

**TITLE: 2005/598 –OUTLINE APPLICATION FOR THE ERECTION OF ONE DETACHED DWELLING IN THE GARDEN AREA OF 285 EDGESIDE LANE, WATERFOOT**

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

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT: MR C J LITTLER & MISS A M PINDER**

**DETERMINATION EXPIRY DATE: 13<sup>TH</sup> DECEMBER 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 and Proposal**

The applicant seeks outline permission for the erection of one detached dwelling in the garden area of 285 Edgeside Lane. The applicant has requested that the proposed siting of this development is formally considered as part of this application.

The site falls within the urban boundary as defined by the Rossendale District Local Plan.

This proposal was requested to be heard by this Committee by a ward Councillor.

### **Relevant Planning History**

2004/426 – Erection of workshop/store with conservatory above at rear of property at 285 Edgeside Lane, Waterfoot, BB4 9UD – APPROVED

2005/487 – Outline application for the erection of one detached dwelling in the garden area of 285 Edgeside Lane, Waterfoot – REFUSED (SUBJECT TO APPEAL)

## **Notification Responses**

Site notices were posted and the following summarised comments have been received:

- No objections to current siting,
- Objections if proposed dwelling was to be sited elsewhere on the plot of land, due to loss of privacy.

## **Consultation Responses**

### **County Highways**

No objections to the proposal on highway grounds.

### **RBC Forward Planning**

The following response was received:

“The proposal is located within the urban boundary (Policy DS1) on previously developed land (PPG3, JLSP).

The application will result in a net gain of dwellings with no supporting evidence to identify local housing need. This is contrary to the Housing Policy Position Statement, supported by Policy 12 of the Joint Lancashire Structure Plan to refuse all applications for residential development due to sufficient planning permissions in Rossendale to achieve the target of 1,920 homes over the 2001 – 2016 plan period.

For these reasons I consider the application should not be supported as it is considered the proposal would exacerbate the existing oversupply of housing in the Borough, in conflict with Policy UR7 in the RSS for the North West (RPG13) and Policies 1 and 12 of the Joint Lancashire Structure Plan”.

## **Development Plan Policies**

### **Rossendale District Local Plan**

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 HP2 (Listed Buildings) of the Rossendale District Local Plan states that

1. *The Council will safeguard listed buildings and structures by strict control of development proposals in relation to such buildings or structures and development of neighbouring sites.*

2. *The Council will not grant listed building consent for the demolition of a listed building other than in the most exceptional circumstances.*

3. *The Council will not grant planning permission for alterations or additions to a listed building unless there is no adverse effect on its architectural or historic character.*

Policy DC1 (Development Criteria) of the Rossendale District Local Plan

The policy 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) of the Joint Lancashire Structure Plan states that: Development will be located primarily in the principal urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving:

- a) the efficient use of buildings, land and other resources;
- b) high accessibility for all by walking, cycling and public transport, with trip intensive uses focussed on town centres;
- c) a balance of land uses that helps achieve sustainable development;
- d) accelerated rates of business development in the regeneration priority areas;
- e) appropriate development at Blackpool airport, ports and regional investment sites;
- f) urban regeneration, including priority re-use or conversion of existing buildings, and then use of brownfield sites;
- g) enhanced roles for town centres as development locations and public transport hubs;
- h) rural regeneration;
- i) a high quality built environment.

Other development to meet an identified local need or support rural regeneration outside principal urban areas, main towns, key service centres (market towns) and strategic locations for development will be acceptable in principle.

Policy 12 (Housing Provision) states that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016.

Parking standards require the provision of a maximum of two car parking spaces for dwellings with between two and three bedrooms, and three spaces for dwellings with in excess of four bedrooms.

### Other Material Planning Considerations

#### PPS1 (General Policy and principles)

Government guidance in the form of PPS1 emphasises that development should be sustainable and states that there is a need to achieve a balance between promoting economic prosperity and protecting the natural and built environment. It also identifies ways in which mixed use development can be promoted, and provides advice on design matters.

Paragraph 7 states that “Urban regeneration and re-use of previously- developed land are important supporting objectives for creating a more sustainable pattern of development. The Government is committed to:

- a) concentrating development for uses which generate a large number of trips in places well served by public transport, especially in town centres, rather than in out of centre locations; and
- b) preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of Greenfield sites.”

### PPG3 (Housing)

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

Paragraph 22 states that *“The Government is committed to maximizing the re-use of previously-developed land...in order both to promote regeneration and minimize the amount of greenfield land being taken for development”*.

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

### PPG13 (Transport)

Government guidance in the form of PPG13 states in paragraph 19 that *“A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.”*

### Housing Policy Position Statement

1.1 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 location for the proposed development is within the urban boundary and therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan.

The proposed development is to take place within the curtilage of 285 Edgeside Lane, which is classed as brownfield land and therefore the proposed development is in accordance with PPG3 (Housing).

The location for the proposed development currently houses a vehicular repair garage and the site is therefore classified as a 'brownfield site'. The site is sustainably located as it is on a bus route. Therefore the proposed development is broadly in accordance with PPG3 (Housing).

The rear curtilage of 285 Edgeside Lane is bounded by five properties. The proposed dwelling will be situated on the adjacent to the existing property, 285 Edgeside Lane and will have no adverse impact upon the street scene. The siting of the proposed dwelling will have no more adverse an impact than the existing dwelling, 285 Edgeside Lane on the amenity of the neighbouring properties. Therefore the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

The proposed development site is in close proximity to a listed building. However the proposed dwelling would not have a significantly adverse impact upon the listed building, as it will be barely visible. As such, the proposed development is in accordance with Policy HP2 of the Rossendale District Local Plan.

