

**Application No:**  
2006/590

**Application Type:** Outline

**Proposal:** Demolition of existing property  
& erection of two dwellings

**Location:** 12 Garth Edge, Whitworth

**Report of:** Development Control  
Team Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 5 December 2006

**Applicant:** Mr P Sastawnyuk

**Determination Expiry Date:**  
25 December 2006

**Agent:** 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: During the consideration of the previous planning application no. 2006/456 at their meeting on 10<sup>th</sup> October 2006, Members of the Committee stated that they would be happy to see 2 properties on the site of the derelict building at Garth Edge. This application should therefore be referred to the Committee for consideration as I feel the latest proposal would help enhance the area.

**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.

## **1. APPLICATION DETAILS**

### **1.1 The Proposal and the Site**

The application site, approximately 0.1 hectares in area, is located within the urban boundary. The site comprises the curtilage of a detached bungalow which is presently derelict and boarded up. The bungalow is located at a lower level compared with the road (Garth Edge) and is surrounded by a farm house in the front, a row of residential dwellings along its easterly side and a commercial building to the rear.

The application is made in outline and seeks approval for the erection of two detached dwellings. Although, a schematic layout has been submitted with the application this is only for illustration purposes. The detail concerning layout, design, means of access, landscaping etc has been reserved for considerations at the Reserved Matters stage.

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

In support of the application, the applicant states that if permission is granted, the proposed development would result in numerous positive benefits for the community and the area. The applicant believes that the approval of the proposal would be justified for the following reasons.

- 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.
- This is a housing windfall site and only one additional house is being proposed (there already being one in existence). This hardly threatens the council's stance on housing market restraint.
- 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 any case, one extra house will not destroy the Council's policy.

- 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.
- Approvals have been granted recently by the Committee for much larger numbers of houses. These have included the approval of 45 dwellings at Eastgate in Whitworth.
- The opportunities for further housing development in Shawforth are severely limited.
- The applicant is happy to accept a condition requiring construction in stone and slate.
- There is a footpath down the side of the land and the applicant would like to surface it as part of the proposal. In addition the development will allow for the widening of the footpath along the front of the site as previously suggested by County Highways.
- The design requirements as previously stated by County Highways can be met.
- The applicant is involved in a company which deals with a range of energy efficiency measures including heat pumps and recycling of water. The applicant wants to use these to make the houses more affordable in terms of running costs for the occupiers.

In summary, the application states that the proposed development is more compliant than other recent housing approvals with the Council's and Government's policies. The proposal ticks all the sustainability boxes and there would be distinct visual/residential amenity and highway safety gains

for limited number of houses. 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. The Council is urged to give these important material planning considerations significant weight and approve planning application.

## **2. RELEVANT PLANNING HISTORY**

Outline planning application 2006/456, for the demolition of existing property and erection of a detached dwelling and three terraced dwellings at 12 Garth Edge, Whitworth, was refused on 10 October 2006 for the following reasons:

1. The proposed development would result in the provision of three 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. POLICY CONTEXT**

### Rossendale District Local Plan

Policy DS1- Urban Boundary

Policy DC1 – Development Criteria

Policy DC4 - Materials

### Joint Lancashire Structure Plan

Policy 1 – General Policy

Policy 5 – Development Outside of Principal Areas etc.

Policy 12 – Housing Provision

### Other Material Planning Considerations

PPS 1

PPG 3

PPG 13

LCC Parking standards

RBC Housing Position Statement

## **4. CONSULTATIONS**

LCC (Highways) has no objection subject to :

1. Sight lines to be approved on receipt of detailed drawings.
2. Parapet wall on top of the retaining wall to be less than 1m high and splayed to maintain sight lines.
3. One way signs to be erected.
4. Turning-head is amended to accord with LCC standards.

Whitworth Town Council

No response to date.

Environment Agency

No response to date

## **5. REPRESENTATIONS**

Site notices were posted and the relevant residents notified by an individual letter. Two letters raising objection to the proposal have been received from the residents of Old Lane. The following points have been raised:

1. The proposed development will increase traffic on Old Lane, a single carriage one way street.
2. The proposed access driveway to Old Lane will be on a sharp gradient which would cause problems especially during winter for the users of Old Lane.
3. The application refers to Old Lane as having pavements on both sides. This statement is misleading as there are no pavements along Old Lane.
4. Whilst it is accepted that the existing bungalow suffered some minor fire damage, however, the property can be brought back to habitable standard with necessary repairs work.
5. The untidy condition of the premises has been caused by the rubbish tipped by the present owner of the site.
6. The proposed location for house no. 2 was originally a garage which was demolished and the area filled with infill to provide a more accessible drive.
7. There is a large water culvert running under the proposed replacement for the existing bungalow. I am concerned that the building of a retaining wall will stop the flow of water and divert it to the surrounding properties.

