



## **APPLICATION DETAILS**

### **1. The Site**

- 1.1.1 The application site, a former two storey stone built Public House with a small car parking area at side and rear yard, is located at the end of a block of terraced residential properties on Edgeside Lane, Waterfoot. There are some outbuildings located within the yard to rear. According to applicant, currently the ground floor of the building is vacant and its first floor is being used for residential purposes.
- 1.2 The site forms part of the linear residential development on both sides of Edgeside Lane. As such there is a block of residential properties located opposite across the road in front of the site.

### **2. Relevant Planning History**

- 2.1 Planning application ref. 2007/593 for the conversion of former White Horse Public House with living accommodation over was refused on 19 November 2007 on the grounds of a) inappropriate development within the Countryside Area, b) highway safety and c) housing supply provision. The application was determined under the delegated procedures.
- 2.2 The applicant has lodged an appeal against the refusal of permission in respect of planning application ref. 2007/593 which is presently being considered.

### **3. The Current Proposal**

- 3.1 This application is a re-submission of the previous identical application ref. 2007/593 and entails the conversion of the property into two separate dwelling houses. It is proposed that the new dwellings would provide 3 bed and 2 bed accommodation. One of the new dwellings would be accessed via the front door and the other via a new door at the side. In addition, new windows have been proposed on the front, rear and gable elevations of the building.
- 3.2 It is proposed that the existing car parking area at the side would be used to provide 4 car parking spaces. The car parking area would be accessed via the existing access from Edgeside Lane.
- 3.3 In support of the application, the applicant points out that:
- The property has been vacant for 4 years and there has been no interest in its reopening as a public house or in its possible use for other commercial purposes.
  - The existing state of the public house must be a concern for all the occupiers in the immediate area.
  - Neighbours in the immediate vicinity and the church have signed a petition in support of the application.

- The petition illustrate that the neighbours in particular do not wish to have to live next to an empty decaying building which will affect their residential amenities and their own properties.
- The Government has now made it clear that Councils in East Lancashire have misinterpreted the housing policy and there is no moratorium.
- The design aims to retain most of the existing external features of the building and to match the alterations with the characteristics of the dwellings in the row.

#### **4. Policy Context**

##### **4.1 National Planning Guidance**

PPS1 - Sustainable Development

PPS3 - Housing

PPG13 - Transport

PPG 24 – Noise

##### **4.2 Development Plan Policies**

Regional Planning Policy

RPG13

Draft RSS

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 5 – Development Outside of Principal Urban Areas etc.

Policy 7 - Parking

Policy 12 - Housing Provision

Rossendale District Local Plan (Adopted 1995)

DS5 – Development Outside the Urban Boundary & Green Belt

DC1 - Development Criteria

DC4 - Materials

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

LCC Parking Standards

RBC Core Strategy

RBC Interim Housing Policy Statement (December 2007)

RBC Housing Market Assessment (September 2007)

#### **5. CONSULTATIONS**

##### LCC (Highways)

- 5.1 Initially, the application proposed 4 car parking spaces to be located along the gable of the building within the parking area at the side. The Highway Authority objected to this on the grounds that the proposed parking facility was sub standard.

5.2 In response, the Applicant has submitted an amended layout indicating increased and modified parking provision at the site. The Highway Authority is satisfied that the revised scheme proposes four parking spaces with sufficient room to manoeuvre a vehicle to both leave and re-enter the carriageway in a forward gear. The Authority therefore makes no further comments and withdraws its original objection in this respect.

## **6. REPRESENTATIONS**

6.1 A site notice was posted on 24 January 2007 and the relevant neighbours were notified by letter on 21 January 2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

6.2 No responses have been received to date. However, the applicant has submitted, as part of the planning application, a petition signed by 31 residents in the area. The residents appear to suggest that the former White Horse Pub should be newly refurbished residential accommodation and not remain in its current dilapidated state.

## **7. ASSESSMENT**

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

1. Principle of the development
2. Housing Policy
3. Neighbourhood amenity
4. Highway issues.
5. Design/appearance

### Principle

7.2 In the adopted Local Plan, the application site lies within a Countryside Area, wherein Policy DS5 would preclude development other than for the purposes of agriculture, forestry or other uses appropriate to a rural area. As such, it is considered that the proposal for the conversion of a former pub into two separate dwellings (residential use), is contrary to the objectives of policy DS5 and is therefore unacceptable in principle.

7.3 In accordance with PPS7 (paragraph 17), Policy 5 of the Joint Lancashire Structure Plan encourages the conversion of buildings outside villages and other settlements for employment generating uses. Since the proposed development will not provide such an opportunity, it is considered that the proposed development conflicts with the objectives of Policy 5 of the Joint Lancashire Structure Plan and is therefore unacceptable in principle.

## Housing Policy

- 7.4 The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.
- 7.5 PPS3 sets out Government guidance on a range of issues relating to the provision of housing. Paragraph 3 states that *“One of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time, whether through new development or the conversion of existing buildings. The aim is to provide a choice of sites which are both suitable and available for housebuilding. This is important not only to ensure that everyone has the opportunity of a decent home but also to maintain the momentum of economic growth”*. Paragraph 8 goes on to say *“It is an essential feature of the plan, monitor and manage approach that housing requirements and the ways in which they are to be met, should be kept under regular review. The planned level of housing provision and its distribution should be based on a clear set of policy objectives, linked to measurable indicators of change...Reviews should occur at least every five years and sooner, if there are signs of either under or over-provision of housing land”*.
- 7.6 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, Lancashire County Council (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.
- 7.7 In the supporting text 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 housing or special needs housing or form a key element within a mixed use regeneration project”*.
- 7.8 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 provisions of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016”*. The Draft Regional Spatial Strategy has not progressed to the stage that its contents can have a greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

7.9 A Revised Interim Housing Position Statement and an Affordable Housing Position Statement were approved by Council in January 2007. However, the need to continue to constrain the supply of housing land was considered again in December 2007 by Cabinet and these documents have now been revised as the Interim Housing Policy Statement. This document sets out that applications received on or after 20/12/07 will be considered against the criteria set out in this policy statement. The application was submitted after the approval of this document and will therefore be assessed against its provisions.