In accordance with the Council's adopted car parking standards, a further two off-road car parking spaces can be accommodated within the curtilage. At this stage, the highways authority have no objection to the proposal.

A major issue associated with this application is one of housing supply. Policy 12 (Housing Provision) of the Structure Plan states that 1920 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 200 properties per year until 2006 and 80 per year thereafter. In view of this, and on the basis that only 431 properties were constructed between 2001 and September 2003, it would seem reasonable to assume that there is currently a shortfall of some 1489 dwellings in the Borough. However, at 1 April 2003 there were 1606 planning permissions that were, and still are, capable of implementation. In view of this it is contended that the Council's current housing targets for 2016 can reasonably be met. With this in mind it is contended that the additional dwelling proposed by this application is not currently required to meet the housing land provision of the Borough.

As per the policy, contained within the Housing Policy Position Statement (as approved at Executive Committee on 17<sup>th</sup> August 2005), the proposed development will result in a net gain in the number of dwellings within the borough and is not located within the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Area. Therefore the proposed development is not in accordance with the Housing Policy Position Statement. The applicant has not put forward any justification based on a recognised local housing need and it is not considered that any exceptional circumstances exist to warrant a departure from adopted policy.

### **Recommendation**

That planning permission is refused for the following reasons:

### **Reasons**

1. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of Policy 12 of the Joint Lancashire Structure Plan 2001 –

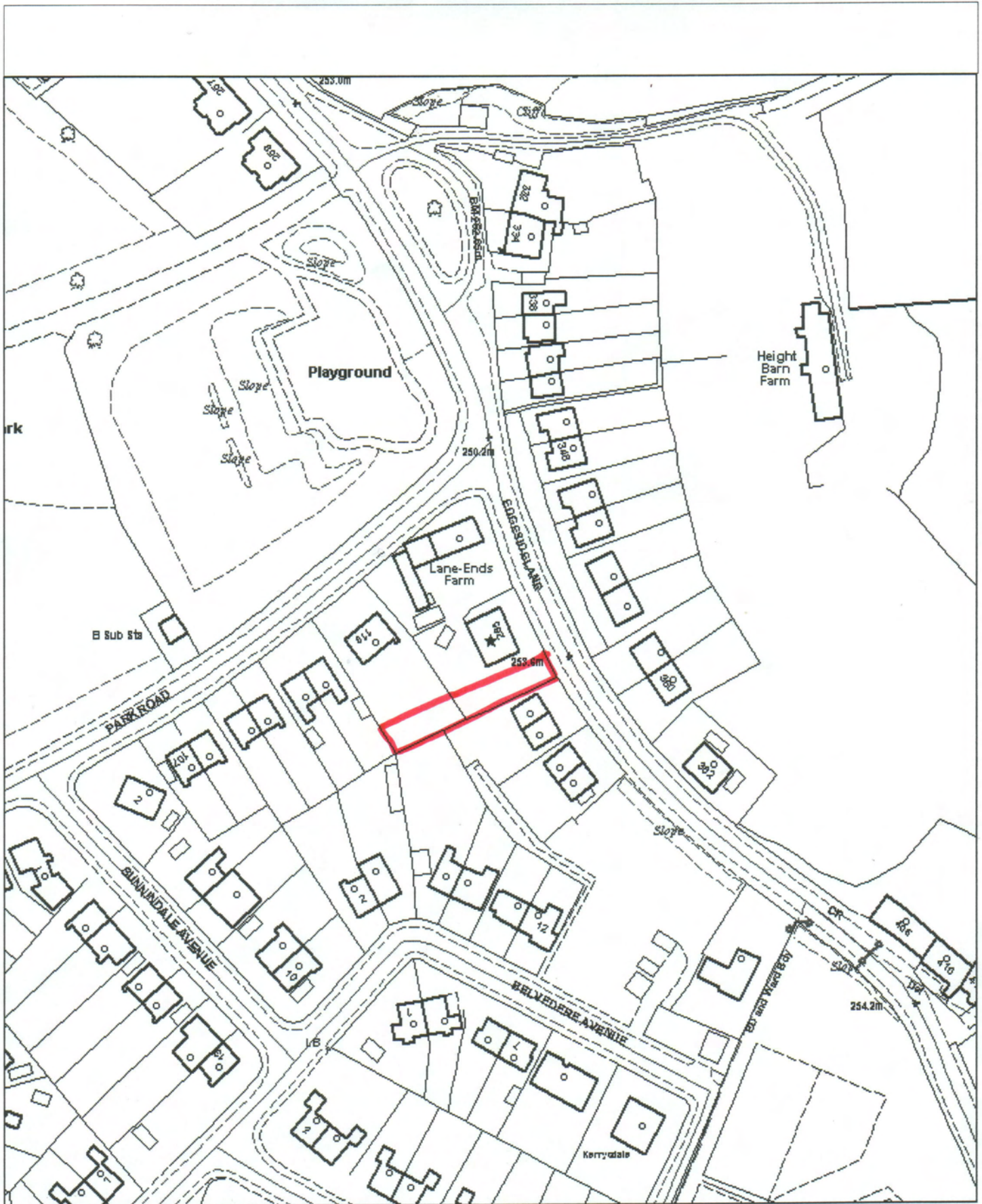
2016 and the Rossendale BC Housing Policy Position Statement (August 2005). The Applicant has not advanced the case to warrant an exception to policy in this instance.

**Local Plan Policies**

DS1  
HP2  
DC1

**Structure Plan**

Policy 1  
Policy 12



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Scale 1:1250 Date: 29/11/2005

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