

Application No: 2007/049	Application Type: Full
Proposal: Construction of two dwellings	Location: Land at Millford, Whitworth
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 10 April 2007
Applicant: Mr. Alan Sanderson	Determination Expiry Date: 22 March 2007
Agent: Mr. S Hartley	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

Name of Member: Councillor Hazel Steen
Reason for Call-In: The adjoining garage site has been granted approval for housing recently. The current use of the site for the parking of lorries is not always to the advantage of residents.

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. INTRODUCTION

Consideration of this application was deferred at the last meeting.

2. APPLICATION DETAILS

2.1. The Proposal and the Site

2.2.1 The planning application site, comprising approximately 0.1 hectares of open land, is located at Millfold, Whitworth. The site abuts the industrial development to the north, a garage site to the east and south-east and residential properties to the west. Currently, the site is used for the parking of lorries.

2.2.2 The proposal involves the construction of two detached dwellings including the provision associated car parking spaces and amenity open space. The proposed dwellings would be two storey high and would provide a 3 bed accommodation. The access to the proposed dwellings would be from Millfold. The application is accompanied by a land contamination desk study which concludes that contamination may well be present on the site.

2.2.3 In support of the application, the applicant says:

1. The proposed use accords with the national, regional and local policy documents.
2. The proposed development will promote the regeneration of the area.
3. The proposal will improve the appearance of the site thereby benefiting the local community and visual amenity.
4. The site has been used for the parking of lorries for over 30 years. This has caused a great deal of inconvenience to the residents.
5. The acceptability of the site for housing has been agreed due to the granting of planning permission for two houses in 1996.
6. The site is similar, in policy terms, to the garage colony adjoining it which has the benefit of planning permission for 4 dwellings.

2.2 Relevant Planning History

1996/418 - Construction of two semi detached houses on this site was approved, subject to conditions, on 2 July 1997.

2.3 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 12 – Housing Provision

Other Material Planning Considerations

PPS 1

PPS3

PPG13

LCC Parking Standards

RBC Revised Interim Housing Position Statement 2007

3. CONSULTATIONS

3.1 LCC(Highways)

No objection in principle subject to amendment of the scheme/conditions to ensure the provision of adequate off-street parking to serve the proposed dwellings and provision of adequate sightlines across the site frontage.

3.2 RBC(Environmental Health)

The application site is potentially contaminated. If planning permission is granted, a condition requiring a desk top study should be imposed.

3.3 Whitworth Town Council

No objection

4. REPRESENTATIONS

4.1 Site notices posted and the relevant residents and occupiers of the business properties notified by way of an individual letter. No comments have been received to date.

5. ASSESSMENT

5.1 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.

5.2 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.

5.3 Housing Supply

The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.

5.4 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.

- 5.5 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”*.
- 5.6 The Council’s Housing Position Statement (August 2005) accepted the contention that the Council would over-shoot its housing allocation and that permissions henceforth granted should be limited to particular circumstances.
- 5.7 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.
- 5.8 At its meeting on 24 January 2007 Cabinet approved (with immediate effect in respect of newly-submitted planning applications) a Revised Interim Housing Position Statement. It states that applications for residential development in Rossendale will be acceptable in the following circumstances:
- a) The replacement of existing dwellings, providing that the number of dwellings is not increased.
 - b) The proposal can be justified in relation to agricultural and forestry activities.
 - c) In relation to listed buildings and important buildings in conservation areas, the applicant can demonstrate the proposal is the only means to their conservation.
 - d) Conversion or change of use of buildings within the urban boundary of the main development location within the Borough (ie Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.
 - e) The conversion to 5 units or more, or for new build developments of 1 unit or more on previously developed land, where it can be demonstrated the proposal lies within and will deliver regeneration benefits within the Regeneration Priority Areas of Rawtenstall Town Centre or Bacup, Stacksteads and Britannia (Elevate) Pathfinder.
- 5.9 Accordingly, it is appropriate to consider the application in relation to these criteria. The application proposal:
- Does not replace existing dwellings.
 - Cannot be justified in relation to agricultural and forestry activities.
 - Does not relate to a Listed Building or Conservation Area.
 - Does not relate to conversion or change of use of existing buildings.
 - Does not lie within either of the identified Regeneration Priority Areas.

- 5.10 Thus, the proposal is contrary the criteria of this Council's Revised Interim 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.
- 5.11 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."*
- 5.12 Neighbour Amenity
The application site abuts the residential dwelling 14 Millford to the west and the garage site to the east and south-east. The garage site is located at a higher level by approximately 1m compared with the application site and enjoys the benefit of planning permission (ref. 2006/636) for the construction of two pair detached bungalows with a 12 space car park. The residential property 14 Millford is located at a lower level by approximately 0.5m compared with the application site.
- 5.13 Although, the proposed dwellings would be situated approximately 1.5m away from the boundary with the garage site, however their two storey rear elevation would be located approximately 15m from the rear elevations of the approved dwellings at the garage site. No habitable room windows except for a lounge window at the ground floor, are proposed at the rear elevations. Due to the lowered ground level of the site and the separation distance involved, it is not considered that the proposed development would have a significant adverse impact on the amenities of the residents of the approved dwellings at the garage site.
- 5.14 The westerly gable of the new dwelling adjacent to 14 Millford would have no windows and would be located in a forwardly position by approximately 3m compared with the front elevation age of 14 Millford. In view of the staggered position of the properties and due to the westerly blank gable of the proposed dwelling adjacent to 14 Millford, it is considered that the proposed development would not be to the detriment of the amenities of the residents of 14 Millford.

5.15 Design/appearance

The new dwellings would have a blue slate pitched roof and exterior walls built in stone. It is therefore considered that the proposed development would be in keeping with character of the area and is acceptable in terms of its design and appearance.

5.16 Highway Issues

Four car parking spaces, two spaces for each dwelling, have been proposed in the scheme. It is considered that the proposed development can be provided with adequate parking arrangements to accord with the Council's adopted car parking standards.

5.17 With regard to the comments made by the applicant in respect of the nuisance presently being caused by the existing use of the site as a parking area, it should be pointed out that the Council's Environmental Health Officer has confirmed in writing that no complaints have been received from the residents of the area in this respect. It is therefore considered that any nuisance/harm caused by the existing use is not significant. Consequently, this matter does not outweigh the policy objection to the proposed development.

6. CONCLUSION

6.1 The proposed development is contrary to Policies 5 and 12 of the Joint Lancashire Structure Plan and the Revised Interim 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.

7. RECOMMENDATION

7.1 That planning 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 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 and Policy 12 of the adopted Joint Lancashire Structure Plan 2001 – 2016 and the Council's Revised Interim Housing Position Statement (2007).

Contact Officer	
Name	M. Sadiq
Position	Planning Officer
Service / Team	Development Control
Telephone	01706 217777
Email address	planning@rossendalebc.gov.uk

