

Application Number:	2019/0358	Application Type:	Reserved Matters
Proposal:	Erection of 95 dwellings (Reserved matters submission pursuant to outline approval no. 2016/0563 seeking approval for access, appearance, layout, scale and landscaping)	Location:	Rossendale Football Club, Dark Lane, Newchurch, Rossendale
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	10/12/2019
Applicant:	Together Housing Association & Galliford Try Partnership	Determination Expiry Date:	3/12/2019 (Extension of Time until 12/12/2019)
Agent:	Ancanthus WSM Architects		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	✓
Member Call-In Name of Member: Reason for Call-In:	
3 or more 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.

1. RECOMMENDATION

That the Reserved Matters are approved subject to the conditions set out in the report.

2. **SITE**

The site extends to 2.69 hectares and is located within Hareholme Ward. It is located to the south side of Staghill Road within Newchurch. To the west of the site runs Dark Lane which is a narrow unadopted road over which runs a public footpath and provides access to domestic driveways and garages serving properties to the west, and also to Newchurch St Nicholas C.E. Primary School where the road then terminates. Houses on Queensway adjoin the site to the east side. The south of the site is bound by Staghill Wood which contains a dense area of deciduous woodland and is a Priority Habitat.

The site itself can be described in two distinct areas. The northern part of the site contains large areas of hardstanding, the now disused playing pitch which was previously occupied by Rossendale United Football Club, along with a number of dilapidated stands, structures and the former club house. 'Modified neutral grassland' has developed where the former playing pitch was sited - this is grassland which naturally regenerates on disturbed ground and is unmanaged. Two dwellings on Queensway (no. 3 and no. 5) have domestic garages at the rear of their properties which falls on land within the application site and are accessed from the site.

The southern part of the site lies adjacent to Newchurch St Nicholas C.E. Primary School and comprises marshy open grassland, dense scrub and a scattering of trees.

Ground levels slope significantly from the north - west to the south - east by around 11 metres. The levels have been altered historically to accommodate the pitch and buildings on a plateau which has resulted in a retaining wall located between the site and Dark Lane.

The entire site is allocated on the Adopted Core Strategy Proposals Map (1995) as 'Greenlands' and the northern part is a Recreation Area. The full site lies within the Urban Boundary of Waterfoot. The majority of the site consisting of the southern area owned by the Council, and the disused pitch within the northern part are 'greenfield' in planning terms. There was some debate between Officers and the Applicant's Agent at the time of the Outline application, whether the land containing the hardstanding areas and dilapidated structures would constitute previously developed land. The National Planning Policy Frameworks' definition of previously developed land excludes 'recreation grounds' therefore Officers took the view that the entire site is greenfield. However the Agent considered that whilst the land is designated as a recreation ground it is not a piece of public land for recreation, therefore they believed part of the land was previously developed. Nevertheless, the issue of the principle of redeveloping the entire site has previously been established with the grant of Outline Planning Permission.

The site is not within a Conservation Area nor does it contain listed buildings or Tree Preservation Orders (TPO). There are 17 trees on third party land adjacent to Dark Lane (outside of the application site but adjacent to it) which are covered by a TPO (reference – T2/6/T1 to T17).

3. **PROPOSAL**

Following the approval of outline planning permission (ref: 2016/0563) for the development of up to 100 no. dwellings on the site, the applicant now seeks approval of the reserved matters of access, appearance, layout, scale and landscaping. The final scheme includes 95 no. affordable dwellings for Together Housing Association, compared to the (up to) 100 units approved at outline stage.

Access

Access to the site would be directly off Staghills Road, as approved at outline stage. The development would be constructed around an internal estate road, with cul-de-sacs situated off it.

Appearance

The proposed 2 storey dwellings and apartment blocks would be constructed of artificial stone, with some render finishes in part & the roofs would be constructed with Calderdale roof tiles.

The dwellings would be of relatively traditional design, but with some modern features. All dwellings would feature pitched roof designs and some houses would have canopies of varying sizes over the front doors.

