

Application No: 2008/0390

Application Type: Full

Proposal: Erection of detached bungalow and detached garage

Location: Land adjacent to Longacres House, Longacres Drive, Whitworth.

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 1 July 2008

Applicant: A J Train

Determination Expiry Date: 24 July 2008

Agent: Mike Illsley

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member: Cllr Alan Neal

Reason for Call-In: As a ward Member for Whitworth, I request that this planning application be sent to a Development Control Committee, so that Members of the Committee can have an opportunity to view all the fact. In the interest of fairness, I feel that Members should have a site visit given that all the facts did not come out in the report of 17th January 2008.

More than 3 objections received

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 Site

1.1 The application site, approximately 1,150 sq m in area, is a well maintained piece of green open land within the ownership of the adjoining residential property known as Longacres House. The site is relatively flat and is currently bounded by a timber fence/hedge on all sides. The application site and the residential properties (i.e. Longacres Bungalow and Long Acres Farm), that bound it to the north and east, are located in the Green Belt. The land to the south is open/rural in character, but not within the Green Belt.

2. Relevant Planning History

2.1 Planning application ref. 2008/0012 for the erection of a detached bungalow with an integral garage on land adjacent to Longacres House, Longacres Drive, Whitworth, was refused on 13 March 2008 on the grounds of a) inappropriate development within the Green Belt and Countryside, b) housing-supply provision and c) detrimental to the amenities of occupiers of Longacres Bungalow. The application was determined under the delegated procedures.

2.2 Planning application ref. 2004/645: Erection of one dwelling on land adjoining Longacres, Longacres Drive, Whitworth – Approved on 21 October 2004. This dwelling is known as Longacres Bungalow.

3. The current proposal

3.1 This application is a re-submission of the previous identical application ref. 2008/0012 and entails the construction of a detached bungalow and detached garage on land adjacent to Longacres House, Longacres Drive, Whitworth. It is proposed that the bungalow would be constructed to the rear of Longacres Bungalow and provides a 2-bedroom accommodation. The bungalow and the detached garage would be built with a hipped/pitched roof and the external walls in natural stone.

3.2 It is proposed that access to the bungalow would be gained from Longacres Drive, via the land between two existing dwellings (i.e. Longacres Bungalow and Longacres House).

3.3 To alleviate the impact of the proposed development on the residential amenity of the occupiers of Longacres Bungalow, the siting of the proposed bungalow has been moved farther away from the rear boundary of Longacres Bungalow compared with the proposal, the subject of the previous application ref. 2008/0012.

3.4 In support of the application, the applicant points out that:

- The proposal is situated within the urban boundary and is in accordance with the policies of the Rossendale District Local Plan.
- The site forms part of an existing garden and is free from any rights of way.
- The proposal is subject to an e-mail confirmation received from Rossendale Borough Council dated 16th June 2004 which states that the site is situated within the urban boundary and not the Green Belt.

- The proposed dwelling is designed on a major south orientation to benefit from the views and will be sunk into the site to reduce its impact without presenting any overlooking aspect to adjacent properties.

4. Policy Context

4.1 **National Planning Guidance**

PPS1 - Sustainable Development

PPS3 - Housing

PPG2 - Green Belts

PPG13 - Transport

4.2 **Development Plan Policies**

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 5 - Development Outside of Principal Urban Areas, etc

Policy 6 - Green Belt

Policy 7 - Parking

Policy 12 - Housing Provision

Policy 20 - Lancashire's Landscapes

Rossendale District Local Plan (Adopted 1995)

DS 3 – Green Belt

DC1 - Development Criteria

DC4 - Materials

Rawtenstall Area Action Plan - Revised Preferred Options Report (March 2006)

Rossendale Core Strategy and Rawtenstall Area Action Plan – Preferred Options Addendum Report (October 2006)

4.3 **Other Material Planning Considerations**

LCC Parking Standards

LCC Landscape & Heritage SPD

RBC Core Strategy

RBC Interim Housing Policy Statement (December 2007)

RBC Housing Market Assessment (September 2007)

5. CONSULTATIONS

LCC (Highways) – No highway comments

Whitworth Town Council – The Council supports this application as it falls within the Urban Farm Boundary and not within Greenbelt. The Council understands that in 2004, the Rossendale Borough Council gave permission to built on the same site.

RBC (Environmental Health) – If planning permission is granted, it is recommended that the standard contaminated land condition is attached because the application is for use by a sensitive end user.

