defined by part a) of the position statement. The site is not located in either the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative area or Rawtenstall Town Centre Master Plan area and cannot be considered to be in accordance with parts b - e) of the position statement.

Therefore, I do not consider that the proposal accords with any of the limited circumstances identified where housing development would be considered acceptable in positions of housing over supply as set out in the Housing Position Statement.

## **Audit of Housing Figures**

Given the changes to the Development Plan an audit of planning permissions granted has been undertaken to clarify the position of oversupply in the Borough. The scope of the audit considered applications for residential development during the period of the Structure Plan and any other extant permission which were capable of adding to the level of supply.

Following a six week consultation period on the audit the Housing Land Position Monitoring Report was prepared and taken to Cabinet for members' information on the 7<sup>th</sup> June 2006. The Report includes an estimate of anticipated completions likely to the period 2011, obtained in consultation with developers and agents.

It is also necessary to note the recent appeal decisions within the Borough before the audit of housing figures was undertaken. In considering an outline housing scheme for 6-10 houses on land at Manchester Road and Laneside Road the Inspector considered two main issues. Firstly, the lack of evidence to confirm the position of oversupply and secondly, that the actual housing completion rates prior to 2004 fell below the annual average rate set out on Policy 12. The Inspector stated *“This would suggest that insufficient planning permissions are being implemented to achieve the required housing provision, and casts doubt on the validity of the housing supply figures quoted above. LCC itself has suggested that if insufficient dwellings are completed, additional sites for housing may need to be approved.”*

I consider that the audit of housing figures now provides the validity and robustness needed to determine applications for residential development in positions of oversupply and is a material consideration in the consideration of this application and any other applications for residential development. The audit of housing figures has been through a public consultation exercise.

The audit of housing figures confirms that the number of dwellings constructed coupled with the number of extant permissions over the plan period exceeds 1920 for the Borough as identified in the Structure Plan.

Furthermore, as the annualised completions rate from 2006 onwards has now fallen to 80 dwellings per year, it is expected that completions will be significantly higher than the JLSP annual build rate, resulting in over supply. Taking the actual number of completions since 2001 into account, the residual provision to the end of the plan period is 548. However, anticipated completions (based on existing extant permissions coming forward) are likely to be 832. This represents an over supply of 284. Anticipated completions were established through discussions with developers and agents and do not take account of any approvals granted subject to S106 Agreement.

There is a need, therefore to refuse further applications for residential development where they would clearly result in an oversupply.

### **Listed Building Consideration**

Therefore, it is necessary to assess whether there are any other exceptions to the presumption against the development of this site for residential purposes as this site is not located in the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative area or the Rawtenstall Town Centre Masterplan area.

Paragraph 6.3.13 of the Structure Plan states *“Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project. Any such project should be compatible with, and help achieve, the regeneration objectives of the Local Authority. Districts may identify, through the Local Plan/Local Development Framework process, other circumstances where it may be appropriate to approve residential development in a situation of housing oversupply, **such as the conservation benefits of maintaining an existing building worthy of retention.**”*

The application would convert and therefore retain a grade II listed building. The advice from RBC policy section at the time members considered this application

previously stated that *“In principle this application for conversion to residential would be supported, if you consider it will ensure the retention of this listed building”*

Members have already accepted that the physical alterations to the building would improve the overall appearance and character of the building in granting listed building consent for the external works (Ref.2004/013LB). I accept the above appraisal of the application in that this would add to Rossendale’s level of oversupply and is therefore contrary to the thrust of policy 12 of the adopted Structure Plan.

The applicant has provided details of the physical condition of the building and that the building is currently in need of urgent repair to make it watertight in order to halt the current decline of this historical asset. The applicant has noted that the repair to the building would be approximately £250,000. Having inspected the photographic evidence provided I have no reason to doubt this estimate.

It is clear that there is a clear policy presumption to preserve and enhance listed building within the Borough.