Layout

The dwellings would be arranged around an internal estate access road which would enter the site at the approved access point at the eastern end of the site. There would be a small number of cul-de-sacs situated off the main access road. The houses and apartments would be in the form of detached, semi-detached and terraced / mews properties. Each unit of accommodation would have an enclosed garden area, and would feature driveways and parking, either to the front or side. Timber fences would be erected along rear boundaries and between back gardens.

Scale

The proposed houses & apartments would all be of 2 storeys in height and would be a mix of two and three bedroom properties.

Landscaping

A detailed scheme of landscaping has been submitted, which provides for the planting of a variety of trees and shrubs across the site. Trees, shrubs and grass would be planted to the front of most dwellings and in areas of public open space.

Boundary treatments to the site include:

black powder coated railings with dwarf walls & stone piers; and,

close boarded timber fencing with dwarf walls & stone piers.

4. PLANNING HISTORY

2016/0563 – Outline application for demolition of all existing buildings & structures and erection of up to 100 no. dwellings (Use Class C3) with all matters reserved except for access. Approved subject to a Section 106 agreement, a Memorandum of Understanding; and conditions on the 9th of August 2019.

2012/0341 - Outline application for residential development. Withdrawn December 2012. This application related to the north-eastern part of the site.

5. POLICY CONTEXT

National

The National Planning Policy Framework has been revised since the proposals were last considered. The relevant Sections against which the application now needs to be considered are as follows:-

National Planning Policy Framework (Revised February 2019)

- Section 2 Achieving Sustainable Development
- Section 5 Delivering a Sufficient Supply of Homes
- Section 8 Promoting Healthy and Safe Communities
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective use of Land
- Section 12 Achieving Well Designed Places
- Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 3 Strategy for Waterfoot, Cowpe, Lumb and Water
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable & Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 10 Provision for Employment
- Policy 16 Preserving and Enhancing Rossendale's Built Environment
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Open Space & Play Equipment Contributions SPD (2008)

National Planning Practice Guidance

RBC Strategic Housing Land Availability Assessment (SHLAA) (2017)

RBC Alterations and Extensions to Residential Properties SPD

RBC Emerging Local Plan

National Design Guide

6. CONSULTATION RESPONSES

Consultee	Response	Conditions recommended?
RBC Arboriculturalist	Concern re: landscaping plans do not tally. NOTE: amended plans have since been received	No
Sport England	No objection	No however a Memorandum of Understanding and Section106 Agreement are required. NOTE: These were secured on the outline application and cannot be considered as part of a reserved matters application.
Contaminated Land Officer	Comment on information submitted in order to comply with conditions imposed on the outline application	No
LCC (Highways)	No objection	No
Greater Manchester Ecology Consultant	No objection. The reserved matters application appears to be in compliance with the ecological conditions of the outline permission.	Yes
Lancashire Wildlife Trust	The developer must provide details of how they are going to provide off site compensation for the ecological impact of the development.	No
Cadent	No objection	No
United Utilities	No objection.	No
Natural England	No comments to make	No
Lancashire Fire and Rescue	No objection	No - comments relate to Building Regulations as opposed to Planning
Police Architectural Liaison Officer	No objection	Informatives

Environment Agency	They have previously commented on the outline application & have no further comments to make at this stage.	No
Rossendale Civic Trust	Comments re: sub-soil surveys; density of development; access to bus services; house types; privacy distances and parking spaces	No

7. **NOTIFICATION RESPONSES**

Two letters of concern have been received in respect of the proposals. The key areas of concern are outlined below.

- Conflict with existing traffic on the estate.
- Will result in a large volume of traffic on nearby roads, giving rise to queuing.
- Large amount of on street parking already in the area
- Noise during construction.
- No need for more houses.
- 95 dwellings are too many.
- Inadequate open space in the area for children to play.
- More anti-social behaviour.

8. **ASSESSMENT**

Principle

The principle of residential development has already been established with the approval of the outline application (ref: 2016/0563) approved on the 9th of August 2019.