6. REPRESENTATIONS

6.1 A site notice was posted on 30 May 2008 and the relevant neighbours were notified by letter on 30 May 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.

No comments received to date.

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

In the adopted Local Plan (Saved Policies), the application site lies within the Green Belt, wherein Policy DS3 would preclude, except in very special circumstances, for the erection of new buildings and for the change of use of other buildings other than for the purposes of agriculture, forestry or other uses appropriate to a rural area. This is supported by PPG2 which states that new buildings in the Green Belt are inappropriate unless they are for the purposes of agriculture and forestry; essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of the land including in it. Since the proposed development would be used for residential purposes, it is considered that the proposal conflicts with the objectives of policies DS3 and PPG2 and is therefore unacceptable in principle. Likewise, it is contrary to PPS7 and Policy 5 of the Structure Plan

Housing Policy

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

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’.

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.

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”.*

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.

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 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.*

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

- Does not represent the replacement of an existing dwelling.
- 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.
- Does not relate to previously developed land within the main development location.
- Does not relate to previously developed land within the regeneration priority areas.
- Does not relate to affordable or special needs housing.
- Is not within the Urban Boundary or regeneration priority areas.

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.

Neighbour Amenity

Although the proposed detached garage would be located close to the rear boundary of the adjoining property (Longacres Bungalow), however, the proposed bungalow would be located approximately between 14.0m to 16.5m from the rear elevation and between 10m to 12m from the rear boundary of Longacres Bungalow. Since no windows are proposed on the northerly elevation of the proposed bungalow facing the rear elevation of Longacres Bungalow, it is not considered that the proposed development would have an undue impact on the amenities of the residents of Longacres Bungalow both inside the bungalow and in the garden area. Similarly due its orientation and separation distance it is not considered that the proposed bungalow would have an undue detrimental impact on the amenities of other neighbours.

Highway safety

Access to the site will be gained via a strip of land between Longacres House and Longacres Bungalow from Longacres Drive. The Highway Authority has raised no objection to the proposed access.

Design/appearance

The proposed bungalow would have a pitched roof and the external walls built in stone. It is considered that the proposed upvc windows and timber doors would, in terms of their design and appearance, be compatible with the character of the residential property and the area.

9. CONCLUSION

9.1 It is acknowledged that the siting of Longacres Bungalow is within the Green Belt and that planning permission ref. 2004/645 for the development of the land for residential purposes was based on the misinterpretation of the Green Belt boundary as delineated on the Rossendale District Local Plan – Proposals Map. This misinterpretation, I believe is due to the complicated nature of the Green Belt boundary in that area. Despite this, however, it should be emphasised that the site for the proposed bungalow lies within the Green Belt and not in the urban boundary as delineated on the Proposals Map forming part of the adopted Rossendale District Plan. As stated above in the report, the proposed development is not only unacceptable within the Green Belt but would also be contrary to the Housing Policy to be applied in a situation of housing oversupply.

10. RECOMMENDATION

That Permission be refused for the following reasons:

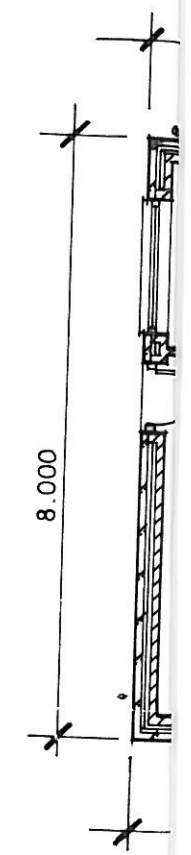
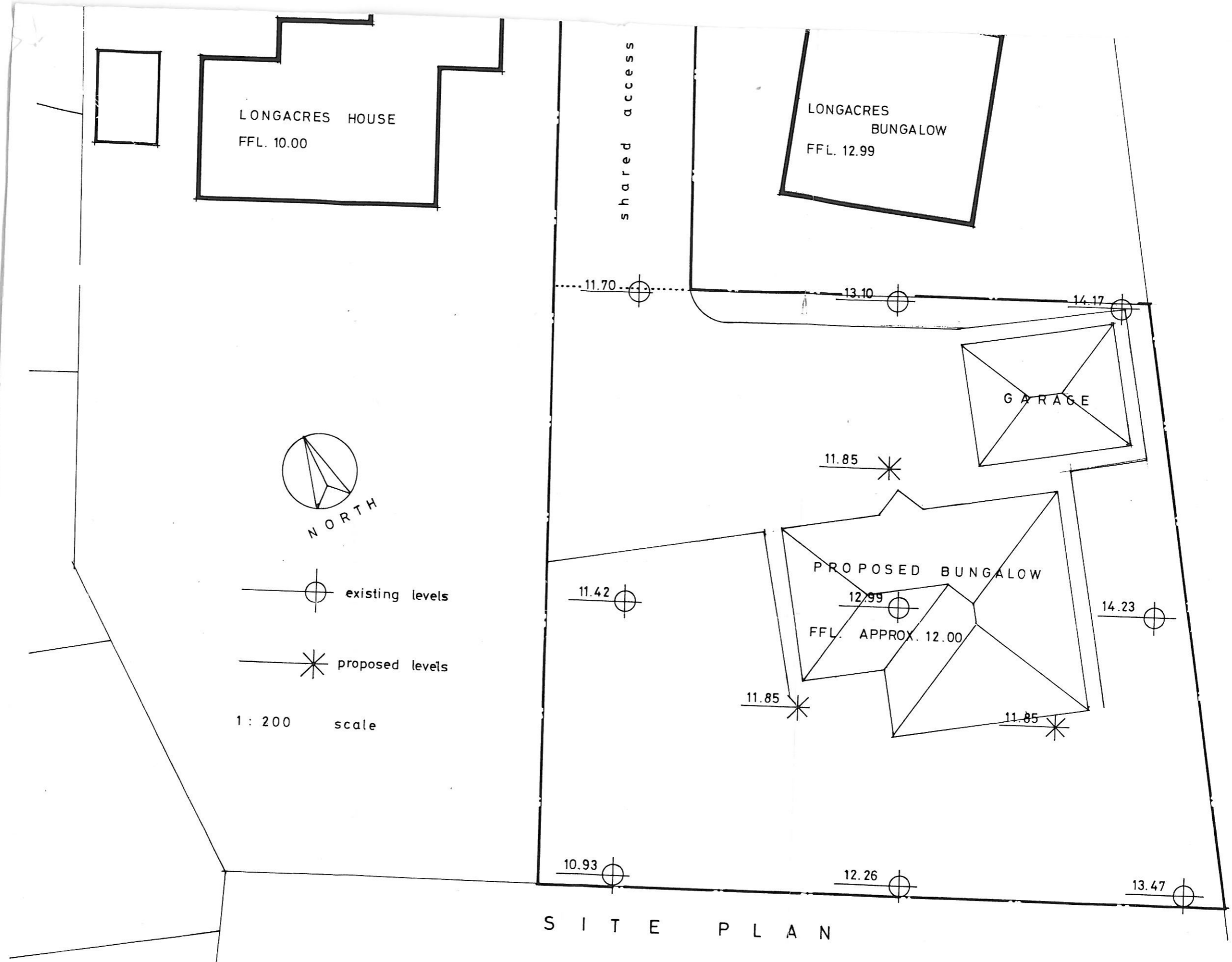
1. The proposed development is not appropriate development within the Green Belt and Countryside, and would detract to an unacceptable extent from the essentially open and rural character of the area, contrary to the provisions of PPG2 & PPS7, Policy 5 & 20 of the adopted Joint Lancashire Structure Plan, and Policy DS3 and the criteria of Policy DC1 of the adopted Rossendale District Plan. In this instance the case has not been advanced to warrant an exception to policy being made.

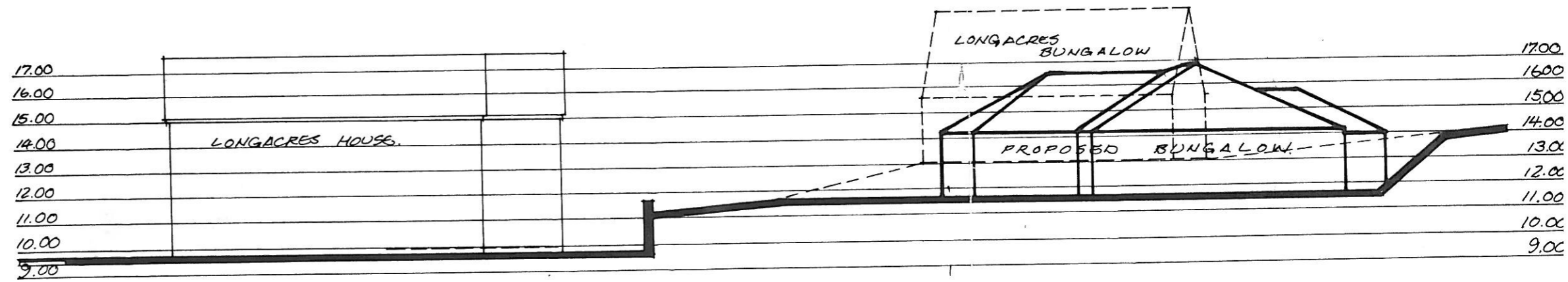
2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to the provisions of PPS3, Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Interim Housing Policy Statement (December 2007). In this instance the case has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

