

<b>Application No:</b> 2006/422	<b>Application Type:</b> Full
<b>Proposal:</b> Demolition of existing building and erection of one dwelling	<b>Location:</b> Land adjacent to 143 Todmorden Road, Bacup
<b>Report of:</b> Development Control Team Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 21 September 2006
<b>Applicant:</b> Mr O Stafford	<b>Determination Expiry Date:</b> 27 September 2006
<b>Agent :</b> Mr S Hartley	

**REASON FOR REPORTING**                      **Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:  
Reason for Call-In:

**3 or more objections received**                      **X**

Other (please state) ..... Departure

**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. The Proposal and the Site**

This application relates to a plot of land located in a Countryside Area, approximately 330 m to the north-east of the Urban Boundary of Bacup. Measuring approximately 13m x 14m, the plot lies for the most part below the level of Todmorden Road, with the Flowers Inn to the south-west side and terraced houses to the north-east side and opposite. Access to the garage which presently occupies the site is by means of an unmade/unadopted road

running to the rear of the adjacent pub, use of which is shared with the terraced houses to the north east of the site.

The applicant seeks permission for the demolition of the existing building and the erection of a 3-bedroomed dwelling, with integral garage. It will possess stone walls and a slate roof. As viewed from Todmorden Road it will have the appearance of a traditional 2-storey house, but at the rear will be of 3-storey construction, with a dormer. The integral garage will be accessed from the roadway to the rear.

The applicant has indicated that they would tarmac the single-track road (although it is neither included in the application site, nor identified as being on land in their ownership or control).

### **The Applicant's Case**

1. Housing will be well located in terms of public transport, employment, the town centre and other facilities as advised in PPG3 and PPG 13.
2. The proposed development will promote the regeneration of the area including the town centre and as such it will accord with the policies of the Joint Lancashire Structure Plan.
3. The proposal would seek to make efficient use of a brownfield site.
4. The proposal meets the policies as contained in Policy DC1 of the District Plan and would not have a detrimental impact upon residential amenity, interests of acknowledged importance or highway safety.
5. There have been several, recent occasions where other material considerations have prevailed over the Housing position statement.
6. This is a housing windfall site and only one house is proposed; one house cannot realistically make a difference in housing land supply terms.
7. Draft Regional Spatial Strategy significantly increases overall housing provision and completion rate figures for Rossendale and as such the oversupply position is now questionable and the figures are inaccurate.
8. In historic terms a little less than 10% of permissions are actually implemented – in other words there is a huge capacity to release further housing in Rossendale although this has not been fully taken into account by the Council's Forward Planning section.
9. Draft Regional Spatial Strategy (January 2006) requires the Council to ensure that 80% of houses are built on brownfield sites (this compares to 58% in the Joint Lancashire Structure Plan) – the Council is currently having to rely on a number of green field completions and as such needs to approve more housing on brown field sites to ensure that it meets the 80% target as imposed by Government. The Council's Core Strategy (Preferred Options Report) with reference to the 80% target states *"it is recognised that that Rossendale is likely to make a lower contribution to this aim"*.
10. The design and location of the proposed dwelling is such as to give rise to minimal or no impact on existing residents.
11. The proposed dwelling is designed to meet Council policy and to provide greater housing choice in the area.

## 2. Relevant Planning History

None.

## 3. Policy Context

Rossendale District Local Plan (Adopted 1995)

Policy DS1

Policy DS5

Policy DC1

Policy DC4

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1

Policy 5

Policy 7

Policy 12

Policy 20

Other Material Planning Considerations

PPS 1

PPG 3

PPG 13

LCC Parking Standards

RBC Housing Position Statement

## 4. CONSULTATIONS

LCC(Highways)

A complete site drawing is required for this proposed development showing access details for the garage, on site turning facilities and details of possible conflict with traffic to the Flowers Public House and at the junction with the access road.

This is an existing traffic route but is close to the junction with Todmorden Road, so sight lines will need to be considered carefully.

RBC Forward Planning

This site is outside the Urban Boundary and not within either of the AAP areas. Due to its location within a Countryside Area and the position of housing oversupply, and taking into account policy 12, paragraph 6.3.13 of the JLSP, this application cannot be supported from a policy point of view.

## 5. REPRESENTATIONS

Ten letters have been received, objecting to the proposal for the following reasons :

- There is no requirement for additional housing within the area.
- The building was sold as a garage and should remain as such, causing no disruption to the neighbouring residents.
- A new modern building would be out of keeping with the character of the traditional buildings in the locality.

- There does not appear to be adequate space to accommodate a dwelling of this size or the equipment/materials which will be required to construct it.
- The construction of the proposed dwelling will cause a lot of noise and disturbance to neighbours.
- The proposed development will impede natural light/cause loss of privacy to their houses.
- The existing drains may be damaged by the proposed development/not be able to cope with another building.
- The proposal lacks adequate parking facilities for a dwelling of the size proposed - the proposed garage is not fronted by a drive - as a result of which parking on the roadway is likely to occur, obstructing/inconveniencing others who make use of it..