Visual Amenity

Policy 1 of the Core Strategy seeks to ensure that new developments complement and enhance the surrounding area through the use of inclusive design and locally distinctive materials. Policy 23 of the Core Strategy requires that new developments respect and respond to local context, distinctiveness and character.

The proposed scheme would replace the dilapidated structures and overgrown former football club pitch on the site and it is considered that the development would result in an improvement to the general appearance of the site. The proposed plans show that the dwellings and apartments will be of a high standard of design, and that measures such as the use of appropriate materials, landscaping & sensitive boundary treatments have been incorporated into the scheme to secure a high quality appearance to the scheme.

The proposed facing materials are considered acceptable and the scale and massing of the proposed units would not be excessive in the context of the site.

The use of artificial stone and render for the walls of the proposed dwellings are considered appropriate given the character of the area, which is largely formed by post war, former Local Authority housing.

The Council's Tree Officer has no objection to the proposed scheme, and considers that the proposed scheme of landscaping is appropriate.

The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

Two letters of objection has been received from local residents.

The submitted plans demonstrate that the proposed scheme will maintain adequate separation distances between the proposed dwelling elevations and existing neighbouring properties. It is not considered that residential use of the site will necessarily cause any greater impact on neighbour amenity than the former lawful, use of the site as a football ground.

Given the siting, orientation and massing of the proposed dwellings, it is not considered that the scheme will result in an unacceptable loss of privacy, daylight or outlook for the occupiers of any nearby residential properties.

A condition requiring the submission of a construction method statement (including details of hours of operation during construction), prior to development commencing has already been included on the outline planning permission, therefore, it is not necessary to repeat it on this reserved matters application.

The scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The position & design of the access from Staghills Road remains unchanged from that already approved on the outline planning permission when access was applied for and granted. The current application for access only seeks approval for the internal road layout to serve the new housing within the proposed development & the design of the new roads is considered to be acceptable as it would allow for the free flow of traffic within the site and would not have a detrimental impact on highway safety. The condition of Dark Lane would remain unaffected as no access to the development would be taken from Dark Lane, which is a private, unadopted road.

The outline approval already includes conditions requested by the Local Highway Authority which would continue to apply to the current scheme if approved.

The Local Highway Authority has raised no objection to the proposed scheme.

Having regard to the above, the scheme is considered acceptable in terms of access, parking and highway safety.

Land Contamination

The outline approval already includes a condition requested by the Council's Land Contamination consultant which would continue to apply to the current scheme if approved. The Applicant's Agent has submitted information to try and discharge this condition and further details have been requested by the Council's Consultant which the Applicant's Agent

has sought to address. However, this condition is not yet at the point where it can be discharged.

Other Planning Conditions on the Outline Planning Approval

A number of conditions on the outline approval (ref: 2016/0563) were worded as such to give the Applicant, the option of submitting information to seek discharge of those conditions with this reserved matters application or by way of specific discharge of conditions applications.

The Applicant has sought to address the following conditions as part of this application:

- 3 – Details of the Locally Equipped Area of Play.
- 5 – Materials
- 6 – Ground levels.
- 7 – Site Investigation & Risk Assessment (re: contamination).
- 8 – Protection Measures for Staghills Wood.
- 9 - Felling of Tree T3.
- 10 – Bat Survey of Existing Building
- 11 – Badger Survey
- 13 – Invasive Species
- 14 – Biodiversity Opportunities
- 15 – Surface Water Drainage Scheme
- 16 – Sustainable Drainage Scheme
- 17 – Maintenance & Management of Drainage
- 18 – Foul & Surface Water Drained on Separate Systems
- 19 – Construction Method Statement
- 20 – Boundary Treatments
- 21 – Highways Maintenance
- 22 – Highway Details
- 23 – Proposed Site Accesses & Off Site Highway Works
- 24 – Cycle Storage & Electric Vehicle Charging Points
- 25 – Surface Treatments
- 26 – Residential Travel Plan.

