

Application No: 2007/009	Application Type: Full
Proposal: Conversion of existing building to form 6 apartments and 3 town houses (including 3 no 1 bed apartments and 3 no 2 bed town houses)	Location: Packhorse Farm, Market Street, Edenfield
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 6 March 2007
Applicant: Mr. R Nuttall	Determination Expiry Date: 7 March 2007
Agent: Hartley Planning & Development Associates Ltd	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

Name of Member: Councillor Darryl Smith
Reason for Call-In: Committee should take into account the likely effects on the street scene if the application is refused and the building then remains empty and falls into disrepair.

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.

APPLICATION DETAILS

1. The Proposal and the Site

The planning application site comprising a farm barn and rear yard area, is located at Pack Horse Farm, fronting to Market Street (B6257). The barn is a

two-storey structure and is constructed in natural stone, with stone slab roof. There are a number of windows and doors on both the front and rear elevations, including two wagon-openings on the rear. Access to the rear of the barn is gained via a gap between the barn and the adjacent residential property, 166 Market Street.

The proposal involves the conversion of the barn into 6 apartments and 3 houses, each to have 2 or 3 bedrooms. Access to certain of the units would be via an external staircase to the rear.

It is proposed that the southern part of the barn be demolished to improve the existing access and sightlines. A parking area to provide 2 car parking spaces per apartment is proposed to the rear of the building and will enable vehicles to enter and leave the site in forward gear.

In support of the application, the applicant says:

1. The site is located within the Urban Boundary and is therefore is a "brownfield site".
2. The site is adjacent to the main bus route and close to community and other services including the primary school and local shops.
3. The proposal makes use of the existing building which has no further agricultural use.
4. The building is structurally sound and capable of conversion.
5. The proposed use accords with the national, regional and local policy.
6. Similar conversions have been approved throughout the Borough in recent months, and other land and buildings adjoining the application site have been approved for conversion to dwellings and for new housing.

2. Relevant Planning History

There is no relevant planning history in respect of the application site. However, permissions have been granted in recent years for new/replacement agricultural buildings (to serve Pack Horse Farm) to be erected in the countryside to the east of the application site. The applicant has also received permissions to convert other buildings in the vicinity of the application site to residential use. Most recently the applicant was granted Outline Permission for residential re-development of Pack Horse Garage, which is situated approximately 20m to the north of the site of the current application. Application 2005/543 was recommended for refusal by Officers on the grounds of housing oversupply, but was permitted at the meeting of Committee on 6 December 2005.

3. Policy Context

Rossendale District Local Plan

Policy DS1 – Urban Boundary

Policy DC1 – Development Criteria

Policy DC2 - Landscaping

Policy DC4 - Materials

Joint Lancashire Structure Plan

Policy 1 – General Policy
Policy 5 - Development Outside of Principal Urban Areas, Main Towns & Key Service Centres
Policy 12 – Housing Provision

Other Material Planning Considerations

PPS 1
PPS 3
PPG13
RPG13
Draft RSS

LCC Parking Standards
RBC Housing Position Statement
RBC Housing Land Position Monitoring Report

4. CONSULTATIONS

LCC(Highways) has raised no objection in principle to the proposal, but has made the following comments of detail:

1. A space of 6m is required between parking spaces to allow for manoeuvring.
2. The turning head should be constructed in a form to discourage parking within it.
3. There is no adequate footpath provided to the south side of the access road onto Market Street .

RBC(Environmental Health) - No objection

5. REPRESENTATIONS

Seven letters have been received from local residents, six in support and one raising concerns about the proposal.

The comments made in the support of the application include:

- The redundant barn is in need of expensive structural repair works which would neither be economical nor render the building suitable for modern farming practices.
- The change of use of the barn to residential would improve my outlook.
- The building is an eyesore in a beautiful village and its conversion to residential would improve the area and increase the value of the surrounding properties.
- The appearance of the building has deteriorated and it would more beneficial to allow it to be turned into residential.

The comments made against the proposal include:

- The development is grossly high density with too many parking spaces.
- Parking in the vicinity is at a premium, particularly at peak times.
- What is happening to the caravans, general vehicles and portal cabins to the rear of the site?
- I am concerned about the additional traffic, noise and pollution likely to generated by the proposed development.