Given the surrounding residential context to the site I am of the opinion that a residential conversion as proposed represents the most appropriate re-use of this building. Therefore, on balance, I consider that this residential development would safeguard this listed building. As such I am satisfied that the proposal would accord directly with Policy 12 of the adopted Joint Lancashire Structure Plan as it would maintain an existing building worthy of retention.

I am also of the opinion that the proposal would accord with policies HP.2 and HP.4 of the Rossendale District Local Plan and policy 21 of the adopted Joint Lancashire Structure Plan.

### **National Planning Guidance**

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development states that sustainable development is the core principle underpinning planning. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality of the countryside and existing communities; ensuring high quality development; and supporting existing communities and contributing to the creation of safe, liveable and mixed communities with good access to jobs and key services for all. On sustainable economic development, local authorities should recognise that economic development can deliver environmental and social benefits; that they should also recognise the wider sub regional and regional economic benefits and that these should be considered alongside any adverse local impacts.

Paragraph 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise.

Paragraph 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse



environmental, social and economic impacts should be avoided, mitigated or compensated for.

Planning Policy Guidance 15: Planning and the Historic Environment provides advice in respect of development affecting listed buildings notably paragraph 2.18 which suggests the relaxation of other standards to allow changes of use, paragraph 3.8 which expresses the desirability of maintaining historic buildings in use, paragraph 3.10 which describes changes of use as being acceptable in principle, and paragraphs 3.12-3.15 which consider the impact of alterations and extensions.

### **Emerging Policy**

#### **Submitted Draft Regional Spatial Strategy (RSS) for the North West 2006**

RSS is currently under review. The Draft RSS ('The North West Plan') was published for its first formal public consultation exercise in January 2006 and will cover the period from 2003 to 2021. Examination will take place later this year.

Draft RSS focuses on the needs of the region as a whole but highlights those areas that need more specific guidance or a different approach. This is intended to improve the coordination and delivery of regional policy and sustainable development

Draft policy L4 Regional Housing Provision identifies a new housing provision of 4000 for Rossendale 2003 – 2021 (net of clearance replacement). The annual average rates of housing provision (net of clearance replacement) is identified as 222. The current annual provision identified in the adopted Structure Plan is 220 between 2001-06 and 80 between 2006-16).

#### **Core Strategy Preferred Options Report, March 2006**

I consider the following policies to be most relevant.

L1: Housing Development. Provision is made in the Regional Spatial Strategy (RSS) for 4,000 dwellings between 2003 and 2021. Annual planning permissions will be limited to annual completion rate up to 10% above the annual rate for Rossendale in the RSS, less the number of existing commitments for the RSS period. Five yearly reviews of permissions will be undertaken to monitor housing permissions to ensure they do not exceed the overall RSS figure.

Priority will be given to residential developments on previously developed sites. Residential developments will only be permitted on greenfield sites where there is evidence of local need and it can be demonstrated that there are no alternative appropriate previously developed sites. Priority will be given to residential developments in the Key Service Centres and Local Service Centres. Comprehensive regeneration strategies may be developed in areas with significant housing market issues and specific housing needs.

Proposed Policy Response L2: Housing Types. In order to diversify the range of dwelling types within the Borough, in major residential schemes at least 33% of dwellings should be flats and no more than 40% of dwellings should be terraced properties, unless a housing needs assessment provides evidence of the need for an alternative composition of dwellings in any particular area/community.

Proposed Policy Response L4: Affordable Housing. Within all residential developments a minimum of 30% of dwellings should be affordable, of which 20% should be of intermediate tenure. A higher minimum percentage for affordable housing or intermediate tenure may be required in areas of significant housing need based on local evidence of affordable housing needs. A lower percentage of affordable dwellings may be acceptable where it can be demonstrated that this would not be viable due to wider regeneration benefits. A lower percentage may be acceptable in the conversion of vacant residential or non-residential buildings. Types of affordable housing provided should be related to local needs.

