

**Application No:** 2006/556

**Application Type:** Full

**Proposal:** Continuation of use as builders yard and erection of dwelling

**Location:** Land off Underbank Road, Rising Bridge, Haslingden, Rossendale

**Report of:** Development Control Team Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 6 February 2007

**Applicant:** Mr D Laraway

**Determination Expiry Date:** 30 November 2006

**Agent:**

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

X

Name of Member:

Cllr Dickinson

Reason for Call-In:

To facilitate further discussion in relation to the proportionate nature of the extension

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**

### **1.1 The Site**

This proposal would be located within the urban boundary adjacent to an existing employment site, on land adjacent to Underbank Farm. The plot is roughly rectangular and would be accessed by an existing access to the farm. The site is bounded by mature trees and adjoins the neighbouring site's vehicular access.

### **1.2 Relevant Planning History**

2003-757 – Erection of a three bed dwelling attached to Underbank Farm. Approved 20 December 2003.

### **1.3 The Proposal**

The proposal would be for a new dwelling on the site which would be split level. The property would be three storey at the front with a garage at basement level and two storey at the rear. The new dwelling would provide a four bedroom property and it is intended to construct the building in natural stone under a blue slate roof. The proposal also makes reference to the continued use of the site as a builder's yard.

### **1.4 Policy Context**

#### **Rossendale District Local Plan (Adopted 1995)**

- DS1 - Urban Boundary
- DC1 - Development Criteria
- DC4 - Materials

#### **Joint Lancashire Structure Plan (Adopted 2005)**

- Policy 1 - General Policy
- Policy 7 - Parking
- Policy 12 - Housing Provision

#### **Other Material Planning Considerations**

- PPS 1
- PPS 3
- LCC Parking Standards
- Interim Housing Policy Position Statement

## **2. CONSULTATIONS**

### **LCC(Highways)**

The County Highways Officer recommends refusal of this application on access grounds.

### 3. REPRESENTATIONS

One letter of representation has been received which makes the following points:

- Use of the premises as a business
- Access to the site

### ASSESSMENT

The main issues to consider are :

- 1) Principle of development
- 2) Access/Parking
- 3) Neighbour Amenity

#### Principle of Development/Housing Supply

This proposal is within the urban boundary and as such, it accords with Policy DC1 of the Rossendale District Local Plan which requires all new development to be within a defined urban boundary.

However, 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 that the Council would over-shoot its housing allocation and any 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."*

Further, 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."*

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

- An increase of the number of dwellings which would exacerbate the current oversupply as outlined in Policy 12 of the Adopted Joint Lancashire Structure Plan.
- Does not lie within the boundary of the Rawtenstall town centre masterplan (AAP).
- Will not harm the character of any Listed Building or Conservation Area, etc.
- Does not provide any "regeneration"
- The Applicant has not shown how the provision of an additional detached dwelling meets an identified local housing need. Further, the applicant has not 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 criteria of the Housing Position Statement.

#### Access/Parking

The site is access from a narrow adopted highway on which on street car parking takes place, further narrowing the access to the site. The immediate access to the site

is particularly narrow and the County Highways Officer comments “Vehicular access and turning area would be inadequate for larger vehicles or vehicles equipped with street light access platforms. On this basis, refusal is recommended”. The applicant’s supporting statement comments that “All road going plant would be of a size to enter/exit the normal sized opening of the ground floor garage. No other access to the rear of the site is requested “ and revised plans have been prepared depicting an enlarged turning area, The County Highways Officer reaffirms his view despite these amendments.

### Representations

One letter of representation has been received, making the points listed above.

The use of the new building has been clarified as “All work is undertaken on “working sites”, no amenity impacting operation will take place from these premises, nor will serve for the deliveries of building materials. Simply an office and a small light storage area are required “. The principal use of the building would, however, be as a dwellinghouse and for the issues discussed above, the proposal would be contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan and the adopted Housing Policy Position Statement.

## **5. CONCLUSION**

It is considered that the proposed dwelling would be contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan and as such would be recommended for refusal taking into consideration the issues raised above. Additionally, according to the Council’s records, use of part of the site as a builder’s yard has never been authorised.