- Two new windows at the gable end of the barn would overlook my property.
- The proposed bin store is to be located only 5m from the boundary of my property (i.e. no. 150 Market Street). I am concerned about the household waste from 9 dwellings stored near my property.

6. ASSESSMENT

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

1) Principle; 2) Housing Supply; 3) Neighbour amenity; 4) Design/Appearance; & 5) Highway Issues.

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.

However, Edenfield is identified in the Structure Plan as a settlement to which Policy 5 applies, wherein development must be of a scale and nature appropriate to its location and will support regeneration by meeting an identified local need for housing or community services or by providing for local employment opportunities. The applicant has not adequately shown how the proposed development will support regeneration or meet an identified local need for housing.

National, regional and Structure Plan policy encourage re-use of previously developed (ie 'brownfield' land). However, Government guidance indicates that land or buildings used for agriculture do not constitute 'brownfield' land. In this respect the proposal is not supported by policy.

The site is moderately accessible, being quite some distance from a key service centre, but on a bus route and with a public house and school nearby.

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 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 the contention that the Council would over-shoot its housing allocation and that 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 Council's own Housing Position Statement.

The application proposal:

- Does 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.
- The land/building to which this application relate do not presently appear so unsightly that the proposed development would bring significant regeneration benefits. Nor has it been adequately shown that it cannot be put to some beneficial agricultural use, or that only with conversion to residential use can the building be retained and re-used.
- The Applicant has not shown adequately how the provision of the additional houses meet 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 certain of the criteria of the Housing Position Statement. Nor has the case been made in this instance to warrant permission being granted as an exception to Policy 12.

This application proposes significantly more dwellings. However, the recent appeal decision in respect of a proposal for a single 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.*"

Neighbour Amenity

The site is located between properties 150 and 160 Market Street. There are no residential properties located directly opposite to the site. To the rear there is a yard and open land beyond.

In view of the comments raised by the residents of 150 Market Street, the applicant has revised the scheme to :

- a) remove the windows originally proposed on the gable end of the barn facing the gable wall of no. 150. As such, the gable of the barn facing the gable of no. 150 Market Street would be blank.
- b) provide a hardstanding area on both sides of the improved access to the proposed off-street parking to the rear
- c) relocate bin store away from the rear of no. 150 Market Street along the side of the proposed parking area and to relocate cycle store close to the application building.

In view of the proposed amendments to the scheme, it is considered that most of the concerns expressed by the residents of 150 Market Street have been adequately addressed.

As amended, it is not considered that the proposed development will cause unacceptable detriment to the amenities of any neighbour.

Design/Appearance

Although a part of the barn would be demolished, and a number of new openings formed, the main structure both in terms of its design and form would remain largely unaltered. As the building is located amongst

residential/business properties on the main road the proposed are considered compatible with the character of the adjacent properties and character of the area.

Highway Issues

The access to the site is via an existing gap between the application building and the adjacent residential property, 150 Market Street. It is proposed that part of the southern gable the building would be demolished to improve access and visibility and to provide a footpath. The Highways Authority has raised no objection to the proposed access arrangements.

Eighteen car parking spaces, two spaces per dwelling, have been proposed. This accords with the adopted Car Parking Standards.

7. CONCLUSION

The proposed development is contrary to Policies 5 and 12 of the Joint Lancashire Structure Plan and the Council's 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 planning permission be refused for the following reasons:

1. The proposed development would result in the provision of additional dwellings outside of the main development locations, which will not adequately support regeneration or meet 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 PPS3, Policy 12 of the adopted Joint Lancashire Structure Plan 2001 – 2016 and the Council's Housing Position Statement.

