

**TITLE: 2006/076  
CHANGE OF USE OF VACANT CHAPEL TO 1 DWELLING & GRANNY  
FLAT  
FORMER BETHLEHEM UNITARIAN CHAPEL & 64 OLD STREET,  
TURNPIKE, WATERFOOT**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE - 5 APRIL 2006**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT: DEEGAN JOINERY**

**DETERMINATION EXPIRY DATE: 13<sup>TH</sup> APRIL 2006**

### **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**

This application relates to two buildings attached to dwellings on the corner of Turnpike and Old Street. The buildings concerned comprise of the vacant chapel and 64 Old Street. The latter was originally constructed, and has the appearance of, as a traditional 3-storey house, but has for many years functioned as part of the chapel. The chapel measures 12.5m x 17m and is of comparable height. Both buildings are of stone construction, with a slate roofs. Neither are presently in use.

The applicant seeks permission for a change of use of the chapel into a 3-bedroomed dwelling and the attached building into a 1-bedroomed granny-flat. Although the latter will possess an inter-connecting door with the converted chapel at first-floor level, it will have its own front door, stairs, kitchen and bathroom.

The proposed development includes few physical alterations to the exterior of the building. The principal alterations are : a) the removal of an unsightly boiler flue situated on the front elevation; b) new roof-lights; and c) 3 new windows in the south-west facing elevation.

### **Relevant Planning History**

None.

### **Notification Responses**

None.

### **The Applicant's Case**

The agent for the application has submitted the following comments in support of the application:

- The building has been vacant for quite some time and is showing signs of neglect; there is a need to act now in order to restore and save this historic and attractive building. It cannot be in the Council's interest to let it fall further into neglect through non-usage.
- Residential conversion is the most sensitive and sympathetic use possible for this historic building, and would ensure its restoration and continued maintenance over the long term.
- The building has been marketed for a number of uses for a number of years with little interest. Non-residential uses are not commercially viable/feasible as the buildings do not lend themselves to the requirements of a modern commercial enterprise, lacking off-street car parking/servicing facilities.
- The legal use of the premises falls within Class D1 (Non-Residential Institutions) of the T&CP (Use Classes) Order 1987. Accordingly, it could change to an exhibition hall, health centre, day nursery, etc without the need for planning permission to be sought and obtained. Compared to such uses this proposal would not have so adverse an impact upon the amenities of neighbouring/traffic.
- This is a brownfield site and the proposal would result in the removal of an unsightly external flue on the building and regenerate this part of Newchurch.
- The site is close to good public transport routes, schools and a shopping centre.
- The development of the site will generate sufficient monies for the church to be able to maintain the graveyard such that this does not become overgrown and unkempt.
- The proposal is compliant with Policy DC1 and HP4 of the adopted Rossendale District Local Plan. There are conservation benefits of allowing conversion of this building, which is worthy of retention and as such the proposal complies with Policy 12 of the adopted Joint Lancashire Structure Plan.
- The Council has given weight to "other material planning considerations" in the past where unique circumstances exist; this more than any other case deserves Council support.

### **Consultation Responses**

County Highways has no objection to the application subject to conditions to ensure that neither vehicular or pedestrian access to the site is allowed from Turnpike.

It states that the site presently has no off-street parking facilities, nor can the applicant provide the level of provision to comply with its approved Parking Standards. However, the authorised use has the potential to generate significantly more traffic movements/demand for on-street parking than the proposal. This being

the case, it does not raise objection to the proposal subject to there being no access either vehicular or pedestrian to Turnpike. Vehicular access to this road would be hazardous due to a severe lack of visibility and a pedestrian access would lead to on-street parking to the detriment of road safety.

### **Development Plan Policies**

#### Rossendale District Local Plan

Policy DS1 (Urban Boundary)  
Policy HP4 (New Uses for Old Buildings)  
Policy DC1 (Development Criteria)  
Policy DC4 (Materials)

#### Joint Lancashire Structure Plan

Policy 1 (General Policy)  
Policy 2 (Main Development Locations)  
Policy 12 (Housing Provision)

### **Other Material Planning Considerations**

PPS1 (Delivering Sustainable Development)  
PPG3 (Housing)  
PPG13 (Transport)

LCC Parking Standards  
RBC Housing Position Statement

### **Planning Issues**

A ward Councillor has requested that this application be determined by Committee.

The location for the proposed development is within the Urban Boundary identified by the Rossendale District Local Plan and is within the Main Development locations identified in Policy 2 of the Joint Lancashire Structure Plan. National and local plan policy is, generally, supportive of proposals to re-use existing buildings in locations well-related to public transport routes, shops, etc. I am also satisfied that the submitted drawings provide for the conversion of the buildings in a manner which retains their intrinsic character and will avoid undue detriment for occupiers of neighbouring properties.

This being the case, in determining the application the main issues to consider are whether the proposal accords with Housing Policy and, if not, whether the circumstances exist to warrant an exception to this policy.

One issue associated with this application is whether there is a requirement for new housing in the borough based on the figures in the Joint Lancashire Structure Plan (2001-2016). The Joint Lancashire Structure Plan specifies a dwelling provision in the period 2001 to 2016 for Rossendale of 1,920 dwellings. There have been housing completions in the relevant period of 992 dwellings, giving a remaining provision for 928 units. There are existing planning permissions for 1,268 dwellings. Having regard also to the number of dwellings for which permission has lapsed, there is an over-supply of 255 dwellings. Therefore, it is considered that there are sufficient residential planning permissions to meet Rossendale Borough Council's housing requirement to 2016 and that the proposed development would be contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016).

LCC (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. The Council's Housing Position Statement accepts the contention that the Borough will over-shoot its housing allocation unless the circumstances in which permissions are now granted are limited to those set out in its Housing Position Statement :

*"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 the above criteria, I would advise that the application will result in a net gain in dwellings and the application site does not lie within the boundaries of either Area Action Plan. Consequently, the proposal is contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016) and to the Council's Housing Position Statement.

It is, therefore, appropriate to ask whether there are other planning considerations of sufficient weight to tip the balance in favour of a permission.

The reasons advanced by the applicant for making such an exception are set out above.

I consider there to be some merit in certain of them. On the one hand, I consider that the conversion of these buildings to residential use (in the manner proposed) to be the most appropriate use for the premises; I say this as : a) the attached buildings are in residential use; b) part of the premises to be converted where constructed as a dwelling and retain the appearance of a dwelling; & c) there is no way in which the off-street parking facilities could be provided to meet the needs of a more intensive or commercial use. On the other hand : a) no information has been submitted to show what efforts have been made to secure re-use of the premises and what interest this generated; b) though they may be of some local interest, the buildings have not been included by Central Government on its List of Buildings of Special Architectural or Historic Interest; & c) by comparison with other premises within the areas for which the Council is preparing Area Action Plans in order to secure investment in regeneration, these buildings do not form a very prominent and (by reason of their appearance) an intrusive feature of the street-scene.

Thus, on balance, I have arrived at the view that the case has not been made to warrant permission being granted for this proposal as an exception to housing policy.

## **Recommendation**

That planning permission is refused for the following reasons:

### **Reasons**

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). In this instance the case has not been advanced to warrant an exception to policy being made.

### **Local Plan Policies**

DS1  
HP4  
DC1  
DC4

### **Structure Plan Policies**

Policy 1  
Policy 2  
Policy 12



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LOGGERS PLAN

