

TITLE: 2005/337 - CHANGE OF USE FROM RESIDENTIAL HOME FOR THE ELDERLY TO PRIVATE DWELLING, TOGETHER WITH THE ERECTION OF A DETACHED GARAGE, CLOSURE OF EXISTING ENTRANCE AND FORMATION OF NEW DRIVEWAY AT THE GRANGE 525 NEWCHURCH ROAD ROSSENDALE LANCASHIRE BB4 9HH

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 2 AUGUST 2005

BY: TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT : MR & MRS F W BROMLEY

DETERMINATION EXPIRY DATE : 26 JULY 2005

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.

This application has been requested to be heard at this Committee by a ward Councillor.

Site and Proposal

This proposal seeks consent to change the use of a home for the elderly (Use Class C2) to a private dwelling together with the erection of a detached garage. The proposal also involves the closure of the existing entrance and the formation of a new driveway. The nursing home closed earlier this year and is a substantial detached building in extensive grounds with sufficient car parking to accommodate family requirements.

Relevant Planning History

None

Consultation Responses

Environment Directorate (Highways) – No objection

Forward Planning – Raises a policy based objection in relation to a current over-supply of housing permissions in the Borough.

Notification Responses

No letters have been received commenting on the proposal. The applicant has, however, written in support of the proposal and makes the following comments

“Our main concern is that The Grange, a building of considerable prestige if left in its present state ie unoccupied for any length of time is a target for vandals and runs the real risk of falling into a state of disrepair. Although we know this cannot be a consideration for you it is also causing us a great deal of personal stress which only serves to compound what has already been the most traumatic period of our lives ie the closure of The Grange. We would be grateful to receive any advice you may be able to offer us”.

Development Plan Policies

Rossendale District Local Plan (adopted 1995)

DS1 - 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.

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 states that development should be located primarily within the principal urban areas, main towns, key service centres (market towns) and strategic locations for development. Development outside of these areas will be deemed acceptable in principle if it meets an identified local need or supports rural regeneration. In all cases the proposals must satisfy certain specified criteria.

Policy 12 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.

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”*.

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.

Planning Issues

The first issue for consideration is the land use designation. The site is located wholly within the urban boundary. It is considered therefore that the principle of development on this site is acceptable. The site is a brownfield site (a residential institution and associated curtilage) and as such, PPG3 is relevant.

The property has been used as a residential home for the elderly for some considerable time and has recently closed as a result of legislative changes and the resultant costs involved in reaching the required standards. In addition, the business also had to take account of a revised County Council position which has led to fewer and fewer elderly people being able to take advantage of residential care.

In land use terms, the proposal is considered to be acceptable. However, despite the points made in support of the application by the applicant, it is considered that in view of the current housing supply issues within the Borough, the application does not demonstrate very special circumstances or need and is therefore considered to be contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan. The policy requires the provision of 1,920 dwellings over the plan period and specifies an annual average dwelling provision in the period 2001-2006 equivalent to 1,100 dwellings. Total housing completions 2001-September 2003 amounted to 431 dwellings. Additionally, the County has previously commented that as at 1 October 2003 there were existing planning permissions for 1,606 dwellings and based on these figures it concludes that there are sufficient residential planning permissions to meet the Borough Council's housing requirement to 2006.

Summary of Reasons for Refusal

The proposed development will contribute to the over-provision of housing in the Borough, contrary to Policy 12 of the recently adopted Joint Lancashire Structure Plan, and there are no other material considerations of sufficient weight to tip the balance in favour of a permission.

Recommendation

That the application be refused for the reason given below.

Reason for Refusal

The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan. No or insufficient justification has been advanced to otherwise warrant the grant of permission for the proposed development.

Background documents

Adopted Joint Lancashire Structure Plan 2001-2016
Planning Policy Guidance Note 3
Rossendale District Local Plan 1995