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

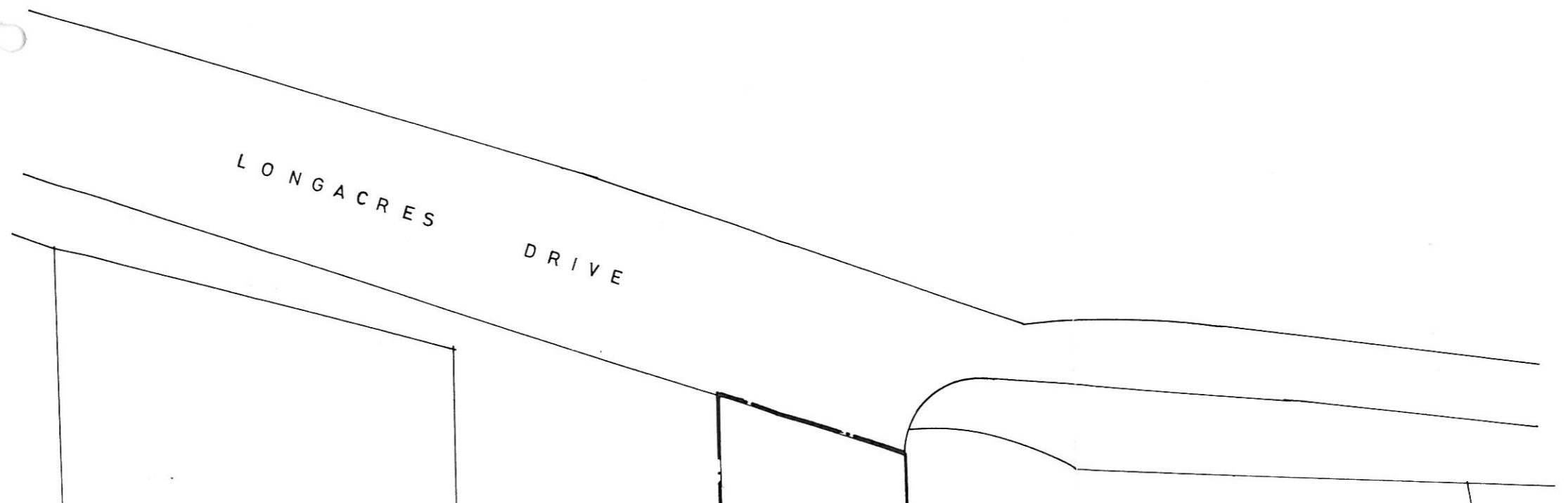
*LOCATION PLAN TO BE PROVIDED
ATTACH ALL APPENDICES*

