

<b>Application No:</b> 2006/456	<b>Application Type:</b> Outline
<b>Proposal:</b> Demolition of existing property & erection of a detached dwelling and three terraced dwellings	<b>Location:</b> 12 Garth Edge, Whitworth
<b>Report of:</b> Team Manager Development Control	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 10 <sup>th</sup> October 2006
<b>Applicant:</b> Mr P Sastawnyuk	<b>Determination Expiry Date:</b> 11 <sup>th</sup> October 2006
<b>Agent:</b> Mr S Hartley	

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

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:                      Councillor H Steen  
Reason for Call-In:

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

Other (please state) .....

**HUMAN RIGHTS**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

**Article 8**

The right to respect for private and family life, home and correspondence.

**Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

**APPLICATION DETAILS**

**1. The Proposal and the Site**

The site is 0.1 hectares in size and is located within the urban boundary. The current use of the site is predominantly residential curtilage with one derelict dwelling within the site. The site is bounded by residential dwellings and a commercial building to the rear of the site.

The applicant seeks approval for the erection of a detached dwelling and a terrace of three dwellings. The application is in outline, with only landscaping reserved.

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

In summary there are numerous positive benefits that would result from the grant of planning permission on this site:

- The site is located within the urban boundary of the Rossendale District Local Plan. The Joint Lancashire Structure Plan seeks to concentrate development in main urban areas.
- Housing will be well located in terms of public transport, schools and local amenities as advised in PPG 3 and PPG13.
- The proposed development will promote the regeneration of the area, this being a largely neglected and unused brownfield site, and as such it will accord with the policies of the Joint Lancashire Structure Plan.
- The proposal would seek to make efficient use of a brownfield site without causing harm to visual/residential amenity or highway safety
- The proposal meets an identified size, type and tenure need as identified in the Council's Housing Need and Market Assessment Report (2004/5)
- The proposal will add choice to the housing market in this area and seek to provide new/modern affordable terraced housing for first time buyers
- This is a housing windfall site comparable, but much smaller, than the recently approved site at Spring Mill, Whitworth
- Draft Regional Spatial Strategy significantly increases overall housing provision and completion rate figures for Rossendale and as such the oversupply position is now unsustainable
- 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 taken into account by the Council's Forward Planning Section.
- 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 greenfield completions and as such needs to approve more housing on brownfield sites to ensure that it meets the 80% target as imposed by Government.
- The proposal will improve the appearance of the site thereby benefiting the local community and visual amenity.
- Good quality materials and landscaping is proposed.

In summary the application proposal is more compliant than other recent housing approvals with the Council's and Government's policies. It is a sustainable brownfield location and one which must have been an environmental concern for residents over several years. The benefits of allowing this proposal are numerous – not least the chance, finally, to rid the area of an environmental eyesore – and as such the Council is urged to give these important material planning considerations significant weight. For all these reasons the Council is urged to approve this planning application.

## **2. Relevant Planning History**

None

### 3. Policy Context

#### Rossendale District Local Plan

Policy DS1  
Policy DC1  
Policy DC4

#### Joint Lancashire Structure Plan

Policy 1  
Policy 5  
Policy 12  
Parking standards

#### Other Material Planning Considerations

PPS 1  
PPG 3  
PPG 13  
Housing Position Statement

### 4. CONSULTATIONS

#### LCC(Highways)

1. Sight lines to the left when leaving the site would need to be improved as Old Lane is a one way street and is quite narrow, vehicles travelling along the lane could be at risk of colliding with vehicles leaving the site.

2. Sight lines to both sides should be improved to increase safety for pedestrians on the narrow footway. There is no footpath on the opposite side of the road.

Access to the site may have to be widened and boundary walls/fences would need to be splayed and set back. Entry to the site should be at the same level as the road for at least the first ten metres.

3. Some indication of the one way system would be required, preferably a standard sign on a pole, opposite the access. If this is not possible signs either side of the access road or, alternatively, road markings.

4. Parking would appear to meet minimum requirements but the layout suggests that any additional parked cars could cause severe restriction, which could result in vehicles exiting the site and not in a forward gear. A clearly laid out turning facility should be provided.

While the size of this development should cause few problems, I feel its location and parking provision give cause to recommend refusal of planning consent.

RBC Forward Planning

No response to date.

Whitworth Town Council

No response to date.