Whilst I accept that these emerging policies will have a significant bearing on applications for residential development in the future, I do not consider that sufficient weight can be afforded to them at present to outweigh the adopted development plan.

### **Conclusion**

The audit of housing figures confirms that the Rossendale is in a position of oversupply as the number of extant permissions and number of dwellings built in the Borough exceed the provision set in the adopted Joint Lancashire Structure Plan. However, the Structure Plan provides guidance and criteria for considering applications for residential development in situations of oversupply.

The applicant has not indicated that the scheme would include an 'essential' contribution to the supply of affordable or special needs housing. However, the proposal would represent conservation benefits of maintaining an existing building worthy of retention which at present is in decline.

Whilst I accept that the scheme is contrary to the thrust of policy 12 of the adopted Joint Structure Plan in that the housing numbers have already been exceeded for the plan period, I consider that the proposal should be considered as an appropriate exception to policy 12 as it would conserve and maintain an existing building worthy of retention which is considered acceptable within the commentary given in 6.3.13 of that policy.

It is recommended that (i) the committee be minded to grant consent to the application subject to the conditions set out below but desire the Council to enter into an agreement with the developer under section 106 of the Town and Country Planning Act 1990 for the contributions to the improvement and maintenance of the Mill Row Recreation Area and to a traffic regulation order the completion of which shall be delegated to the Head of Democratic and Legal Services.

The previous report to Committee is provided for Members' information below.

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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 consists of the former Rakefoot Methodist Chapel which is a grade II listed building. This Wesleyan Methodist Church was built in 1866-7 by Woodhouse of Bolton of rock-faced sandstone with a slate roof. The building is two storey with a pedimented façade, the ground floor has round headed doorways with double panelled doors. The interior was once surrounded by an oval gallery with a panelled front and stepped floor. The site falls within the Urban Boundary as defined in the Rossendale District Local Plan. It is located in the heart of Crawshawbooth and it is easily accessible to shops and other amenities.

Approval is sought to create 12 new apartments within the former Chapel. A number of physical changes form part of the application including: the introduction of 16 roof lights; the insertion of four new ground floor windows to the York Street elevation; and the removal of an existing large opening and replacement with 2 new windows and a lower entrance gate and insertion of a new ground floor door to the Forest Bank Road elevation. The applicant seeks approval to amend the existing access from York Street and this access will extend under the link between the Chapel and Sunday school building to the southern side of the building. 18 car parking spaces will be provided in total including 6 visitor spaces.

## **Relevant Planning History**

1992/620 Change of use of plant hire office to residential flats and outline for the erection of eight dwellings including amended access from York Street. **Approved**

2003/171 Continued use for joiners workshop  
**Approved**

2003/172 Outline – site for residential development  
**Refused, appeal received.**

## **Consultation Responses**

### County Planning Officer

The proposed development is not required to meet the housing provision set by the adopted Lancashire Structure Plan or the deposit and proposed changes deposit Joint Lancashire Structure Plan to 2006.

As the Chapel is Grade II listed building it is recommended that an archaeological building record of the chapel should be made prior to its conversion.

The parking standards do not make provision for visitor car parking and as such this part of the parking provision does not comply with the Proposed Changes deposit JLSP "Parking Standards".

Policy 1b) of the same plan requires development to contribute to achieving high accessibility for all by walking, cycling and public transport. It is recommended that a contribution of £6,000 be made towards improvements to local northbound bus stop, including provision of a new illuminated bus shelter and kerbing works to improve accessibility for passengers boarding and alighting.