Make good exist
garden areas and
levels using natu
Paving to new dn



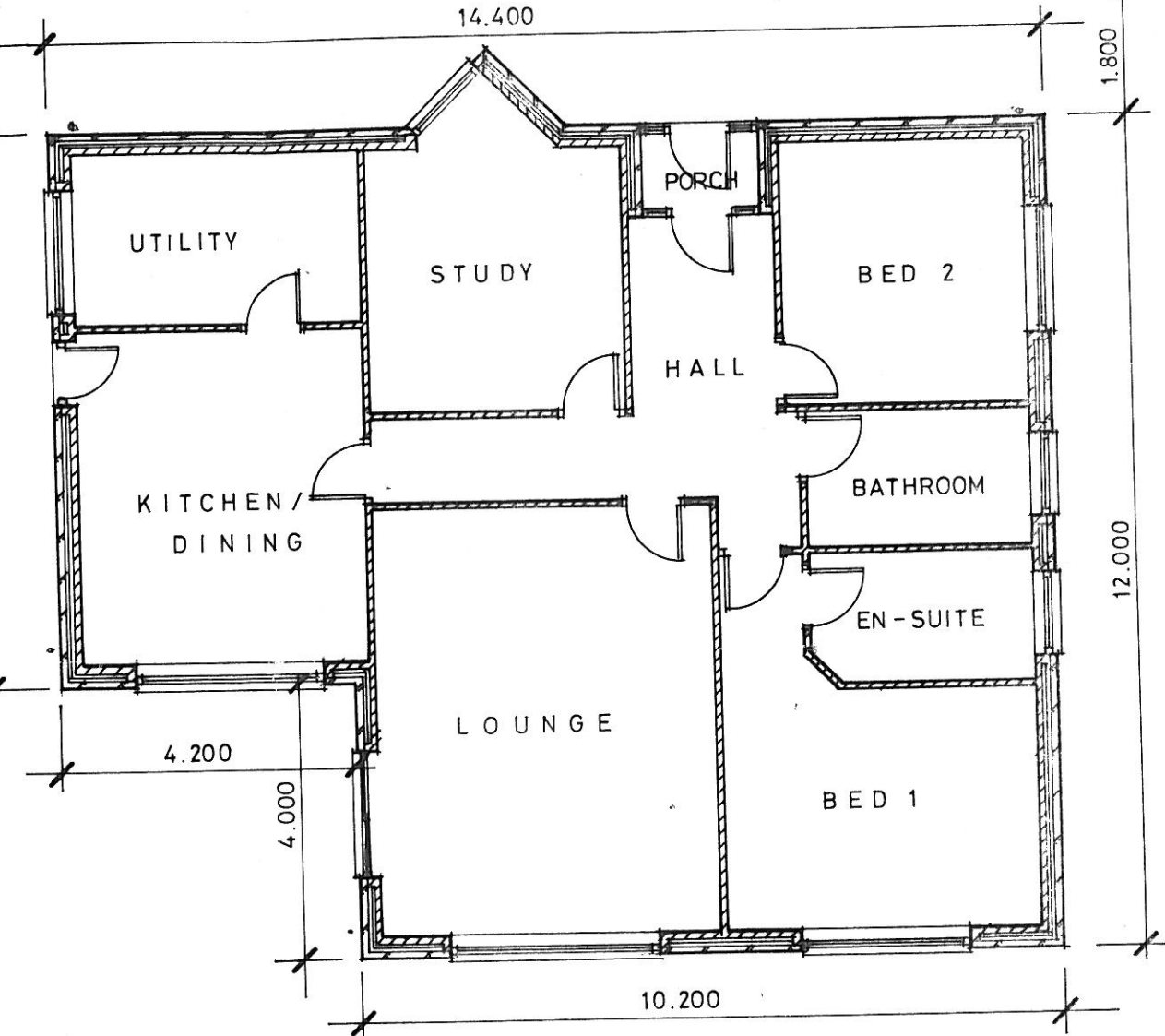
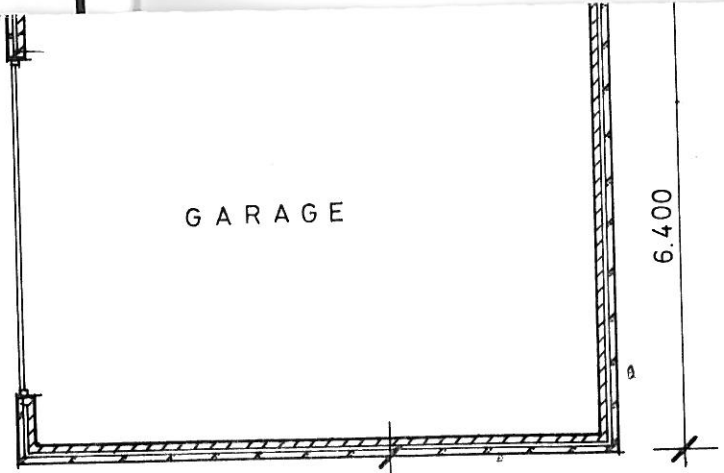