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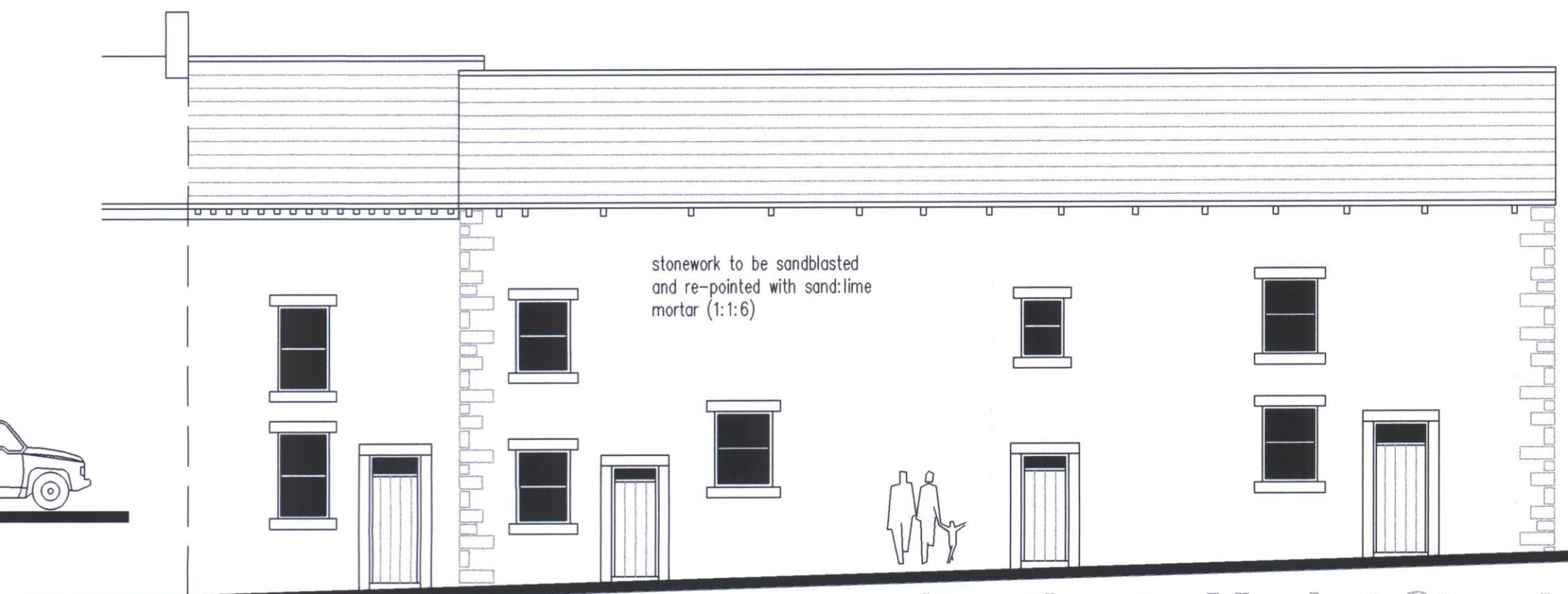


new gable to be constructed in stonework reclaimed from demolition of existing gable with mortar mix and joint detail to match existing

all frames to be timber with preservative stain finish

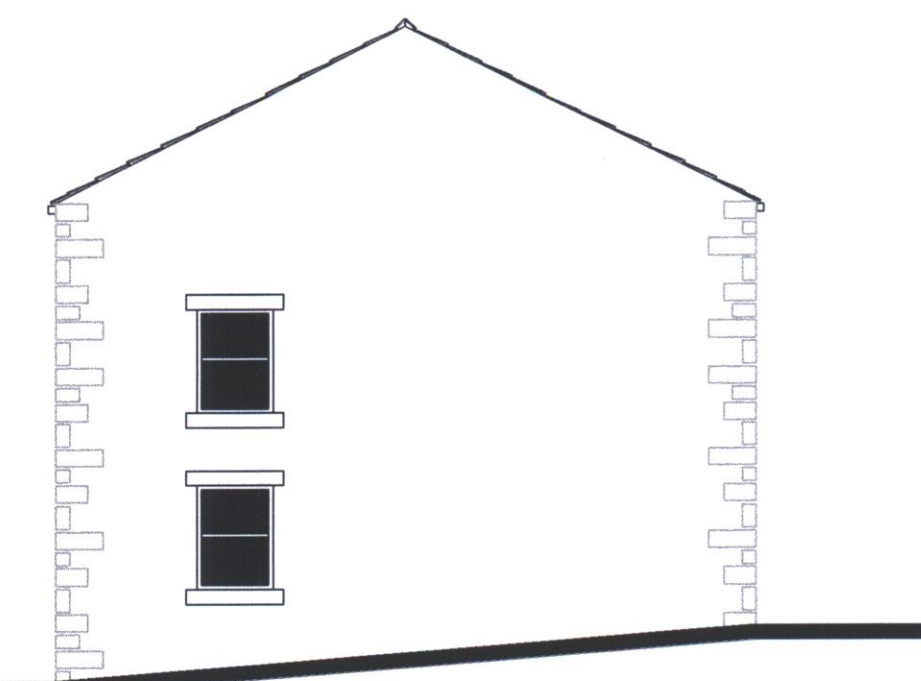
stairway, access balcony and balustrade to be constructed in mild steel with galvanised finish

