



**TITLE: 2005/414 – OUTLINE APPLICATION FOR ONE DWELLING
79 CHERRY TREE WAY, HELMSHORE**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 6 SEPTEMBER 2005

BY: TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT: MRS K A BISHOP

DETERMINATION EXPIRY DATE: 1 SEPTEMBER 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.

Background

This application is being reported to Committee at the request of a Councillor.

Site

The application relates to the side-garden of a detached house on a housing estate of relatively modern construction.

Proposal

Outline permission is sought to erect a detached dwelling on land adjacent to the applicant's property within their garden area. Permission is being sought at this stage for the proposed dwelling to be share use of the drive presently used by solely by 79 Cherry Tree Way.

The matters of siting/design/external appearance/landscaping are reserved for later consideration.

Relevant Development Control History

In December 2004 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 (2004/802).

Consultation Responses

LCC (Planning) - objected to the previous application.

LCC (Highways) has no objection.

United Utilities raised no objection to the previous application , but advised that a couple of sewers run through the site.

Notification Responses

Letters have been received from the occupiers of two houses in the vicinity, objecting to the proposal for the following reasons :

- Will exacerbate existing problems with on-street parking/endanger highway safety in the vicinity of the Cherry Tree Way/New Barn junction.
- Will result in noise during construction and, subsequently, introduce vehicle noise into their rear garden and adversely affect privacy.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

Policy DS1 – *“The Council will seek to locate most new development within a defined urban boundary...”*

Policy DC1 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 (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking

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 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

The main issues to consider in dealing with this application are as follows :

- 1) Principle; 2) Housing Policy; & 3) Other Matters.

PRINCIPLE

As the application site lies within the Urban Boundary of Haslingden the proposal is acceptable in terms of Policy 1 of the Structure Plan and Policy DS1 of the Local Plan.

Likewise, the proposal accords with the requirements of Annexe E of PPG3 – land which has been previously developed.

HOUSING POLICY

LCC (Planning) has previously recommended refusal of a number of planning applications for new housing development (including one for this site) 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. This application does not accord with the exceptions set out in the Position Statement. Accordingly, the application is recommended for refusal on the grounds that it will contribute unacceptably to housing over-supply.

OTHER MATTERS

I am satisfied that the application site is of adequate size to accommodate a dwelling without undue detriment to neighbours or the character and appearance of the area.

The Highway Authority raises no objection to the proposal on highway grounds. Neighbouring properties have the facility to park two vehicles clear of the highway and I am satisfied that the facility for 2 cars to park and turn within the application site could be provided.

United Utilities have previously advised that two public sewers run through the site. It has not objected to the proposal and I do not have any reason to believe their retention will prevent erection of a dwelling on the site.

Recommendation

That planning permission is refused for the following reason:

Reason for Refusal

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). Insufficient justification has been advanced to otherwise warrant the grant of permission for the proposed development.