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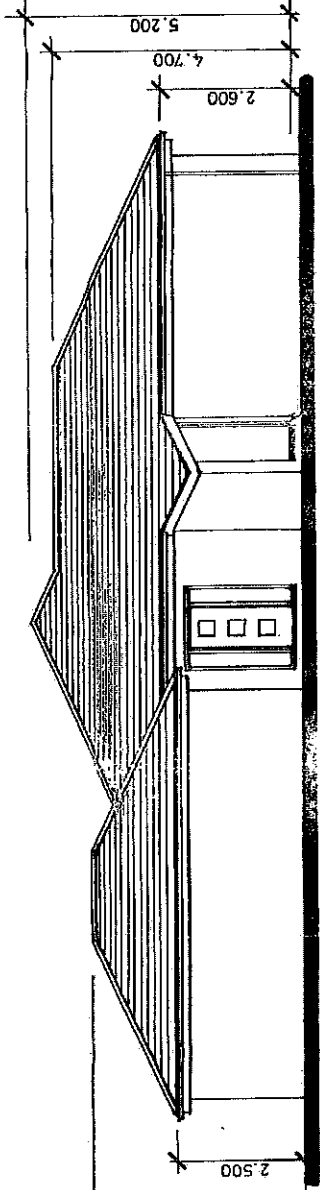


existing and form new dry-stone walls to new
15 and form new steps to proposed new
natural stone paving.

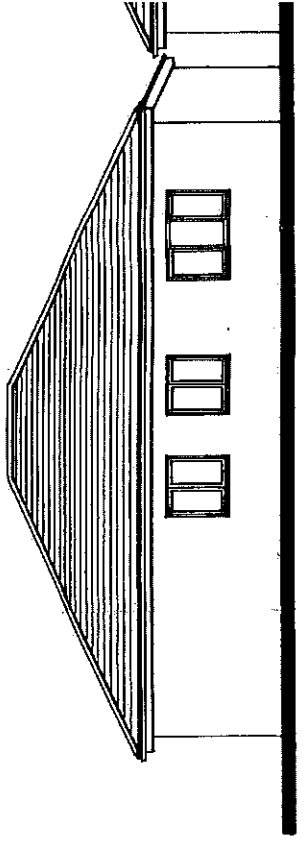
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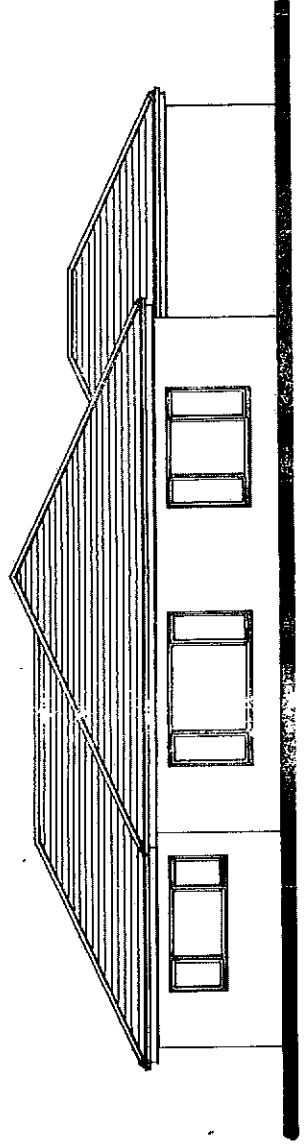
G R O U N D F L O O R P L A N