## **5. REPRESENTATIONS**

Site notices were posted and to date three letters have been received, which have raised the following issues:

- A culvert runs under the property and care must be taken during building works to ensure no damage is done to the structure.
- The proposed development will cause problems with traffic, specifically with vehicles passing to Knowsley Park, which causes problems already.
- The proposed development will result in a loss of privacy to the rear garden of a neighbour and a loss of light to the neighbouring property.
- A request that the three mature larch trees are retained

## **6. ASSESSMENT**

The main issues to be considered in relation to this application are the principle of the development, neighbour amenity, highway issues and housing supply.

### Principle

The location for the proposed development is within the Urban Boundary and, therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan. The site of the proposed development has been previously developed and is classed as brownfield land. Therefore, the proposed development is in accordance with government guidance in the form of PPG 3.

The proposed development is located within Whitworth, which has been allocated as being outside of the principal urban areas, main towns and key service centres in the Joint Lancashire Structure Plan. Therefore, the proposal will create an extra dwelling, for which there is no identified local need and will not support rural regeneration. Therefore, the proposed development is contrary to Policy 5 of the Joint Lancashire Structure Plan.

### Neighbour Amenity

The proposed development will not have an adverse impact upon the adjacent properties to the site of the proposed development. The gable elevations of the proposed three terraced dwellings have four openings, which may impact upon the amenity of the neighbouring residents. Although it is considered that these openings are small in size and all relate to either a staircase, which is not a

habitable room or a downstairs toilet, where the window will be obscure glazed. Therefore, it is considered that the gable elevation of the proposed terraced dwellings will not have a significant adverse impact upon the amenity of the neighbouring residents and it is in accordance with Policy DC1 of the Rossendale District Local Plan.

The openings within the rear elevation of the proposed detached dwelling relate to habitable rooms and may impact upon the amenity of the neighbouring residents. However, the distance between the nearest dwelling and the proposed detached dwelling is 29 metres, which is considered to be acceptable. Therefore, the proposed development will not have an adverse impact upon the amenity of the neighbouring residents and is in accordance with Policy DC1 of the Rossendale District Local Plan.

Due to the topography of the site, only the first and second floor of the proposed terraced dwellings will be visible and the openings within the proposed dwellings will overlook open land and will have no adverse impact upon the amenity of the occupiers of the dwelling opposite. There are commercial premises to the rear of the site of the proposed development and it is considered that the proposed development will not have an adverse impact upon these premises. Therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

#### Highway Issues

The proposed development has adequate parking arrangements. The terraced dwellings have one space allocated, in accordance with the Council's adopted car parking standards and the detached dwelling has two spaces, again in accordance with the adopted standards. A further two spaces have been allocated for visitor parking. It is considered that the parking arrangements are satisfactory and therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

The highways authority has objected to the access to the proposed development, particularly the junction of the site and Old Lane. It is considered that the sightlines are not adequate and will have an adverse impact upon highway safety. Therefore, the proposed development will have an adverse impact upon existing conditions in the locality and is contrary to Policy DC1 of the Rossendale District Local Plan.

#### Housing Supply

One major issue associated with this application, is one of housing supply. The level of supply is calculated by deducting the total number of completions (992 identified in Housing Land Position Report) from the number of dwellings identified in the Structure Plan (i.e. of 1920), equating to a remaining provision of 928. The number of dwellings with planning permission equates to 1268. Therefore, the number of dwellings with planning permission, in addition to the number of dwellings lost, equates to an oversupply 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).

As per the policy, contained within the Housing Position Statement (as approved at Executive Committee on 17th August 2005), the proposed development will result in a net gain in the number of dwellings within the borough and is not located within the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Area or the Rawtenstall Town Centre Master Plan. Therefore the proposed development is not in accordance with the Housing Position Statement.

## 7. CONCLUSION

The proposed development is contrary to Policies 5 and 12 of the Joint Lancashire Structure Plan and the Housing Position Statement and therefore, the proposed development should be recommended for refusal.

## 8. RECOMMENDATION

That permission should be refused for the following reasons:

1. The proposed development would result in the provision of four dwellings outside of the main development locations, which will not support rural regeneration or has an identified local need and therefore does not comply with Policies 1 and 5 of the Joint Lancashire Structure Plan.
2. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of Policy 12 of the Joint Lancashire Structure Plan 2001 – 2016 and the Housing Position Statement.
3. There are inadequate sightlines at the junction of Old Lane and the site of the proposed development, which will have an adverse impact upon highway safety. Therefore, the proposed development is considered to be contrary to Policy DC1 of the Rossendale District Local Plan as it would have a detrimental effect on existing conditions within the locality.

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