Following the submission of information from the Applicant and satisfactory responses from statutory consultees, the following conditions are hereby discharged: 5, 6, 8, 11, 13, 14, 15, 18 & 20.

Responses from statutory consultees are awaited on the following conditions and these are not yet ready for discharge: 3, 7, 9, 10, 11, 16, 17, 19 & 21-26.

Other material considerations

Delivery of Affordable Housing: Whilst not an issue for consideration as part of this reserved matters application, the proposal is for 95 affordable dwellings, which would meet an identified housing need and make a positive contribution to the supply of new, affordable homes in the borough.

Dark Lane: A request has been made on behalf of a local Community group that consideration be given to the installation of a footpath and lighting along Dark lane as part of this application for reserved matters.

Dark Lane is not an adopted highway and is in multiple ownerships. Given that it is not under the responsibility of Lancashire County Council (in their role as the Highway Authority), the installation of street lighting and a footpath would require the agreement of all the landowners who may well also be responsible for future repairs, replacement & maintenance.

If this was to be secured as part of a planning application it could only be done on either a full application or an outline permission (which deals with the principle of development) and secured through a section 106 agreement. In this instance, the outline application and section 106 agreement (ref: 2016/0563) has already been approved by the Planning Committee and the improvements to Dark Lane were not included as part of the section 106 agreement. Any such agreement would have been logistically impractical as (1) it would require the signed consent of all the landowners to the legal agreement; and (2) it would not meet the policy tests for a section 106 agreement.

Also, the current application is for the reserved matters such as appearance of the houses, scale of development & landscaping. It is only those specific matters that can be considered on a reserved matters application and not the principle of development, including the section 106 agreement. Therefore, the legal position is that a legal agreement cannot be included as part of a reserved matters application and it is not possible to deliver the improvements to Dark Lane through the planning process.

9. **RECOMMENDATION**

That the Reserved Matters be granted subject to the Conditions set out below.

10. **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted for 95 residential units shall be carried out in accordance with the following approved plans unless otherwise required by the conditions below:

Drawing Title	Drawing Number	Received
Location plan	2361.45.001	16/08/2019
Site layout	2361.45.010	16/08/2019
Boundary treatments	2361.45.200	16/08/2019
Site sections	2361.45.250	16/08/2019
Apartment building	2361.45.010-2B 3P	16/08/2019
Apartment semi-detached	2361.45.030-2B 3P	16/08/2019
Apartment semi-detached	2361.45.035-2B 3P	16/08/2019
Semi-detached	2361.45.040-2B4P	16/08/2019

Semi-detached	2361.045.050-2B4P	16/08/2019
Semi - detached	2361.45.055-2B4P	16/08/2019
Semi-detached	2361.45.060-3B5P	16/08/2019
Semi-detached	2361.45.065-3B5P	16/08/2019
Semi-detached	2361.45.070-3B5P	16/08/2019
Terrace	2361.45.075-2B4P	16/08/2019
Terrace	2361.45.080-3B5P 2B4P	16/08/2019
Terrace	2361.45.085-3B5P 2B4P	16/08/2019
Landscape Proposals	Dwg. No. DR-3784-01.05	26/11/2019

Reason: To accord with the permission sought and granted.

3. The approved scheme of landscaping and planting shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species.

Reason: In the interest of the appearance of the locality and to enhance biodiversity.

4. If any badger setts on the site are found to be active, and / or if any further active setts are discovered on the site; no development shall commence until the Local Planning Authority has been provided with a detailed mitigation strategy and a license issued by Natural England pursuant to section 10(d) of the Protection of Badgers Act 1992 authorising the closure of the setts.

Reason: In the interests of conserving biodiversity

INFORMATIVES

1. Whilst the buildings/structures to be demolished have been assessed as low risk for bats, the applicants are reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
2. Your attention is drawn to the attached comments from the Lancashire Fire and Rescue Service and the Police Architectural Liaison Officer.