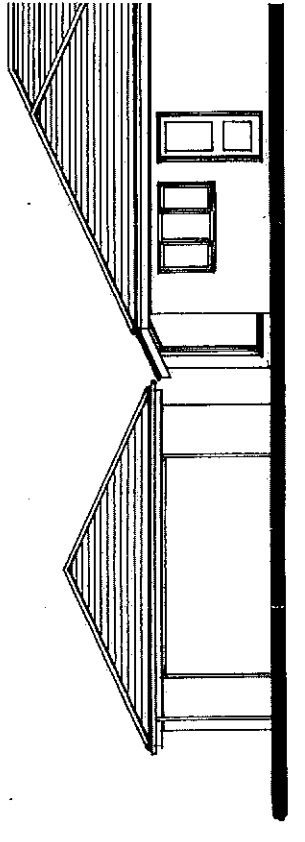
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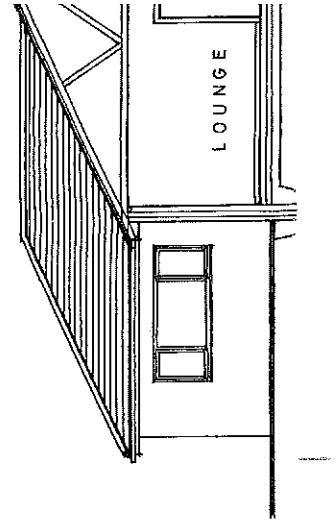
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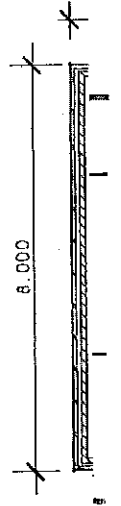
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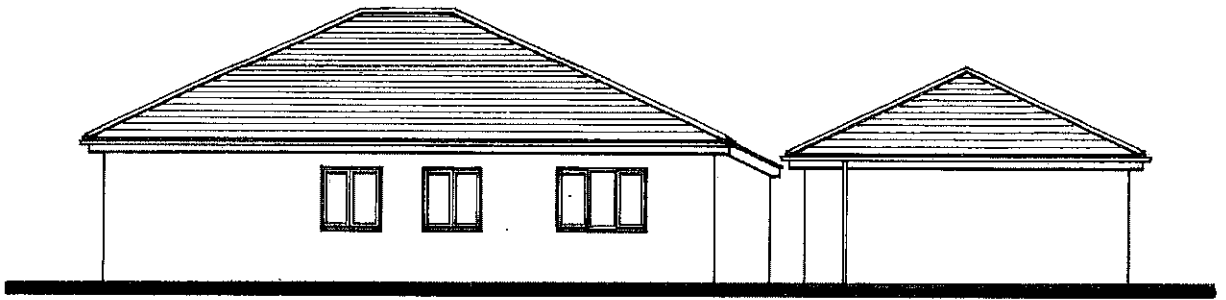
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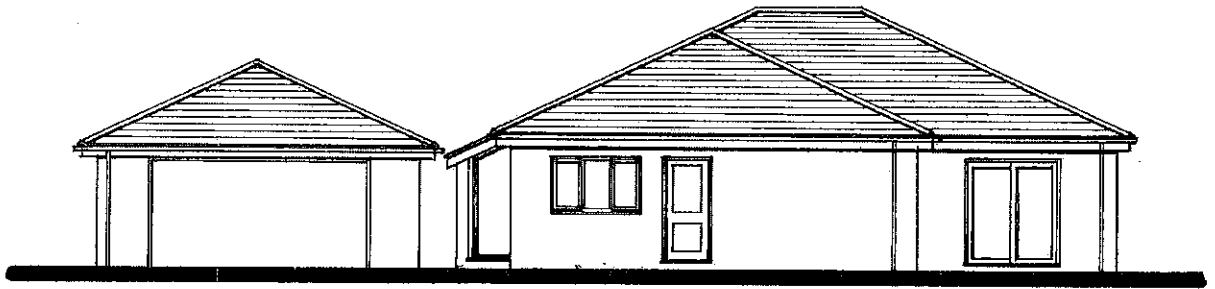
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PROPOSED NEW BUNGALOW.

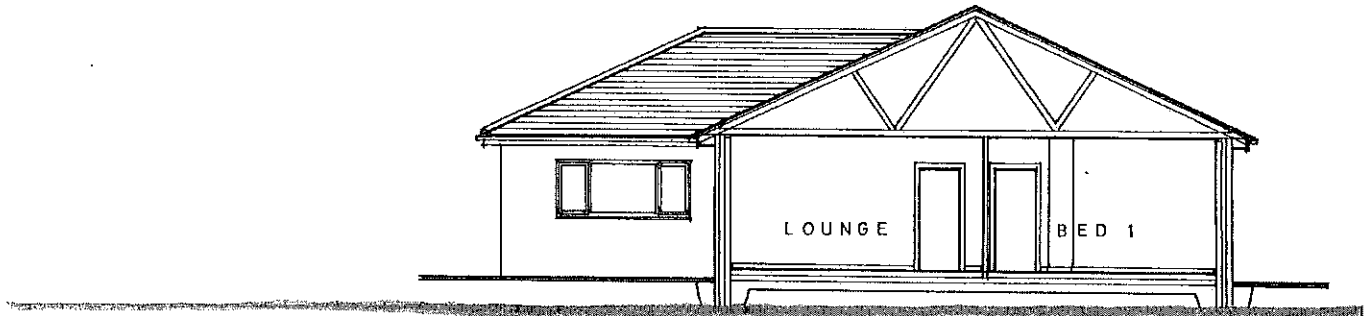
- Form new external walls in cavity construction with random coursed, natural stone outer leaf.
- Fit new UPVC framed, double glazed windows and stained hardwood doors and frames.
- New roof to be formed using reproduction stone slates laid in diminishing courses with matching ridge tiles.
- Fit UPVC square section gutters and rain water pipes fixed to new stained timber fascias.
- Fit new stained timber soffits and barge boards.