rear elevation

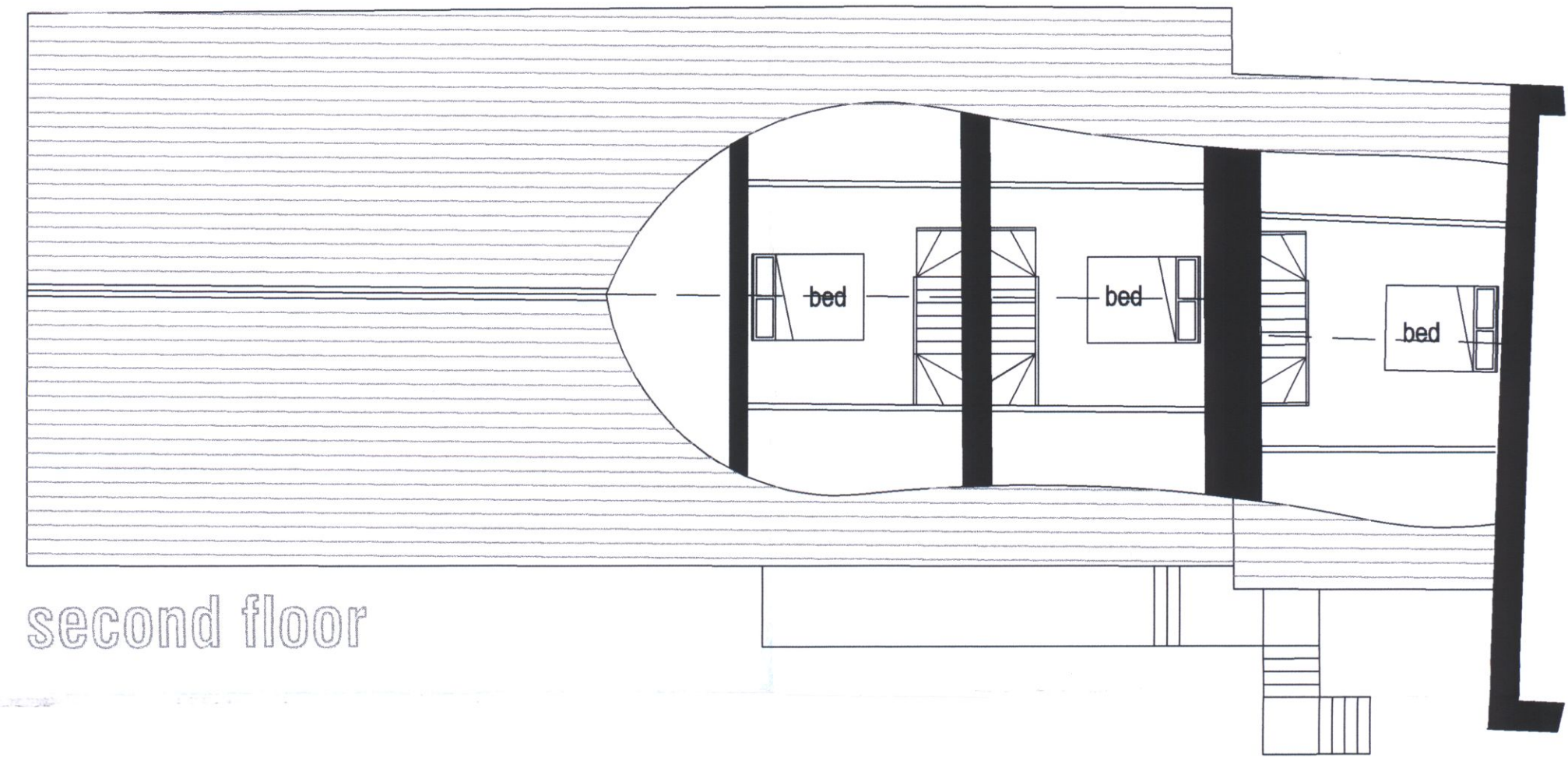


stonework to be sandblasted and re-pointed with sand:lime mortar (1:1:6)

