

**TITLE: APPLICATION 2005/543  
RESIDENTIAL DEVELOPMENT (OUTLINE)  
PACKHORSE GARAGE, MARKET STREET, EDENFIELD**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE - 6 DECEMBER 2005**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT : MR R NUTTALL**

**DETERMINATION EXPIRY DATE : 15 NOVEMBER 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 site of approx 780sq m. It is located within the settlement of Edenfield, and has a 20m frontage to Market Street (B6257).

The site is occupied by a stone building of 2-storeys in height, with a corrugated roof. Although of agricultural origin, it is being used as a car repair/service garage (245sq m), its forecourt capable of accommodating 8+ cars. Attached to its rear is a lean-to of less permanent construction, which appears still to be in agricultural use (60sq m).

To each side of the forecourt are residential properties in a different ownership. To the south side of the buildings is a yard in agricultural use, whilst to the north and east side is open land.

### **Proposal**

Outline permission is sought for the residential development of the site, with all matters of detail reserved for later consideration.

In support of the application, the Agent states :

1. Edenfield in many ways feels more affinity to Ramsbottom and the application should be assessed in relation to Bury MBC's housing needs and quotas rather than those of Rossendale BC.
2. Edenfield has its own shops, post office, pubs, etc, which would benefit from any increase in the local population.
3. The site lies within a predominantly residential area and there is overwhelming local support for a change of use from a transport/garage business.

### **Relevant Development Control History**

2003/716 - On 19/12/05 permission was granted for the premises to be used as a Hand Car Wash and for Valeting Services.

2005/159 - On 28/6/05 permission was granted for erection of a new agricultural building, of approx 625sq m, to be erected in the field to the rear; it is presently under construction.

### **Consultation Responses**

LCC (Highways) advises that there is no objection in principle, subject to each dwelling created having the facility for 2 cars to park/turn clear of the main road.

### **Notification Responses**

None

### **Development Plan Policies**

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E7 - Contaminated Land
- DC1 - Development Control
- DC4 - Materials

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 5 - Development Outside of Principal Urban Areas/Main Towns/Market Towns
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes

### **Other Material Planning Considerations**

- PPS1
- PPG3
- PPS7
- LCC Parking Standards
- RBC Housing Position Statement

### **Planning Issues**

This application is being reported to Committee at the request of a Councillor. In dealing with this application the main issues to consider are : 1) Principle; 2) Housing Policy; 3) Neighbour Amenity; 4) Traffic/Parking; & 5) Contaminated Land.

## PRINCIPLE

I do not consider the proposed development to be inappropriate having regard to where Edenfield sits within the hierarchy of settlements set out in the Structure Plan and the policy of development restraint that applies therein. I say this as the site is not of great size, it is for the most part a 'brownfield' site and fronts the main road running through the settlement.

The premises presently perform a useful function which helps to sustain the local community. However, I do not consider there to be grounds to refuse the application due to loss of the existing car repair/service garage; MOT's cannot be undertaken at the premises and there will remain available to the local community nearby car repair/service facilities. The existing agricultural use is small in relation to the space that will become available with completion of the building under construction.

## HOUSING POLICY

The Council has accepted that it will over-shoot the borough's housing allocation, as set out in Policy 12 of the Structure Plan, unless the circumstances in which permissions are granted are limited at the present time to those below :

*"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."*

Having regard to these criteria :

- a) The proposal will result in a net gain in dwelling numbers.
- b) The application site does not lie within either of the areas identified for urban regeneration.
- c) I am satisfied that the proposal would not harm the character of any Listed Building or Conservation Area, etc.
- d) The site is not in need of regeneration, the existing premises neither detracting from the character and appearance of the area to a significant extent, nor their use causing significant detriment to neighbours, highway safety, etc.
- e) The Applicant has not shown how the proposal meets an identified local housing need.

Accordingly, the application is recommended for refusal on the grounds that it will contribute unacceptably to housing over-supply, the justification having not been advanced to warrant an exception to housing provision policy.

## NEIGHBOUR AMENITY

There is no reason why the residential development of the site should result in unacceptable detriment for any neighbour. Particular care would need to be taken to ensure that the detailed scheme did not result in a loss of privacy/overbearing affect for occupiers of 166 Market Street.

#### **TRAFFIC/PARKING**

There is no reason why the residential development of the site should result in unacceptable detriment for highway safety. To develop the site whilst taking on-board the Highway Authority's wishes will have a bearing on the number of units the site can accommodate.