## 6. ASSESSMENT

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

1. Principle of the development
2. Neighbour amenity
3. Highway issues
4. 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 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. It is considered that the proposal will create one additional 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 application is made in outline and the submitted scheme showing details of the proposed layout is schematic and for illustration purposes only. In view of this, it is difficult to assess the impact of the scheme with regard to the amenities of the adjacent properties. The issues raised by the residents relating to highway safety, culvert running under the site etc. could be considered at the Reserve Matter stage.

### Highway Issues

Four car parking spaces, two spaces for each dwelling and two spaces for visitors, have been proposed in the scheme. It is considered that the proposed development has adequate parking arrangements which are in accordance with the Council's adopted car parking standards. It is therefore considered that the proposed parking provision in the scheme is satisfactory and the proposed development is in accordance with the criteria of Policy DC1 of the Rossendale District Local Plan.

The highways authority has raised no objection to the proposal. However, it has raised concerns with regard to the sight lines, height of the proposed

parapet wall, vehicular turning area etc. It is considered these issues can be resolved at the Reserved Matter Approval Stage.

### Housing Supply

The main 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.

In the supporting statement following Policy 12 of the Structure Plan it states that : *"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"*.

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"*. Nor has the Draft Regional Spatial Strategy progressed to the stage that its contents can have greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

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 increase in the number of dwellings to be erected on the site - whilst the number of dwellings specifically proposed by this application is not great, the Council needs to be mindful of the cumulative impact.
- Does not lie within the boundary of either of the emerging AAP's.
- Will not harm the character of any Listed Building or Conservation Area, etc.
- It is accepted that the proposed site is a brownfield site , however, the "regeneration" credentials of the proposal are not considered such as to warrant an exception to policy.
- The Applicant has not shown adequately how the provision of the additional house meets an identified local housing need. Nor has the applicant given any indication that the intended dwellings will be provided/retained as affordable or special needs housing (as defined in PPG3 and the Structure Plan).

Thus, the proposal is contrary to certain of the criteria of 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. It is considered that the arguments put forward by the applicant in support of the proposal do not sufficiently outweigh the presumption of refusal based on policy grounds. It is therefore, recommended that the proposed development be refused planning permission.



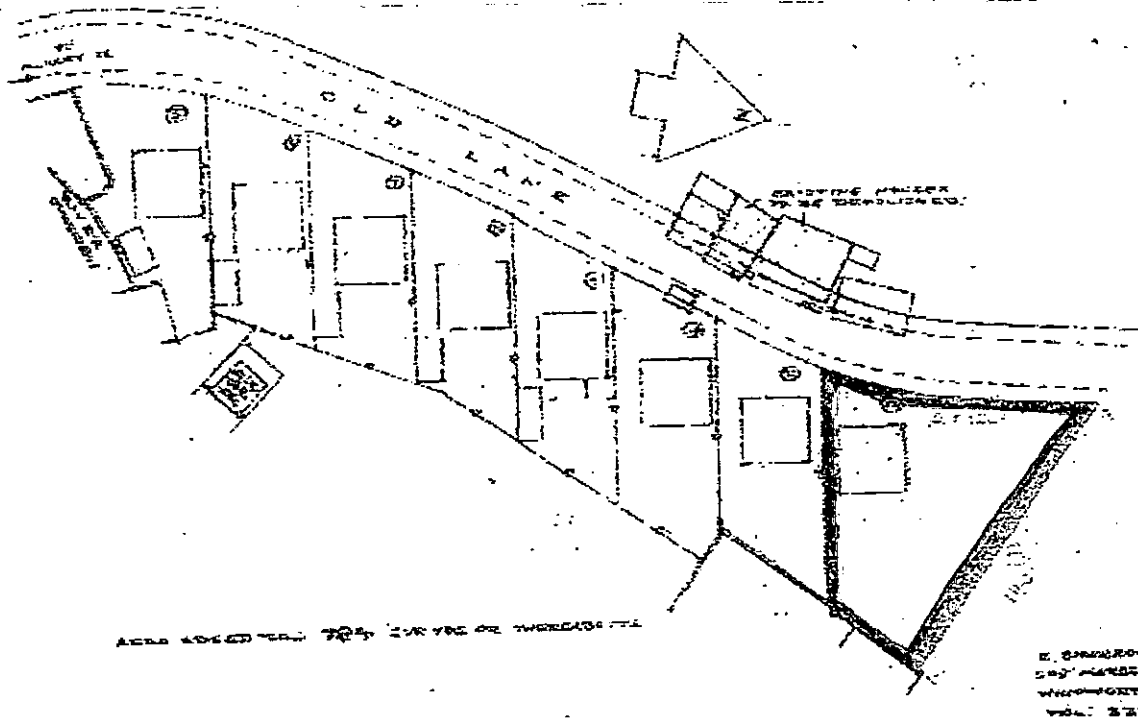
## 8. RECOMMENDATION

That Outline Permission be refused for the following reasons:

1. The proposed development would result in the provision of an additional dwelling 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 adopted 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 adopted Joint Lancashire Structure Plan 2001 – 2016 and the Council's Housing Position Statement.

<b>Contact Officer</b>	
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THE PLAN REFERRED TO



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30 OCT 2006