

<b>Application No:</b> 2006/393	<b>Application Type:</b> Reserved Matters
<b>Proposal:</b> Erection of 4 dwellings	<b>Location:</b> Land off Lees Street, Britannia
<b>Report of:</b> Development Control Team Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 29 November 2006
<b>Applicant:</b> Mr N Rowbotham	<b>Determination Expiry Date:</b> 11 September 2006
<b>Agent:</b> Hartley Planning & Development Assocs Ltd	

REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b>	<input type="checkbox"/>
Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>X</b>

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**

**1.1 Background**

This reserved matters application was reported to the meeting of Committee on 19 October 2006. In accordance with the Officer Recommendation, Committee resolved to approve the application, subject to conditions.

Prior to issue of the decision notice an objector contacted the Head of Legal and Democratic Services to express concern that Members may not have been clear about which of the reserved matters they were being asked to consider. The report presented to Committee on 19<sup>th</sup> October stated that the only reserved matter to be considered was landscaping whereas the applicant had in fact submitted a reserved matters application for the consideration of design, external appearance and landscaping.

The Head of Legal and Democratic Services has determined that it would be unsafe to issue a reserved matters permission as determined by Committee on 19<sup>th</sup> October and that the application should be returned to Committee for re-consideration.

## **1.2 Relevant Planning History**

In April 2006 an outline application was submitted seeking permission for the erection of 4 detached dwellings on a plot of land having an 11m frontage to Rochdale Road and a 60m frontage to Lees Street.

As first submitted Application 2006/189 sought permission in principle for the 4 dwellings and for details of their siting/design/external appearance/means of access; only the matter of landscaping was reserved for later consideration. LCC(Highways) recommended refusal of the application on the grounds that the proposed layout/access arrangements would detract to an unacceptable extent from highway safety. Other concerns were also raised in relation to the originally submitted scheme.

As a consequence the Agent submitted a drawing showing an amended site layout/means of access and asked that the application be put before Committee and determined as one seeking outline permission for 4 dwellings and for their siting/ means of access, with the matters of design/external appearance/landscaping reserved for later consideration.

As amended, the scheme proposed : a) widening of the carriageway of Lees Street and provision of a footway extending from that on Rochdale Road for a distance of 20 m down the site's frontage to Lees Street; & b) construction of 4 detached dwellings facing Lees Street, setback from Rochdale Road sufficiently far to ensure none would have its drive within 20m of the main road. On this basis outline permission was granted.

## **1.3 Proposal**

Approval is now sought for details of design/external appearance/landscaping.

The submitted scheme would result in the erection of four 3-bedroomed detached houses, each with a gutter-height of 4.8m and a ridge-height of 6.2m. The houses would be constructed of coursed natural stone to first-floor height, with stone quoins and rendered walls above, except for the gable of that house nearest to Rochdale Road which would be faced with stone to its full height.

The Agent advises that the proposed houses have been designed with particular regard for the need to minimise overlooking of existing and proposed houses immediately to the west of the application site. The proposed dwelling with a party

boundary with 370 Rochdale Road will have no windows in that elevation facing it other than a high-level ground floor window. The 3 dwellings with their rear elevations facing towards open land with an unimplemented permission for housing development (2004/449) will each have only a landing and bathroom window in that elevation. Furthermore, fencing will be erected along the western boundary.

The house nearest to the corner of Rochdale Road/Lee Street will have its garden stopped short of the main road to facilitate good visibility for drivers in the vicinity of the junction and will be landscaped.

#### **1.4 Policy Context**

##### Rossendale District Local Plan (Adopted 1995)

DS1	-	Urban Boundary
DS5	-	Development Outside Urban Boundary & Green Belt
E7	-	Contaminated Land
DC1	-	Development Criteria
DC2	-	Landscaping
DC4	-	Materials

##### Joint Lancashire Structure Plan (Adopted 2005)

Policy 1	-	General Policy
Policy 5	-	Development Outside Principal Urban Areas, Etc
Policy 7	-	Parking
Policy 12	-	Housing Provision
Policy 20	-	Lancashire's Landscapes

##### Other Material Planning Considerations

PPS1  
PPG3  
PPG13  
PPG23  
RPG13

Draft RSS

LCC Parking Standards

RBC Housing Position Statement (Aug 2005)

RBC Housing Land Position Monitoring Report (May 2006)

RBC Housing Needs & Market Assessment 2004/2005

RBC Bacup, Stacksteads & Britannia Emerging AAP

#### **2. CONSULTATIONS**

None

#### **3. REPRESENTATIONS**

Letters have been received from 3 local residents advancing the following reasons for objection:

- Land outside of the urban boundary has not been previously developed and is "greenfield". Therefore, the development of this land is contrary to policy contained in the Rossendale District Local Plan.