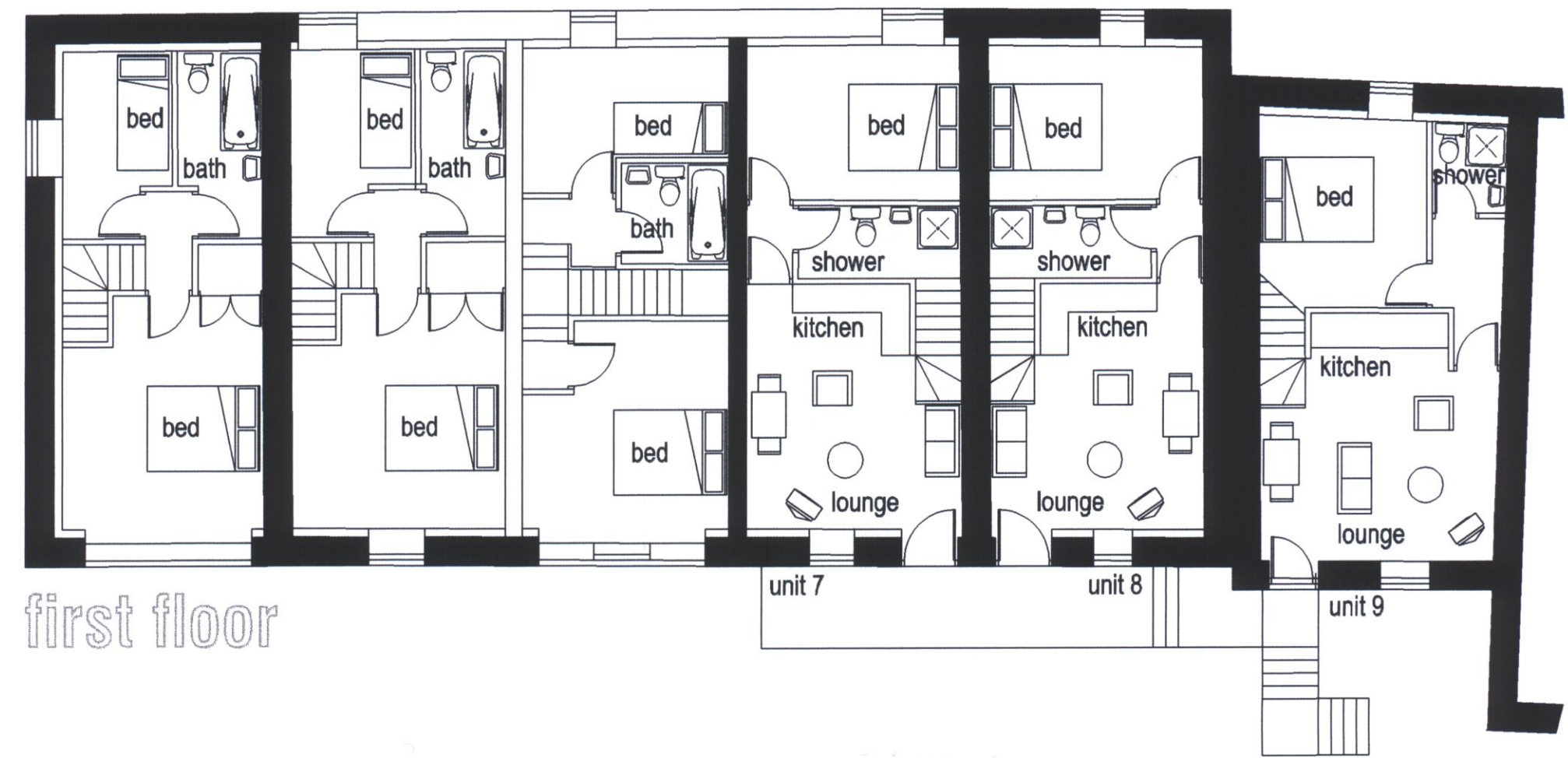
elevation to Market Street



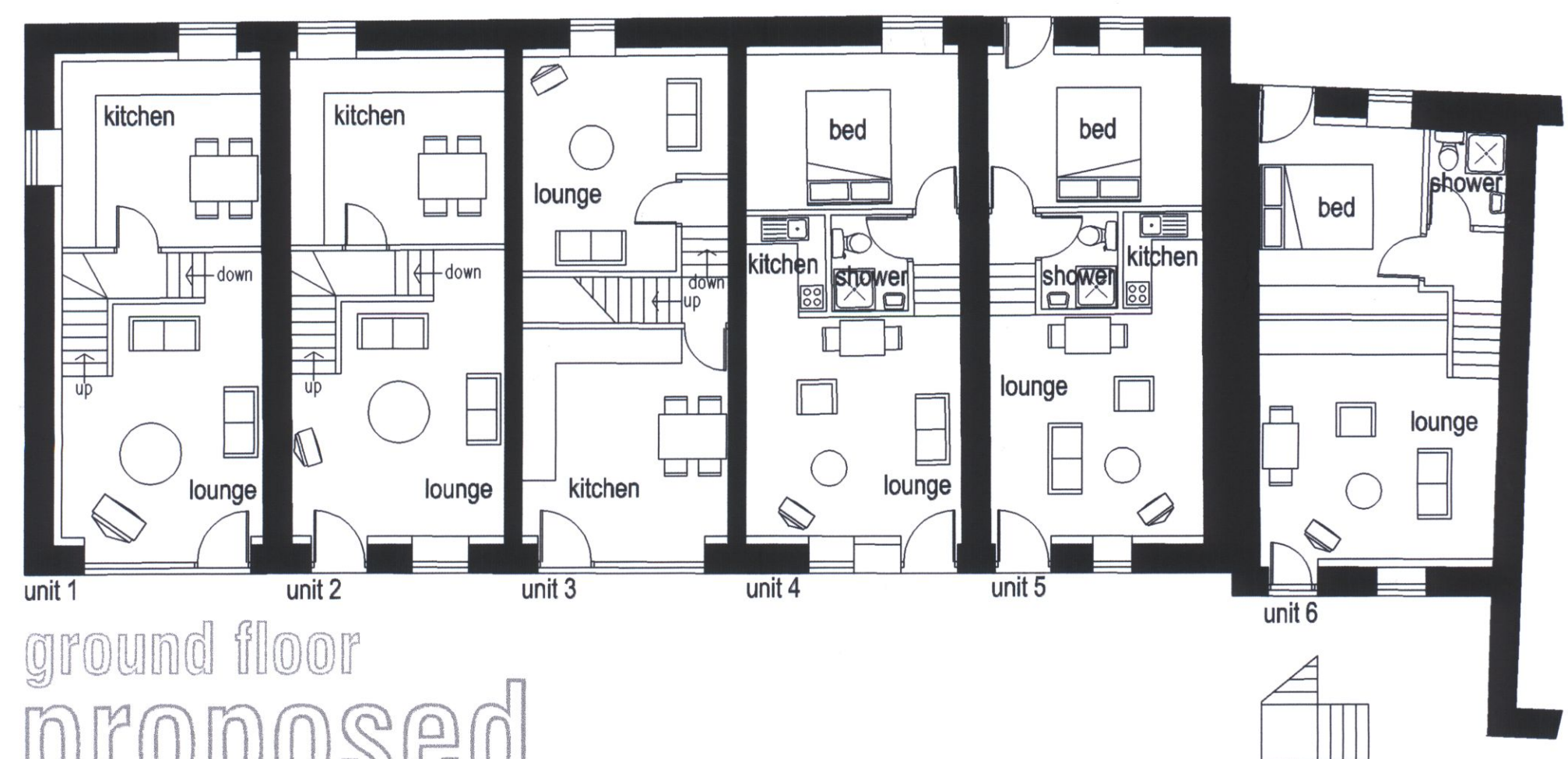