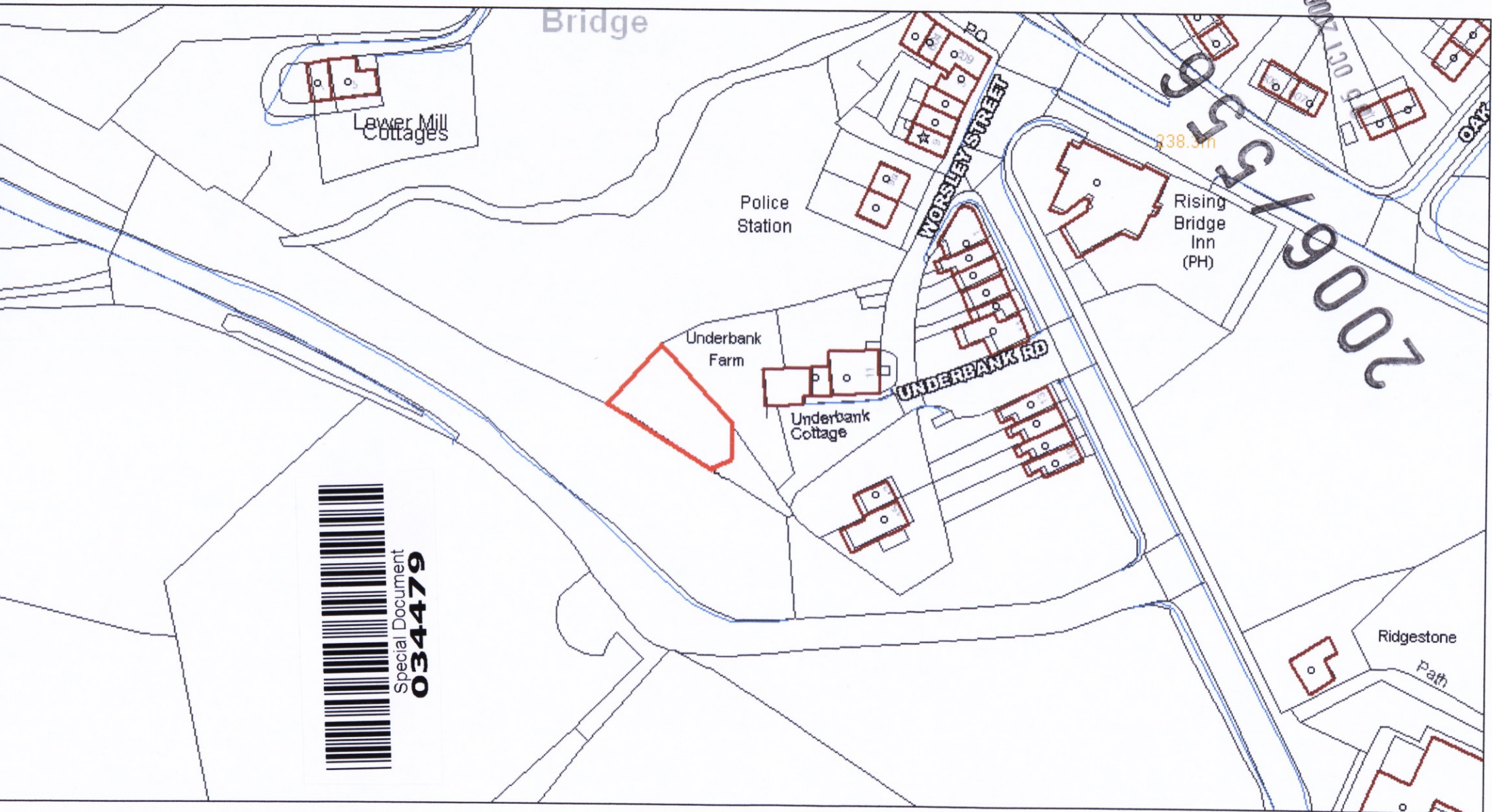
## **6. RECOMMENDATION**

That permission be refused for the following reasons:

1. It is considered that the development is not currently required to meet the housing requirement 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 Policy Position Statement.

2. It is considered that the access leading to the site is unsuitable due to its width and further is considered unsuitable for the traffic which would be likely to be generated by this proposal. As such the proposal would be detrimental to existing conditions in the area and therefore contrary to Policy DC1 of the Rossendale District Local Plan.

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