## 6. ASSESSMENT

The main issues to be considered in relation to this application are :

1) Principle; 2) Housing Policy; 3) Residential Amenity; 4) Design & Appearance; & 5) Highway Issues.

### Principle

The application site is located outside of an Urban Boundary, wherein Policy 1 of the Structure Plan and Policy DS1 of the Local Plan seek to concentrate development. Furthermore, the proposed development is not appropriate development for a Countryside Area and is, therefore, contrary to Policy 5 of the Structure Plan and Policy DS5 of the Local Plan.

### Housing Policy

The principal issue which needs to be considered in relation to Housing Policy is that of housing over-supply.

Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 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 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, 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 (August 2005) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out :

*"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."*

At its meeting in June 2006 Cabinet received a Housing Land Monitoring Report, setting out the latest position in relation to provision of housing. The report to Cabinet says of the Monitoring Report : *"It shows that the number of dwellings which have a valid planning approval exceed the requirements of the Joint Lancashire Structure Plan (JLSP). Anticipated completions have also been considered and this will significantly exceed the provision of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016. The situation has not changed since the Housing Policy Position Statement, approved in August 2005."*

As previously stated, Policy 12 of the Structure Plan accords with the present Regional Spatial Strategy for the North West. The applicant would wish greater weight to be given to the Draft RSS. However, it has not progressed sufficiently towards adoption to enable significant weight to be attached to it. It would not in any case justify permitting the erection of a house in a Countryside Area.

Accordingly, it is appropriate to consider the application in relation to the criteria of the Housing Position Statement. The application proposal :

- Does result in an additional dwelling unit.
- Does not lie within the boundaries of either of the identified urban regeneration areas.
- Will not harm the character of any Listed Building or Conservation Area, etc.
- The "regeneration" credentials of the proposal will be dealt with separately below.
- The Applicant has not shown how the proposal meets an identified local housing need, giving no indication that the intended dwelling will be provided/retained in perpetuity as affordable housing.

Thus, the proposal is contrary to the criteria of the Housing Position Statement.

#### Neighbour Amenity

The proposed dwelling will be located 13 metres away from the residential dwellings on the opposite side of the main road. This is somewhat less than the spacing-standard the Council seeks to apply in new housing estates. However, the existing dwellings to the north-east of the application site are no further away from the properties opposite. This being the case, the proposed dwelling

will not result in an unacceptable loss of amenity for these or any other neighbours.

#### Design and Appearance

It is considered that that the proposed development would look somewhat incongruous and out of place within the locality. Although the proposed dwelling will appear of 2-storey construction/traditional design and appearance when looked at directly from the front, the building will occupy a large proportion of the plot. The bulk of its 3-storey construction being very evident from the sides and rear, the building pressing close to these boundaries of the plot, and the dormer proposed on the rear roof-plane an unsympathetic/untraditional feature.

#### Highway Issues

The proposed development will incorporate the two off-road parking spaces required to meet the Council's adopted parking standards. However, as the proposed garage is not to be fronted by a private-drive it is considered likely that parking on/obstruction of the single-track road will occur, thereby inconveniencing others wishing/entitled to make use of it. The Highway Authority also has reservations in relation to sight lines at the junction of Todmorden Road and the access road. Therefore, it is considered that the proposed development will have an adverse impact upon highway safety and is contrary to the existing conditions in the locality and is contrary to Policy DC1 of the Rossendale District Local Plan.

### **7. CONCLUSION**

The proposed development is not considered to appropriate development for a Countryside Area. Having regard to the shortcomings of the scheme in respect of Design & Appearance and Highway Issues, the "regeneration" credentials of the proposal are not such as to warrant granting permission as an exception to Policy 12 of the Structure Plan.

### **8. RECOMMENDATION**

That planning permission is refused, for the following reasons:

1. The proposed development is located outside of the defined Urban Boundary, wherein Policy 1 of the Structure Plan and Policy DS1 of the Local Plan seek to concentrate development. Furthermore, the proposed development is not appropriate development for a Countryside Area and is, thus, contrary to Policy 5 of the Structure Plan and Policy DS5 of the Local Plan.
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. The submitted scheme will not provide the proposed dwelling with safe and satisfactory access and in-curtilage parking facilities. Most particularly, the proposed garage is not to be fronted by a drive and parking on/obstruction

of the poorly –surfaced single-track road which is likely to occur will inconvenience others wishing/entitled to make use of this shared-access, contrary to the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

4. The proposed dwelling would detract unacceptably from the character and appearance of the area. Most particularly, the bulk of its 3-storey construction will be very evident from the sides and rear, the building pressing close to these boundaries of the plot, and the dormer proposed on the rear roof-plane is such an unsympathetic/untraditional feature. Thus, it is considered that the proposed development is contrary to the criteria of Policy DC1 of the Rossendale District Local Plan.

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