- The proposed properties do not fit in with the established needs for housing in the area and, therefore, cannot be considered to be regenerative. Nor will they be affordable by local people.
- The proposed properties are out of scale, out of character, use inappropriate materials and do not reflect existing development patterns, as they are not terraced and the nearest property to Rochdale Road does not face the highway. The use of render and concrete roof materials is inappropriate as all properties within the immediate vicinity are entirely constructed of natural stone and natural slate. The size of their gardens is wholly inadequate.
- Plot 1 sits entirely alongside the garden to 370 Rochdale Road and will cause overshadowing throughout the morning, blocking all direct sunlight from the garden from dawn until approximately 12.00pm, particularly in winter.
- If these properties retain permitted development rights within their cramped curtilage, there will be significant future problems.
- The drawing still contain inadequate/inaccurate information about the proposed dwellings and do not illustrate adjacent properties with sufficient accuracy to allow the impact upon them to be fully assessed. This relates particularly to the properties on Ernest Street and the gardens opposite on Lees Street.
- Given that part of this site is considered 'brownfield,' there is a significant potential for contaminants. The proximity of adjacent properties and the health and safety risk associated with the kind of contaminants that could be on the site (part of the site was once a joiners workshop) make at least a desktop study essential to prevent disturbed ground causing contaminants to migrate.
- Given the amount of excavation required to implement the proposed development (up to 1m in places) details of retaining structures should be requested.
- The landscaping details are unclear.

#### **4. ASSESSMENT**

The principle of erecting 4 dwellings on this site has been established by the earlier grant of outline planning permission, as too has their siting and means of access.

Accordingly, the main issues to be considered in relation to the current application are: 1) design & appearance; 2) neighbour amenity; & 3) landscaping.

##### Design and Appearance

The proposal is considered to be acceptable in design and appearance terms and relates acceptably to the existing pattern of development and spatial relationship with its closest neighbours, both existing and proposed.

##### Neighbour Amenity

It is considered that the proposed development will not have a significantly adverse impact upon the amenity of the neighbouring residents. There is a distance of 21 metres to the back yard and 23 metres to the nearest dwelling on Ernest Street. The house proposed on Plot 1 has been designed so as to

minimise any potential adverse impact upon the occupiers of 370 Rochdale Road. The proposed development has also been designed with proper regard for the potential residential development permitted under Application 2004/449.

It is considered that the proposed development will not have a significantly adverse impact upon the amenity of the neighbouring residents and is in accordance with the criteria of Policy DC1 of the Rossendale District Local Plan. However, I do consider it appropriate to withdraw the 'permitted development' right to extend these houses without the need to first apply for and obtain planning permission.

#### Landscaping

It is considered appropriate to require by way of conditions fuller details of the intended boundary fences and scheme of planting for landscaping-strip to be formed on the frontage to Rochdale Road.

#### Other Matters

An objector has questioned whether the site is contaminated, part of it having previously been used as a joiners workshop. A desk-top study undertaken in relation to the open land immediately to the west of the site (for which residential development has been permitted) concludes that there is a low likelihood of significant ground contamination beneath that site or the adjacent land.

### **5. SUMMARY REASONS FOR APPROVAL**

The application site is located within the Urban Boundary of Britannia and the emerging Bacup, Stacksteads & Britannia AAP and, by reason of the details for which approval is now sought, the scheme is not considered likely to unacceptably impact upon the amenities of neighbours, highway safety or any other material planning consideration.