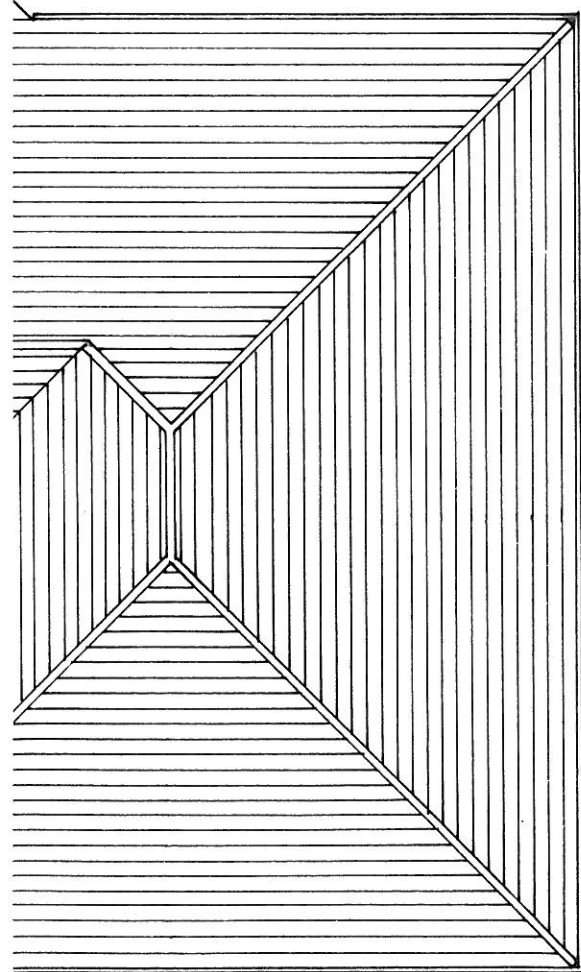
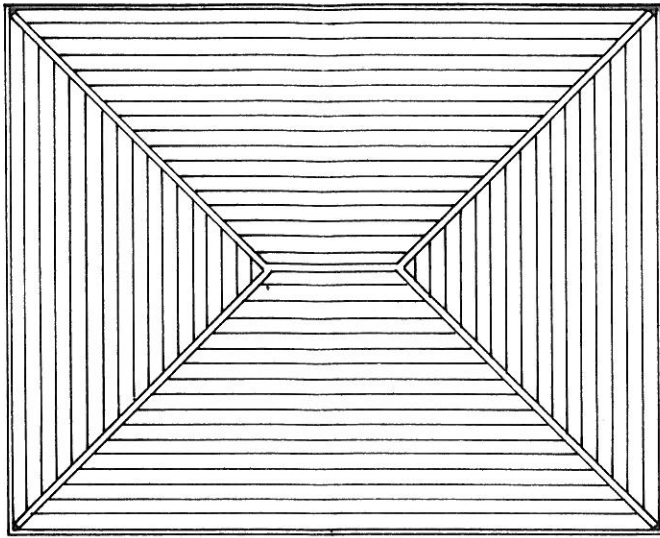
E A S T E L E V A T I O N



W E S T E L E V A T I O N



S E C T I O N



2008/390

project
PROPOSED NEW BUNGALOW ON
LAND ADJACENT TO
LONGACRES HOUSE,
LONGACRES DRIVE,
WHITWORTH, OL12 8JT. 29 MAY 2008

client
A. G. TRAIN ESQ.

drawing
PROPOSED PLANS, ELEVATIONS
& SECTION.

scale	date	drawing no
1:100	MAY 08	10
1:200		

MIKE ILLSLEY

ARCHITECTURAL & INTERIOR DESIGNER
1 WHITWORTH SQUARE, WHITWORTH,
ROCHDALE. OL12 8PY. 01706 344529