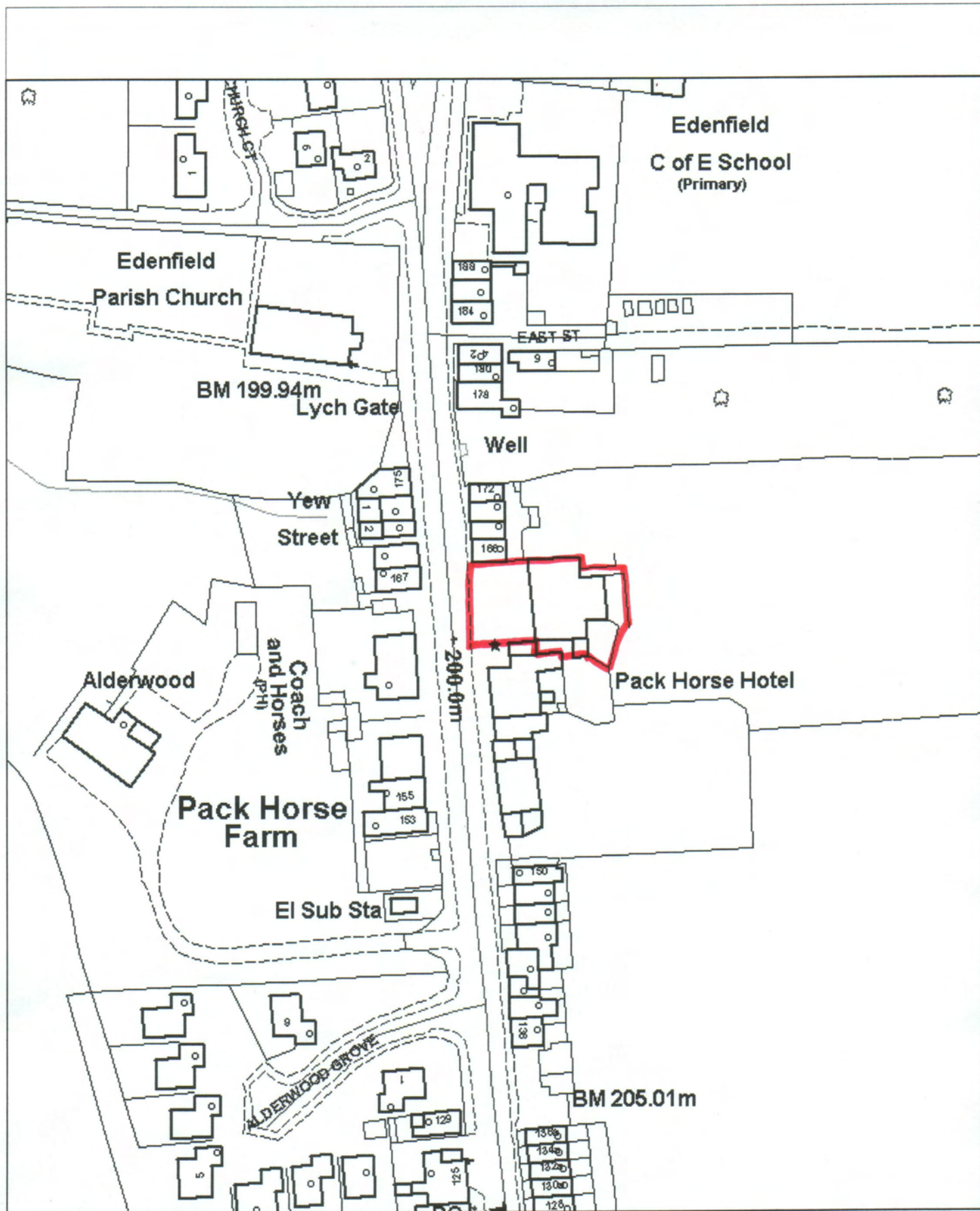
#### **CONTAMINATED LAND**

If permission were being recommended it would have been appropriate to attach a condition requiring that the first reserved matters application be accompanied by an assessment for ground contamination.

#### **Recommendation**

That permission be refused for the following reason :

1. 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). The Applicant has not advanced the case to warrant an exception to policy in this instance.



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Scale 1:1250 Date: 29/11/2005

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