#### County Highways

*"I would raise no objection to the proposal on highway grounds, but would require, in keeping with the County Council's policy to procure developer contributions towards improvements to the public transport infrastructure, the sum of £6,000, which would be used to improve the north bound bus stop close to the site, including the provision of a shelter and kerb realignment."*

#### Local Plans

*"In principle this application for conversion to residential would be supported, if you consider it will ensure the retention of this listed building. It is in a sustainable location, close to local services and amenities and a good bus route."*

#### RBC Highways

*"Site visibility should not be obstructed from a distance behind kerb 2.4 metres and extending 60 metres each direction. Gate posts would need to be removed and small section of wall adjacent the garage would need to be lowered in height."*

*Access for service vehicles to attend clearing refuse bins etc is not clearly indicated. If it is intended that service vehicles use the private access to rear of premises, then gradients and alignment of road is not satisfactory and improvements would need to be considered. Height restriction is also shown to be 4.5 metres."*

#### Fire Officer

Has no objection to the proposal

#### Environmental Health

No response

#### Environment Agency

The Agency requests that any approval includes a condition requiring all surface water drainage from the car parking areas to be passed through trapped gullies.

#### Crawshawbooth Residents Association

The association has no objection to the development as it will make good use of the building and the car parking problems have been resolved.

## British Coal

No objection

## United Utilities

*"I have no objection to the proposal providing that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should be discharged to Limy Water and may require the consent of the Environment Agency."*

## Rossendale Civic Trust

No response received.

## **Notification Responses**

Site notices were posted and 30 letters of objection have been received, 28 of these letters are in a standard format. The concerns in these letters relate to:

- Parking problems on York Street and Forest Bank from residents and people using the shops
- Loss of parking spaces on York Street due to widening of access
- Parking on York Street will obstruct the waste collection wagon
- Increased parking will make York Street less safe for children crossing
- Unsuitability of York Street and site entrance for heavy site traffic
- Impact of heavy traffic on structural stability of street and surrounding buildings, in particular the bridge
- Loss of privacy and increased overlooking
- Additional noise and traffic pollution
- Possibility of entrance from Burnley Road
- Future plans for yard to south of chapel
- Implications of this application on previous refusal
- Loss of wall to on either side of access and the impact of this on the setting of the listed building

## **Development Plan Policies**

Policy DS.1 (Urban Boundary) of the Rossendale District Local Plan states that *"the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map"*

Policy DC.1 (Development Criteria) of the Rossendale District Local Plan  
The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, day lighting and privacy provided k) density layout and relationship between buildings l) visual appearance and relation to surroundings ,m) landscaping and open space

provision, n) watercourses and o) impact upon man-made or other features of local importance.

DC.3 (Public open Space) states that *“In areas of new residential development, the Council will expect appropriate public open space to be provided by developers.”*

DC.4 (Materials) states that *“Local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates”.*

HP.2 (Listed Buildings) states that *“The Council will safeguard listed buildings and structures by strict control of development proposals in relation to such buildings or structures and development of neighbouring sites, 2. The Council will not grant listed building consent for the demolition of a listed building other than in the most exceptional circumstances and 3. The Council will not grant planning permission for alterations or additions to a listed building unless there is no adverse effect on its architectural or historic character.”*

HP.4 (New Uses for Old Buildings) states that *“The Council will actively encourage new uses of old buildings or groups of buildings which are of architectural or historic interest and also encourage private sector conservation initiatives provided that the change of use and alterations would be sympathetic to the character of the buildings and the proposed use does not detract significantly from the quality of the surrounding area”.*

T.4 (Car Parking) states that *“Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements”.*

#### Lancashire Structure Plan 1991-2006 (adopted)

Policy 22 (Heritage) states that:-

- “(a) Listed buildings will be safeguarded from decay, damage or destruction. Development proposals which would have an adverse impact on listed buildings or their settings will not be permitted unless exceptional circumstances indicate otherwise;*
- (b) Conservation areas and their settings will be protected from development proposals which would have an adverse impact on their character and appearance.*
- (c) Parks and gardens of historic interest will be identified in local plans as being suitable for designation as conservation areas. Development proposals which would have an adverse impact on historic parks or gardens and their settings will not be permitted unless exceptional circumstances indicate otherwise;*
- (d) Buildings identified in local plans as being of local architectural importance will be protected from development proposals which would have an adverse impact on their character and appearance.”*

Policy 43 (General Housing Provision) sets out the number of new residential units needed between mid 1991 and mid 2006 to adequately house the County's population. The number stipulated for Rossendale is 2,500 dwellings.