side elevation



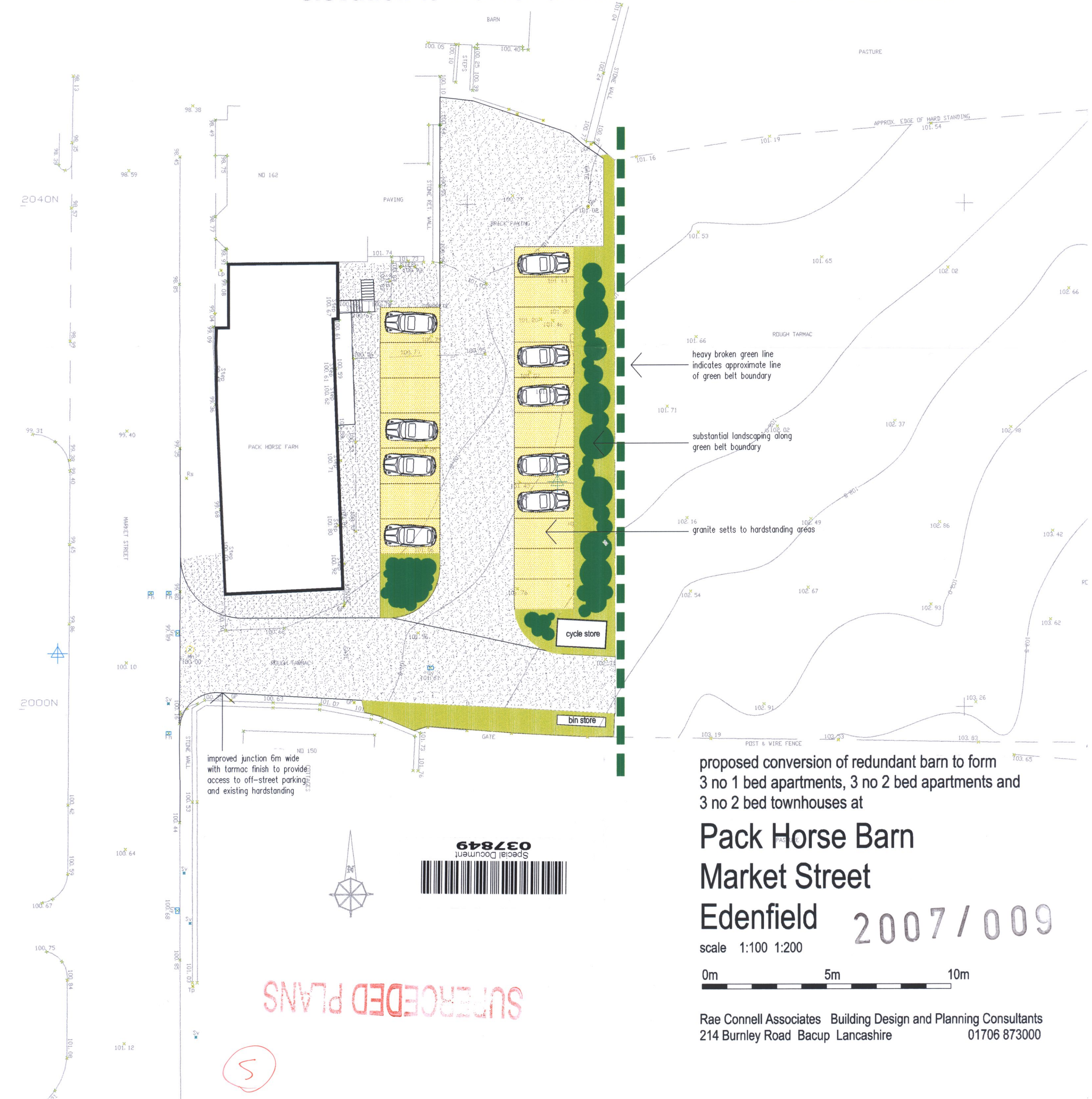
second floor



first floor



ground floor proposed



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