7.10 The Council's Interim Housing Policy Statement (December 2007) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out :

*"Applications for residential development in Rossendale will be acceptable in the following circumstances:*

- a) *The replacement of existing dwellings, provided 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 building 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 settlements within the Borough (i.e. Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.*
- e) *New build proposals on previously developed land (PDL) within the urban boundary of the main development location (Appendix C) but excluding the Action Plan Areas; where the number of units is 20 or less. These proposals will only be acceptable where they make an essential contribution to the supply of affordable housing as interpreted in Appendix B.*
- f) *Proposals on previously developed land (PDL) within the regeneration priority areas of Rawtenstall Town Centre APP or Bacup, Stacksteads and Britannia APP that will deliver regeneration benefits. Where proposals are for 15 or more dwellings, the Council will seek to obtain 30% affordable housing ( where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirements will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*
- g) *Developments that are solely for affordable or special needs housing will be supported where they address local need and are appropriate in terms of their scale and location.*

*h) Within the urban boundary of the main development location or the regeneration priority areas where residential development is part of a mixed-use scheme that will have essential regenerative benefits for the Borough. Where proposals include 15 or more dwellings, the council will seek to obtain 42% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirement will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*

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

- Does not represent the replacement of existing dwellings.
- Is not in relation to agricultural or forestry activities.
- Will not harm the character of any Listed Building or Conservation Area.
- Does not relate to conversion or change of use of a building within the urban boundary of the main development location within the Borough (i.e. Rawtenstall including Bacup and Haslingden).
- Is not a new built proposal on the previously developed land.
- Does relate to a proposal on previously developed land but not within the regeneration priority areas.
- Does not relate to affordable or special needs housing
- Does not afford regenerative benefits

7.12 The proposal is contrary to the general thrust of Housing policy to be applied in a situation of housing oversupply. With respect particularly to the issue of oversupply, the proposal does not meet any of the criteria of the Council's own Interim Housing Policy Statement. The applicant has not made a case in this respect to warrant permission being granted as an exception to Policy 12.

7.13 Moreover, there is no evidence to support that the building (White Horse Public House) has been marketed as anything other than a drinking establishment, which would limit the amount of interest in its rejuvenation. Therefore the presumption that the only option for vacant buildings is conversion to residential is misguided.

7.14 In reference to the applicants comments regarding that Councils in East Lancashire have "misinterpreted" housing policy and that there is no moratorium, it should be pointed out that the Council never had a housing moratorium.

7.15 In response to the Hansard extract to which the applicant refers, the Council has sought advice from Government Office North West (GONW) which explains that RSS figures (including adopted ones) are not necessarily ceilings but that housing over the figures would need to be justified and considered against the local market situation. The appropriate level of housing should be determined through an assessment of a range of issues including evidence of need and demand, affordability and sustainability; and plans (regional and local) need to be flexible enough to respond to changing housing market circumstances.

- 7.16 In summary, the delivery of housing over and above the figure set out in RSS would need to be justified and considered against the local market situation, including and perhaps most importantly, the potential impact on housing market renewal areas, this was also referred to by Baroness Morgan in answer to Lord Greaves.
- 7.17 As such, it is stressed that due to the presence of the Elevate Pathfinder Area and regeneration priority areas (AAPs) within the borough, the Council through the Interim Housing Policy Statement is applying paragraph 69 of PPS3 by ensuring "*proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues*".

### Highway Issues

- 7.14 The Highway Authority is satisfied that the proposed car parking/turning facilities are adequate and would not be detrimental to highway safety.

### Neighbouring Amenity

- 7.15 The application property is located at the end of a block of the terrace properties. Although there are residential properties located on the sides and in front of the application property, however, due to their location and relationship with the application building, it is not considered that the proposal would have any detrimental impact on the amenity of the neighbouring properties.

### Design/appearance

- 7.16 No alterations except for the addition of two new windows at the first floor level and a door on the gable of the end property have been proposed. The proposed windows and door would, in terms of their design and appearance, be similar to those existing on the property. In terms of its design and appearance, the proposed development is therefore acceptable.

## **8. CONCLUSION**

- 8.1 In view of the location of the site within the Countryside Area and the above stated policy constraints, it is considered that the proposal would contribute towards an inappropriate excess in housing-supply provision, which is unacceptable. It is considered that the arguments put forward by the applicant in support of the proposal do not sufficiently outweigh the presumption of refusal. The conversion of the former pub house for the creation of two separate dwellings is contrary to policies 5 and 12 of the Lancashire Structure Plan and DS5 of the Rossendale District Local Plan and is therefore unacceptable.

## 9. RECOMMENDATION(S)

It is recommended that permission be refused for the following reasons:

1. The proposed development is not appropriate development for a Countryside Area and is contrary to the provisions of PPS7, Policy 5 of the adopted Joint Lancashire Structure Plan and Policy DS5 of the adopted Rossendale District Plan.
2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to the provisions of PPS3, Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Interim Housing Policy Statement (December 2007). In this instance, the case has not been advanced to warrant an exception to policy being made.

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