Policy 12 (Housing Provision) stipulates the annual average rates for future housing provision. For Rossendale 220 houses per year are required between 2001 and 2006 and then 80 house per year between 2006 and 2016.

The parking standards indicate that for residential properties with one bedroom one space is provided and with two to three bedrooms, 2 spaces are provided. This can be reduced to 1.5 or less unless exceptional circumstances are demonstrated.

Policy 1b requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.

### **Other Material Planning Considerations**

Government guidance in the form of PPG 3 (Housing) is relevant. In relation to windfall sites this guidance states that "*Windfall sites are those which have not been specifically identified as available in the local plan process. They comprise previously-developed sites that have unexpectedly become available.*"

Paragraph 22 states that "*The Government is committed to maximizing the re-use of previously-developed land...in order both to promote regeneration and minimize the amount of greenfield land being taken for development*".

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

PPG13: Transport states in paragraph 19 that "*A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.*"

Paragraph 49 states in relation to parking that "*The availability of car parking has a major influence on the means of transport people choose for their journeys....Reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices*".

PPG15: Planning and the Historic Environment states in paragraph 3.12 with regard to change in the use that "*...where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging uses.*" Paragraph 3.13 continues by stating that "*Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.*"

### **Issues**

There are a number of issues which need to be considered including the proposed residential use, the impact of the proposal on the listed building, parking and access and the provision of play space.

The first issue to be considered is the suitability of the site for housing development. The proposal will utilise an existing building which is favoured in PPG3 and also HP.4. Furthermore the property is very accessible to jobs, shops and services which accords with policy 1b of the Joint Lancashire Structure Plan, PPG3 and

PPG13. The surrounding uses are predominantly residential so the proposed use accords with policy DC.1 which seeks to ensure that development is not detrimental to existing conditions in the surrounding area.

Consideration also needs to be given to the requirement for new housing in the Borough based on the annualised figures provided in the adopted and deposit Structure Plan. Policy 43 of the aLSP requires the provision of 2,500 dwellings over the plan period and to date 1,848 dwellings have been built. This leaves capacity for 652 dwellings by 2006 and on 1<sup>st</sup> April 2003 there were 1,307 existing permissions. The PCdJLSP sets a maximum provision of 1,920 dwellings over the plan period. This equates to the provision between 2001-2006 of 1,100 dwellings, 220 dwellings each year. The total housing completions between 2001 and 2003 amounted to 296 dwellings with 1,307 existing permissions. It is important that the annual rate of 220 houses per year is met as closely as possible and as such the ability of the existing permission to meet this rate needs to be carefully considered.

As the Chapel is listed it is important to ensure that there will be no adverse effect on its historic character. The use of the Chapel as a joiner's workshop has already resulted in some changes to the building. The exterior of the building remains predominantly unchanged however the window frames and openings have been altered and a large opening incorporated into the Forest Bank Road elevation. Internally however, particularly at ground and first floor, there have been major alterations. From this starting position it is considered that the proposed development will improve the overall appearance and character of the building. The exterior will be sensitively cleaned, the window openings will be restored and timber frames utilised and the front doors refurbished. Internally the panelled ceiling will be covered by a suspended ceiling to prevent further damage and two of the original gas lights will be resited in the head of the stairwells at each end of the building.

