

TITLE: 2005/279 ALTERATION, CONVERSION & REHABILITATION OF FORMER COLLIERY BUILDINGS TO FORM A DWELLING HOUSE AT NABB COLLIERY, OFF DEAN LANE, WATER

TO/ON: DEVELOPMENT CONTROL COMMITTEE 2nd AUGUST 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 4TH JULY 2005

APPLICANT: MR & MRS F AINSWORTH

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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 applicant seeks approval for the alteration, conversion and rehabilitation of former colliery buildings to form a dwelling house. The buildings consist of a red brick wing, which is the former pit head baths and a concrete blockwork wing, which is a barn and occupies the site of the former boiler house, engine house, smithy and offices. Access to the site will be via the existing access off the head of Dean Lane through Turn Hill Farm.

The site falls outside of the Urban Boundary as defined by the Rossendale District Local Plan.

This proposal was requested to be heard by this Committee by a ward Councillor.

Relevant Planning History

2004/429 – Conversion and external alterations to former Colliery Buildings to form dwelling house at Nabb Colliery, Off Dean Lane, Water. REFUSED.

Notification Responses

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

- The applicants no longer have access rights to the site.
- There is no need for more housing within the village of Dean.
- A request that the proposed dwelling is built from stone, which matches existing properties in the area.
- How does conversion to a dwelling increase its status as a heritage site since it would not be accessible to the public anyway.
- The access road is restricted to a width of 9ft 6 inches. This restricted access will affect the passage of emergency vehicles to the proposed dwelling.
- The conversion of this building will have a severe effect on the spring water supply to the surrounding 6 cottages, as the source of the spring is directly below this building. The installation of septic tanks will affect the purity of the spring water.
- The site is a greenfield site and is not sustainably located.

The applicant's agent has submitted a letter in support of this application in which they argue that outline planning permission should be granted for this proposal because:-

- a) The proposed buildings are a unique local asset in the form of one of the last intact and viable remnants of the area's mining heritage.
- b) Well aligned with both Structure Plan and RDLP relating to the change of use/conversion of rural buildings to new uses and the conservation and protection of the important local historic and cultural value which their fabric, presence and associations with the borough's coal mining heritage represents.
- c) Fully reflective and supportive of Structure Plan policy which places significant emphasis on preserving and conserving the essence of the elements which go towards characterisation – unique within Lancashire – of the 'enclosed upland' landscape type to be found only within Rossendale, and not least those features which are associated with the borough's mining past.
- d) The proposed development is if a type of development which will make a positive contribution towards rural regeneration and the enhancement of the rural environment.

Consultation Responses

County Highways

No objections to the proposal.

County Planning Officer

No response.

County Archaeology Service

The former colliery buildings are, as stated on the documentation accompanying the application, of significant local historical and cultural significance and, given the large scale and sweeping removal of pithead structures from mines following the destruction of the British Coal Industry in the late 1970s and early 1980s, the significance of these surviving buildings could be much greater than their scale and

location might otherwise suggest. The proposal to re-use the buildings to ensure that they survive is to be welcomed as there are few material remains surviving from the once extensive mining industry of East Lancashire.

The Lancashire Archaeology Service would therefore recommend that the buildings should be recorded prior to any conversion and that a condition should be placed on any planning permission which is granted.

RBC Forward Planning

The site identified is outside the urban boundary (Policy DS1) whereby:
“The Council will seek to locate most new development within a defined urban boundary - the urban boundary - and will resist development beyond it unless it complies with policies DS.3 and DS.5. The urban boundary is indicated on the proposals map”.

In addition, it is necessary to consider the context to which residential should be granted permission. The Structure Plan was adopted in March 2005 and provides the most recent policy Rossendale has as a material consideration for residential development. Subsequently, advice from Lancashire County Council has been for Rossendale to refuse applications for residential use that contribute a net gain, even if the application is for just a single dwelling as they have a cumulative effect on the housing numbers and Rossendale already has sufficient extant planning permissions to meet the target of 1,920 homes by 2016.

Further to this, in accordance with Regulation 35 (c) of the Town and Country Planning Act 1990 the council has received a Statement of Non-Conformity from Lancashire County Council dated 06/07/2005 identifying that Policy H3 of the Rossendale District Local Plan is not in general conformity with the adopted Structure Plan. Therefore it is identified that the council has an over allocation of housing supply. This issue is being addressed through the emerging Housing Policy Position Statement.

