

TITLE: CHANGE OF USE FROM BUILDERS STORE TO DWELLING AT 1032 BURNLEY ROAD, LUMB

APPLICATION NO: 2006/344

TO/ON: DEVELOPMENT CONTROL COMMITTEE 25TH JULY 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

STATUS: FOR PUBLICATION

PORTFOLIO HOLDER: CABINET MEMBER FOR REGENERATION

APPLICANT: MR B JORDAN

DETERMINATION EXPIRY DATE: 15TH AUGUST 2006

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 applicant seeks permission for the change of use of a former builders store to a dwelling. The site lies within the urban boundary.

Relevant Planning History

2005/728 – Change of use of builders store to dwelling at 1032 Burnley Road East, Lumb. WITHDRAWN

Notification Responses

Site notices were posted and to date no responses have been received.

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

- It is acknowledged that the application proposal does not on all accounts accord with the Council's Housing Position Statement. It does accord with the Policy in terms of regenerating and improving the area. A recent appeal decision casts serious doubt about the accuracy of the oversupply position. Completion rates have not been met in Rossendale over several years and as such and taking into account Policy 12 of the Joint Lancashire Structure Plan there is scope to manage the release of further housing development on brownfield sites.
- Coupled with the above Policy 12 of the Joint Lancashire Structure Plan which the Policy Statement is drawn from states that *"Districts may identify through 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 conservation benefits of maintaining an existing building worthy of retention"*. Furthermore it is established in law (Section 38 of the Planning and Compulsory Purchase Act) that whilst decisions should be made in accordance with the development plan *other material planning considerations* can outweigh the general policies pertaining to a Borough. In this case there are strong material planning considerations which favour approval of planning permission including:-
 - The building was built as a house and still looks like a house. It retains its house street number.
 - This is a sensitive and sympathetic restoration of the building which enhances and regenerates the whole terrace.
 - It is well located in terms of bus routes and community facilities.
 - Other possible uses such as for offices, retailing or hot food take aways are highly unlikely or are inappropriate. Once the building has been converted for residential purposes it is highly unlikely that it would then ever be converted to uses such as general storage which would not add to residential amenities.
 - Off street car parking is available
- This is a brown field site close to good public transport routes and other facilities; the site performs well in sustainability terms and against advice in PPG 3.
- The proposal is compliant with Policy DC1 of the adopted Rossendale District Local Plan. There are conservation benefits of allowing conversion of this building which is worthy of retention and as such the proposal complies with Policy 12 of the adopted Joint Lancashire Structure Plan (this policy relates directly to the housing supply).
- The proposal would regenerate this part of Burnley Road East thereby according with the Council's corporate priorities.
- The Council has given weight to "other material planning considerations" in the past where unique circumstances exist ; the case of the former dwelling on Old Street, connected with the approval to convert the former Bethlehem Chapel on Turnpike, is a good example

Consultation Responses

County Highways

No objections.

RBC Forward Planning

The proposed development is located outside of the urban boundary and will lead to a net gain of housing within the borough and therefore, cannot be supported.

Development Plan Policies

Rossendale District Local Plan

Policy DS1
Policy DC1

Joint Lancashire Structure Plan

Policy 1
Policy 12
Parking standards

Other Material Planning Considerations

PPS1
PPG3
PPG13
Housing Policy Position Statement

Planning Issues

The proposed development is located outside the urban boundary and therefore, the proposal is contrary to Policy DS1 of the Rossendale District Local Plan. However, the proposed development is within an existing terrace of properties within this rural settlement and as such would not be necessarily inappropriate providing that it would support an identified local need or rural regeneration (Policy 1 – General of the Joint Lancashire Structure Plan).

PPG3 promotes a sequential approach and the conversion of buildings is considered to be most favourable. Therefore, the proposed development is in accordance with government guidance in the form of PPG3.

There are no physical alterations to the exterior of the building and therefore the proposed development will not look out of place within the locality and is in accordance with Policy DC1 of the Rossendale District Local Plan.

As per the policy, contained within the Housing Policy Position Statement, the proposed development is not located within the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Area or the Rawtenstall Town Centre Masterplan (Area Action Plan). Therefore, the proposed development is contrary to the Housing Position Statement.

One major issue associated with this application is one of housing supply. Policy 12 (Housing Provision) of the Structure Plan states that 1920 dwellings are required to be built within the Borough between 2001 and 2016 in order to adequately house the Borough's population. It further states that these are to be provided at the rate of 200 properties per year until 2006 and 80 per year thereafter. In view of this, and on the basis that only 431 properties were constructed between 2001 and September 2003, it would seem reasonable to assume that there is currently a shortfall of some 1489 dwellings in the Borough. However, at 1 April 2003 there were 1606 planning

permissions that were, and still are, capable of implementation. In view of this it is contended that the Council's current housing targets for 2016 can reasonably be met. With this in mind it is contended that the additional dwelling proposed by this application will not meet an identified local housing need and is not currently required to meet the housing land provision of the Borough.

Recommendation

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

Reasons

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

Development Plan Policies

Policy DS1
Policy DC1

Structure Plan Policies

Policy 1
Policy 12