As the application site is greater than 500 square metres an accessibility questionnaire has been completed. This questionnaire looks at the distance of the site to amenities by walking, cycling, and public transport. The score which has been recorded is one which relates to a 'medium' accessible site. In accordance with the County Councils car parking standards the number of spaces should be reduced pro rata. 18 spaces will be provided however the application differentiates between residential and visitor spaces for which there is no need. All the spaces would need to be made available for the occupiers of the apartments if the standards were to be achieved. If the standards are met there should be no impact on the parking difficulties in the area which have been highlighted in the letters of objection. The reuse of the access will however have a small impact on the number of on street spaces.

In relation to the access the visibility requirement of 2.4 metres by 60 metres can be achieved. The site is accessible and as such meets the criteria in policy 1 part b. Notwithstanding this fact the applicant is willing to make a contribution of £6,000, as requested by County Highways and Planning towards the improvement of the northbound bus stop close to the site, including the provision of a shelter and kerb realignment (S106 agreement).

Under Policy DC.3 there is a requirement for the provision of public open space on the site based on a 6 acre standard per thousand population being housed. In this case the applicant is willing to make a contribution of £12,000 towards the improvement of the existing recreation area at Hill Street (S106 Agreement).



## **Summary of Reasons for Conditional Approval to Appear on Decision Notice for planning application 2004/012**

The use of an existing building which is located within the Urban Boundary in a sustainable location accords with the principles of PPG3, PPG13 and with policies DS.1, DC.1. The character of the listed building will not be adversely affected as the proposed alterations are sympathetic in accordance with HP.2, HP.4 and PPG15. These factors override the strategic housing land supply objections from the County Council.

### **Recommendation**

The report above covers two separate applications, one for planning consent and the other for listed building consent.

In respect of planning application 2004/012 it is recommended that (i) the committee be minded to grant consent to the application subject to the conditions set out below but desire the Council to enter into an agreement with the developer under section 106 of the Town and Country Planning Act 1990 for contributions to improvement of the adjacent northbound bus stop and the improvement and maintenance of the Hill Street Recreation Area the completion of which shall be delegated to the Director of Corporate Support and (ii) on completion of such section 106 agreement the Development Control Manager or Principal Planning Officer be authorised to approve the said application subject to the following conditions:-

01 The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

02 The development shall be carried out in accordance with plans numbered 03114 01, 02, 03, 04 and 05 received on 07/01/04 and 03114 06 and 07 and letter dated 16/02/04 received on 17/02/04.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt

03 Details of the proposed junction of the new access road and York Street including sight lines shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details prior to the occupation of any of the apartments hereby approved.

Reason: In the interests of pedestrian and highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.

04 The building shall not be occupied until the proposed access road and parking areas have been constructed, drained, surfaced and laid out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority; the parking areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate off-street parking in the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.

05 Notwithstanding the submitted plans or application forms all of the 18 car parking spaces shall be made available for the occupiers of the 12 apartments, none shall be designated solely for visitor use.

Reason: To ensure adequate off-street parking in the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan and Lancashire County Council's car parking standards.

06 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from car parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment in accordance with policy DC.1 of the Rossendale District Local Plan.

07 The development shall not be commenced until full details, including a representative sample of the external material to be used to block up the existing openings have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved.

Reason: In the interests of visual amenity and to accord with policies DC.1 and DC.4 of the Rossendale District Local Plan.

08 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of residential amenity in accordance with policy DC.1 of the Rossendale District Local Plan.

09 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity in accordance with policy DC.1 of the Rossendale District Local Plan.

10 Prior to the development commencing:

a. A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).

b. Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA

c. Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development in accordance with policy DC.1 of the Rossendale District Local Plan.

## **Appendix 1**

### **Chronology of application 2004/012**

This application was received 7<sup>th</sup> January 2004.

The application was considered by the Development Control committee on the 27<sup>th</sup> May 2004 where it was minded to approve the application subject to the provision of a legal agreement.

N.B. Please note that any correspondence held on legal files is not available for public inspection.



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