### **6. RECOMMENDATION**

That approval be granted subject to the following conditions :

1. Before the development permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted drawings. The development shall be carried out in conformity with the approved details. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
2. Before the development permitted is first commenced full details of the means of surface and foul water drainage/disposal shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for surface and foul water drainage/disposal related thereto have been completed in accordance with the approved details. *Reason: To ensure a satisfactory means of drainage, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

3. Notwithstanding any details shown on the previously submitted drawings, the development permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials. *Reason: To protect the appearance of the locality, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
4. Notwithstanding any details shown on the previously submitted drawings, first-floor windows in the west elevation of the dwellings permitted shall be obscure-glazed, and any opening-light shall be top-hung, and shall remain as such thereafter. *Reason: To protect the amenities of neighbours, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
5. Notwithstanding any details shown on the previously submitted drawings, no development shall take place until a scheme of landscaping/ boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped, together with details of walls/fences to be erected; and detail any changes of ground level or landform. *Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
6. All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the dwelling to which they relate/are nearest, unless otherwise first agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building to which they relate/are nearest. Any trees or plants in the approved scheme of landscaping 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 similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
7. None of the dwellings permitted shall be occupied until the parking area associated with it has been constructed in accordance with a scheme submitted prior to the commencement of development and approved in writing by the Local Planning Authority. *Reason: In the interests of highway safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local plan.*
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no

alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission). *Reason: To protect the visual/ neighbour amenity, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

<b>Contact Officer</b>	
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<b>Report of:</b> Team Manager Development Control	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 19 <sup>th</sup> October 2006
<b>Applicant:</b> Mr N Rowbotham	<b>Determination Expiry Date:</b> 19 September 2006
<b>Agent:</b> Hartley Planning & Development Associates Limited	

**REASON FOR REPORTING                      Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:  
Reason for Call-In:

**3 or more objections received                      X**

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 Proposal and the Site**

The applicant seeks reserved matters consent for the erection of four dwellings. The only reserved matter to be considered is that of landscaping.

The site is partly located within the urban boundary and partly within the countryside.



## 2. Relevant Planning History

2006/189 – (Outline) Erection of No. 4 detached dwellings (0.076 Ha) at land off Lees Street, Britannia. APPROVED

## 3. Policy Context

### Rossendale District Local Plan

Policy DS1  
Policy DC1  
Policy DC4

### Joint Lancashire Structure Plan

Policy 1  
Policy 2  
Policy 12  
Parking standards

### Other Material Planning Considerations

PPS 1  
PPG 3  
PPG 13  
Housing Policy Position Statement

## 4. CONSULTATIONS

None required.

## 5. REPRESENTATIONS

Site notices were posted, and to date two letters have been received, which have raised the following points:

- There are no specific elevations or plans for Plot 1 and therefore, it is difficult to assess the impact upon the neighbouring properties
- There are no proposed levels indicated on the drawing
- The landscaping details are unclear
- Land outside of the urban boundary has not been previously developed and is “greenfield”. Therefore, the development of this land is contrary to policy contained in the Rossendale District Local Plan.
- The use of render and concrete roof materials is inappropriate as all properties within the immediate vicinity are entirely constructed of natural stone and natural slate
- Please ensure that a condition is included to any approval revoking permitted development rights to ensure that no additional windows can be added without the prior approval of the Local Planning Authority
- Plot 1 sits entirely alongside the garden to 370 Rochdale Road and will cause overshadowing throughout the morning, blocking all direct

sunlight from the garden from dawn until approximately 12.00pm, particularly in winter. During summer, all direct sunlight will be taken from the rear of 370 Rochdale Road in the morning.

- The size of the small garden area on each plot is wholly inadequate for the size of each individual property.

## 6. ASSESSMENT

The main issues to be considered in relation to this application include the principle of the proposed development, neighbour amenity and landscaping:

### Principle

The principle for the development of this site has been established by the earlier grant of outline planning permission for residential development. The location for the proposed development is partly within the urban boundary (approximately two thirds of the site) and partly within the countryside (approximately one third of the site). Therefore, it is considered that the proposed development is substantially in accordance with Policy DS1 of the Rossendale District Local Plan.

### Design and Appearance

The proposal is considered to be acceptable in design and appearance terms and relates acceptably to the existing pattern of development and spatial relationship with its closest neighbours.

### Neighbour Amenity

It is considered that the proposed development will not have a significantly adverse impact upon the amenity of the neighbouring residents. There is a distance of 21 metres to the back yard and 23 metres to the nearest dwelling on Ernest Street. The proposed dwellings will overlook open land to the east of the properties, with the exception of plot 1. Plot 1 has been sited so as to minimise any potential adverse impact upon the occupiers of No. 370 Rochdale Road. The proposed development will overlook a potential neighbouring development of thirteen dwellings. The proposed development will overlook onto the gable elevation of a dwelling and the openings within this elevation relate to either a landing or toilet and will not have a significant adverse impact upon the amenity of the occupiers of either dwelling. Therefore, it is considered that the proposed development will not have a significantly adverse impact upon the amenity of the neighbouring residents and is in accordance with Policy DC1 of the Rossendale District Local Plan.