In reference to the historical importance and heritage of the building, advice from the Society for the Protection of Ancient Buildings www.spab.org.uk states that preventative measures rather than corrective measures. In addition, by converting the building to residential use the access to a building of historic importance would be greatly restricted to which an alternative use could otherwise provide, further enhancing the regeneration of the locality.

In reference to these considerations the decision would be to recommend refusal of the application for residential development based on the application being contrary Policies C1 and DS1 and Policy 12 of JLSP through which there are already sufficient planning permissions to achieve the target of 1,920 homes by 2016.

United Utilities

No objections to the proposal.

Environment Agency

No objections to the proposal, subject to the inclusion of conditions.

Development Plan Policies

Rossendale District Local Plan

Policy DS1 (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.*

Policy C1 (Countryside Areas) of the Rossendale District Local Plan states that to enhance rural landscapes, known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes. Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area.

Policy DC1 (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, 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 C6 (Re-Use and Adaptation of Rural Buildings) of the Rossendale District Local Plan. This policy states that the re-use of rural buildings will normally be permitted and will be assessed on Policy DC1 and the following criteria:

- a) that the building form, bulk and general design are in keeping with their surroundings.
- b) in the green belt the building must be genuinely surplus to the present and foreseeable needs of agriculture.
- c) the building is structurally sound and capable of conversion without the need for major alterations which would adversely affect its character and appearance.
- d) the proposed development is carefully detailed and designed to ensure that the essential character of the building is retained, preserved and enhanced.
- e) the affects of the creation of a garden area together with any garaging and car parking facilities does not harm the appearance or function of the area.
- f) the access to the site is to a safe standard or is capable of being improved to a safe standard without harming the appearance of the locality.
- g) the impact of the proposal does not harm the appearance or function of the area.
- h) extensions to such buildings will only be permitted where:
 - i) they are in size, mass and scale ancillary of the existing building, and otherwise necessary to provide a reasonable standard of modern habitable accommodation.
 - ii) they are so designed and located, and are of matching materials of construction such that they reflect and enhance the character of the existing building.

Policy T4 (Car Parking) of the Rossendale District Local Plan 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.

Joint Lancashire Structure Plan 2006 - 2016

Policy 1 (General Policy) of the Joint Lancashire Structure Plan states that: Development will be located primarily in the principal urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving:

- a) the efficient use of buildings, land and other resources;
- b) high accessibility for all by walking, cycling and public transport, with trip intensive uses focussed on town centres;
- c) a balance of land uses that helps achieve sustainable development;
- h) rural regeneration;

Other development to meet an identified local need or support rural regeneration outside principal urban areas, main towns, key service centres (market towns) and strategic locations for development will be acceptable in principle.

Policy 5 (Development outside of principal urban areas, main towns and key service centres (market towns)) of the Joint Lancashire Structure Plan states that:

Development outside of the principal urban areas, main towns and key service centres (market towns) will be of a scale and nature appropriate to its location and will mostly take place in villages and other settlements identified in local plans/local development frameworks.

Development will support rural and urban regeneration by meeting an identified local need for housing or community services or by providing for local employment opportunities that maintain, or strengthen and diversify the local economy, including farm diversification and sustainable tourism development.

Policy 12 (Housing Provision) 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.

Parking standards require the provision of a maximum of two car parking spaces for dwellings with between two and three bedrooms, and three spaces for dwellings with in excess of 4 bedrooms

Other Material Planning Considerations

PPG1 (General Policy and principles)

Government guidance in the form of PPG1 emphasises that development should be sustainable and states that there is a need to achieve a balance between promoting economic prosperity and protecting the natural and built environment. It also identifies ways in which mixed use development can be promoted, and provides advice on design matters.

Paragraph 7 states that “Urban regeneration and re-use of previously- developed land are important supporting objectives for creating a more sustainable pattern of development. The Government is committed to:

- a) concentrating development for uses which generate a large number of trips in places well served by public transport, especially in town centres, rather than in out of centre locations; and

- b) preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of Greenfield sites.”

PPG3 (Housing)

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

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”*.

Annex C states that *“Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed infrastructure.”*

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.

