

<b>Application No:</b> 2006/556	<b>Application Type:</b> Full
<b>Proposal:</b> Erection of dwelling	<b>Location:</b> Land off Underbank Road, Rising Bridge, Haslingden
<b>Report of:</b> Head of Planning, Legal and Democratic Services	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 6 March 2007
<b>Applicant:</b> Mr D Laraway	<b>Determination Expiry Date:</b> 30 November 2006

**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.

**INTRODUCTION**

Members will recall that consideration of this application at the last meeting of Committee was deferred as concern was expressed about the existing/proposed use of the site as a builder's yard.

Following discussion with the applicant's agent the Description of Proposed Development has been amended : Permission is now sought only for erection of a dwelling, reference to the continued use of the site as a builders yard has been deleted.

## **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. It should be noted that this application relates to the neighbouring property and that it has been constructed.

### **1.3 The Proposal**

The proposal is for erection of a dwelling, 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, constructed in natural stone under a blue slate roof.

### **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
- RBC Housing Policy Statement
- RBC Housing Land Monitoring Report

## **2. CONSULTATIONS**

LCC(Highways) originally recommended refusal of this application on access grounds. The commercial element of the proposal having been deleted it no longer has objection in principle to the application.

## **3. REPRESENTATIONS**

One letter of objection was received from a local resident in respect of the originally submitted proposal, expressing concern about :

- Use of the premises for business purposes
- Unsuitable access to the site

## **ASSESSMENT**

The main issues to consider are :

1) Principle of development; 2) Housing Policy; 3) Access/Parking; & 4) Neighbour Amenity.

### Principle of Development

This proposal is within the Urban Boundary and, as such, it accords with Policy DC1 of the Rossendale District Local Plan.

### Housing Policy

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 220 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.*"

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:

- Will result in an increase in the number of dwellings.
- Does not lie within the boundary of either of the identified Regeneration Priority Areas.
- Will not harm the character of any Listed Building or Conservation Area, etc.
- Does not provide any significant "regeneration" benefit.
- The Applicant has not shown adequately how the provision of the additional house meets an identified local housing need (e.g. as affordable or special needs housing, as defined in PPS3 and the Structure Plan).

Thus, the proposal is contrary to the criteria of the Housing Position Statement. Nor does the proposal make "an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project", as referred to in relation to Policy 12 of the Structure Plan.

The recent appeal decision in respect of a proposal for a dwelling at 4 Daneswood Avenue, Whitworth is also worthy of note; a copy of the Planning Inspectorate's decision letter is to be found below, appended to the Appeals Update Report. In short, Application 2006/182 proposed erection of a 3-bed detached house, with a single garage, within the Urban Boundary of Whitworth. The application was refused permission for 2 reasons : 1) housing over-supply; & 2) lack of the facility to park 2 cars clear of the highway. The appeal against this decision was dismissed by the Planning Inspectorate on 5 February 2007. Having considered the case of the appellant about why the proposal ought not to have been refused on the grounds of housing over-supply the Inspector states : *"...neither that, nor the previous outline permission for a dwelling on the appeal site which has lapsed, would justify overriding the approach adopted by the Council to manage the supply of housing. Whilst it could be argued that permission for a single dwelling would not compromise the overall level of provision, the cumulative effect of such decisions would prejudice the housing*

*strategy and I conclude on this issue that the proposal would be contrary to Policy 12 of the Structure Plan and Policy 1 of the Revised Interim Housing Position Policy.”*

#### Access/Parking

The site is accessed 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. However, the Highway Authority does not consider an application proposing erection of only the dwelling could be refused on highway/traffic grounds. If permission is to be granted conditions should be imposed to ensure the provision of adequate off-street parking/turning facilities for vehicles.

#### Neighbour Amenity

The one letter of objection received related to the business use the applicant wished to retain on the site and the traffic it would generate. As indicated above, permission is no longer sought for the retention of business use at the premises.

I am satisfied that the proposed dwelling would not detract to an unacceptable extent from the amenities of any neighbour.

