

**TITLE: 2005/408 - CONVERSION OF SHOP TO DWELLINGHOUSE,  
ENTAILING ALTERATIONS TO FRONT ELEVATION  
250 NEWCHURCH ROAD, BACUP**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE 6<sup>TH</sup> SEPTEMBER 2005**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT: MR D TREANOR**

**DETERMINATION EXPIRY DATE: 29<sup>TH</sup> AUGUST 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.

### **Site**

This application relates to a vacant shop within a terrace of primarily retail units, although the majority appear to be vacant and the authorised use of the property immediately to the west is as a hot food take-away.

### **Proposal**

The applicant seeks permission for the change of use from commercial to residential, with no other external alterations than to the front elevation, the display window to be replaced by a window of domestic character.

### **Relevant Planning History**

Earlier this year permission was refused by Officers for the same development as now proposed on the grounds that the proposed dwelling would contribute to housing over-supply, contrary to the provisions of the Structure Plan (2005/170).

### **Notification Responses**

None

### **Consultation Responses**

LCC (Highway) has no objection to the proposal.

### **Development Plan Policies**

Rossendale District Local Plan (Adopted 1995)

Policy DS1 (Urban Boundary) states *“the Council will seek to locate most new development within a defined boundary – the urban boundary – and will resist development beyond it unless it complies with Policies DS3 and DS5.”*

Policy DC1 (Development Criteria) states that *“...all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance”.*

### **Joint Lancashire Structure Plan**

Policy 1 - General Policy

Policy 2 - Main Development Locations

Policy 12 - Housing Provision

It stipulates the annual average rates for future housing provision for Rossendale is 220 houses per year between 2001 and 2006, and then 80 house per year between 2006 and 2016. In each district, priority will be given to the re-use or conversion of existing buildings, and then the use of previously developed land at locations listed in Policies 2, 3 and 4 in preference to greenfield land.

### **Other Material Planning Considerations**

PPS1 - Sustainable Development

PPG3 - Housing

PPG13 - Transport

### **LCC Parking Standards**

Rossendale BC Housing Policy Position Statement

Approved by Executive Committee 17 August 2005, it reads as follows :

*“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.”*

### **Planning Issues**

In dealing with this application the main issues to consider are as follows :

1) Principle; 2) Housing Policy; & 3) Other Issues.

#### **PRINCIPLE**

The location for the proposed development is within the Urban Boundary of Bacup. Therefore, the proposal complies with Policy 1 of the Structure Plan and Policy DS1 of the Local Plan.

PPG3 promotes a sequential approach and the conversion of buildings is considered to be most favourable. The site is in a good location, with amenities accessible by public transport, walking or cycling, thereby according with PPG3 (Housing) and PPG13 (Transport).

#### **HOUSING SUPPLY**

LCC (Planning) has previously recommended refusal of a number of planning applications for new housing development, in accordance with Policy 12 of the Structure Plan.

At its meeting on 17/8/05 the Executive Committee accepted the contention that the Council will over-shoot its housing allocation unless the circumstances in which permissions are now granted are limited to those set out in the Housing Position Statement it received. The Housing Position Statement had not been produced at the time of the previous refusal and needs to be considered in arriving at a decision on the current application.

The application site does lie within the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Areas and I am satisfied that the proposal would not harm the character of any Listed Building or Conservation Area, etc. However, the proposal does not provide satisfactorily for the regeneration of the site, nor has the Applicant shown how the proposal meets an identified local housing need, contrary to Criteria D and E of the Position Statement. The particular concern in relation to Criteria D is that the application is proposing investment in one of the properties in the terrace, when the terrace as a whole needs to be looked at; to allow this development to proceed in isolation may actually stymie proposals for regeneration of a wider area. Accordingly, the application is recommended for refusal on the grounds that it will contribute unacceptably to housing over-supply and the justification has not been advanced to warrant an exception to housing policy.

#### **OTHER ISSUES**

The proposed development will result in the removal of the existing shop front and its replacement with a smaller window on the ground floor. The proposed alterations will be in character, thereby according with the criteria of Policy DC1.

The proposed dwelling will not possess an off-street parking facility. However, it will not generate significantly more need for parking than does the authorised use and it too lacks the facility to park vehicles off-street.

## **Recommendation**

That planning permission is refused for the following reasons:

### **Conditions**

The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). Although the application site lies within the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Areas the proposal does not provide satisfactorily for the regeneration of the site, nor has the Applicant shown how the proposal meets an identified local housing need, contrary to Criteria D and E of the Position Statement.