PPS7 (Sustainable Development in Rural Areas)

Paragraph 9 states that *In planning for housing in rural areas, local planning authorities should apply the policies in PPG3. They should:*

- i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people.*
- ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.*

Paragraph 17 states that *The government’s policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes would be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. These criteria should take account of:*

- the potential impact on the countryside and landscapes and wildlife;*
- specific local economic and social needs and opportunities;*
- settlement patterns and accessibility to service centres, markets and housing;*
- the suitability of different types of building, and of different scales, for re-use;*
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.*

PPG13 (Transport)

Government guidance in the form of PPG13 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.”*

PPG15 (Planning & the Historic Environment)

PPG15 does not attempt to give policy guidance in respect of buildings that are not statutorily protected, nor does it contribute towards consideration of buildings of local historic or architectural interest.

PPG16 (Archaeology and Planning)

PPG16 fails to address archaeology in a local context and only addresses statutorily protected sites and buildings.

Planning Issues

The location for the proposed development is outside the urban boundary and therefore the proposal is contrary to Policies DS1 and C1 of the Rossendale District Local Plan. However, PPS7 (Sustainable Development in Rural Areas) states that 'the government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside, where this would meet sustainable development objectives'. Therefore the principle of the proposed development is in accordance with PPS7.

The proposed development complies with the Council's adopted car parking standards and it should be noted that the highways authority have no objections to the scheme. Therefore, the proposed development is in accordance with Policy T4 of the Rossendale District Local Plan.

The proposed development involves the conversion of a former colliery building, which was last used for agricultural purposes. Whilst acknowledging the agent's view that the site should be defined as 'brownfield', it is considered that the last known use, remains the current use for the site. Therefore, the proposed development is designated as 'greenfield', which is contrary to PPG3 (Housing).

The location for the proposed development is not sustainable, as it has no access to a bus service and would create a reliance on the car, which is contrary to PPG3 (Housing) and PPG13 (Transport) and Policy 1 (b) of the Joint Lancashire Structure Plan.

The structural survey, which accompanied the original application for this site, states that, 'in structural terms, there are no reasons why satisfactory refurbishment cannot be carried out providing the normal good practices of lateral restraints and appropriate detailing is carried out'. However, it is proposed to demolish the concrete blockwork wing of the building and replace with new build. It is acknowledged that the extensions to such buildings will be permitted where they are so designed and located, and are of matching materials of construction such that they reflect and enhance the character of the existing building, it is considered that the proposed extension will radically alter the appearance and character of the buildings and therefore, the proposed development is contrary to Policy C6 of the Rossendale District Local Plan.

The site and buildings have been described by the agent as clearly visible on the hillside from Dean Lane on the approach to Water Village and being located in an open rural setting, amidst land, which was last used for the purposes of agriculture. It is considered that the creation of a curtilage and parking area would have a

detrimental impact upon the open character of the area. The proposal is therefore contrary to Policy C6 of the Rossendale District Local Plan.

The proposed development is located within the countryside. Policy 5 of the Joint Lancashire Structure Plan states that development within such areas must support rural regeneration by either meeting an identified local need for housing or by providing local employment opportunities that maintain, or strengthen and diversify the local economy. Based on the information submitted, it is considered that there is no evidence to suggest that the proposed development is required to meet an identified local need for housing and will not provide employment opportunities. Therefore, the proposed development is contrary to Policy 5 of the Joint Lancashire Structure Plan.

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, despite the applicant's agents views to the contrary, that the additional 4 dwellings proposed by this application are not currently required to meet the housing land provision of the Borough.

Recommendation

That planning permission is refused for the following reasons:

Reasons

1. The proposed building is not capable of conversion without alteration and extensions and it is considered that this would adversely affect the character and appearance of the buildings. Therefore, the proposed development will fail to accord with Policy C6 of the Rossendale District Local Plan.
2. The buildings, were last used for agricultural purposes and are defined as 'greenfield'. Therefore, their use for residential development does not accord with the sequential approach promoted in PPG3 (Housing) and Policy 1 of the Joint Lancashire Structure Plan.
3. The application does not perform well from a sustainability point of view and would encourage car dependency. For these reasons, the proposed development does not accord with Government guidance in the form of PPG3 (Housing) and PPG13 (Transport) and Policy 1 (b) of the Joint Lancashire Structure Plan.
4. 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.
5. The proposed development would result in the provision of a dwelling in a rural area, which is neither supportive of rural regeneration or relates to an identified local

need and therefore does not comply with Policies 1 and 5 of the Joint Lancashire Structure Plan.

Local Plan Policies

DS1
C1
C6
DC1
T4

Structure Plan Policies

Policy 1
Policy 5
Policy 12