### **5. CONCLUSION**

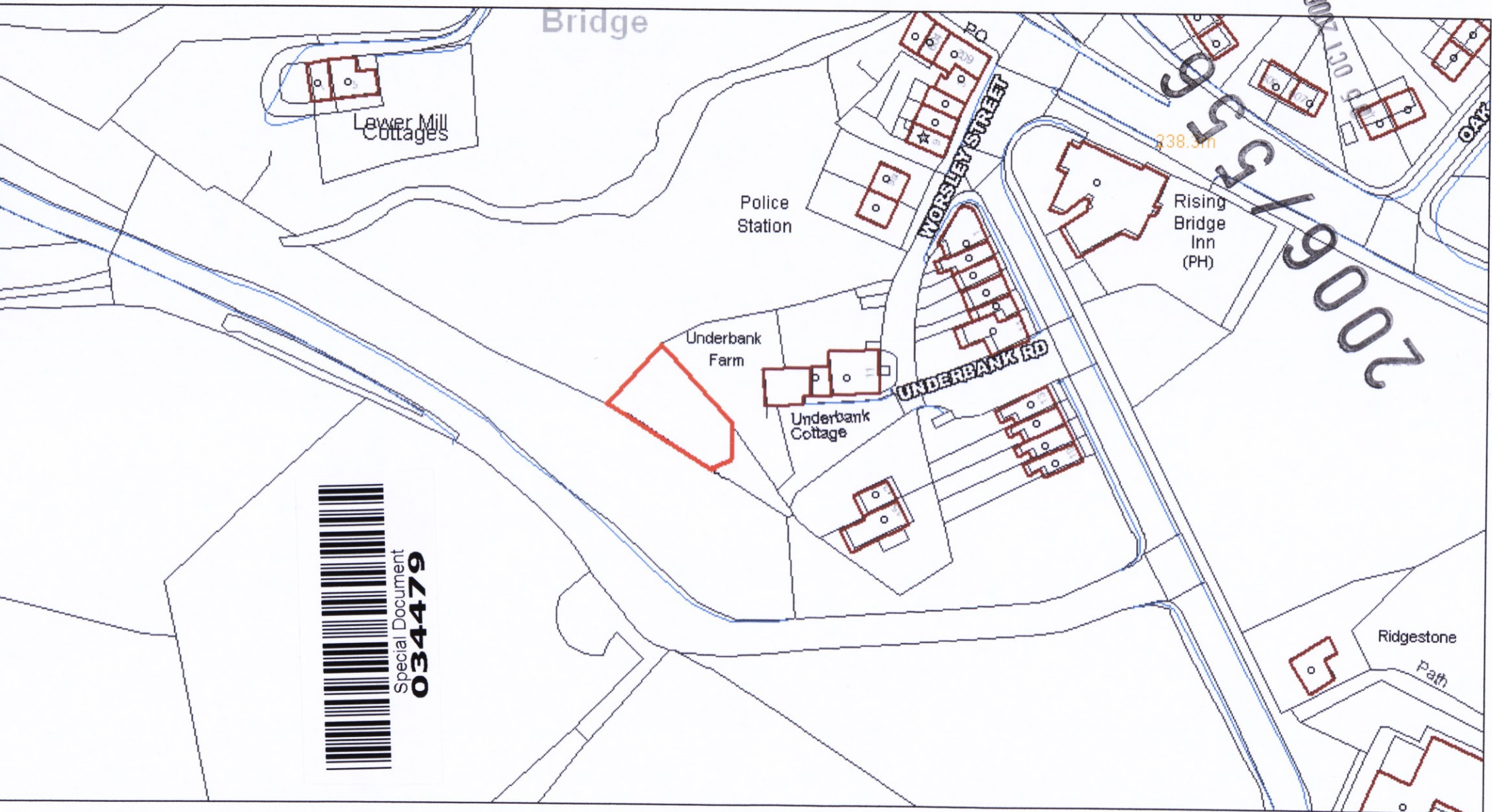
It is considered that the proposed dwelling would be contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan and as such would be recommended for refusal taking into consideration the issues raised above.

### **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 PPS3, Policy 12 of the adopted Joint Lancashire Structure Plan 2001 - 2016 and the Council's Housing Policy Statement.

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Bridge

Lower Mill Cottages

Police Station

Underbank Farm

Underbank Cottage

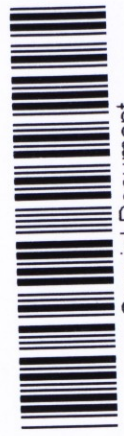
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Rising Bridge Inn (PH)

Ridgestone Path

WORSLEY STREET  
UNDERBANK RD

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