### Traffic/Parking

The proposed development has adequate off-road parking facilities available for each dwelling and it is considered that the proposal is in accordance with the Council's adopted car parking standards. The access to the proposed development is considered to be appropriate and will not have an adverse impact upon highway safety. Therefore, the proposed development will not have an adverse impact upon existing conditions within the locality and is considered to be in accordance with Policy DC1 of the Rossendale District Local Plan.

## 7. CONCLUSION

The proposed development is located within the Urban Boundary and is not considered likely to unacceptably impact upon the amenities of neighbours, highway safety or any other material planning consideration. Therefore, the proposed development is considered to be in accordance with Policy DS1 and the criteria of Policy DC1 of the Rossendale District Local Plan.

## 8. RECOMMENDATION

That permission be granted, subject to the following conditions:

1. The development shall be carried out in accordance with the plan received on 10<sup>th</sup> October 2006.

*REASON: To ensure the development complies with the approved plans and for the avoidance of doubt.*

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

*REASON: In the interests of visual amenity.*

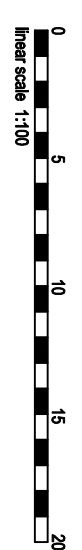
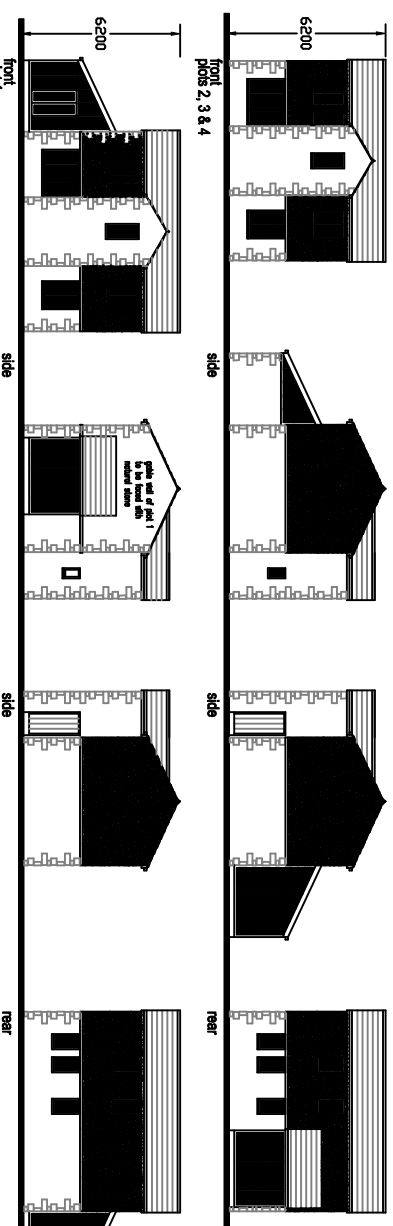
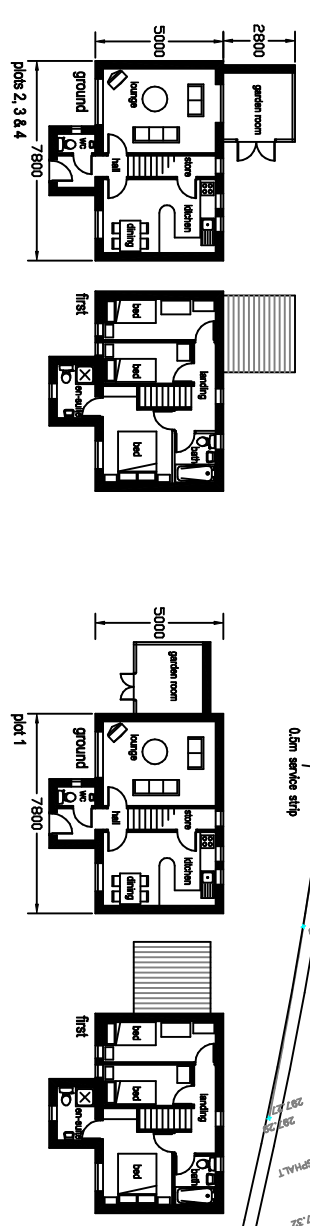
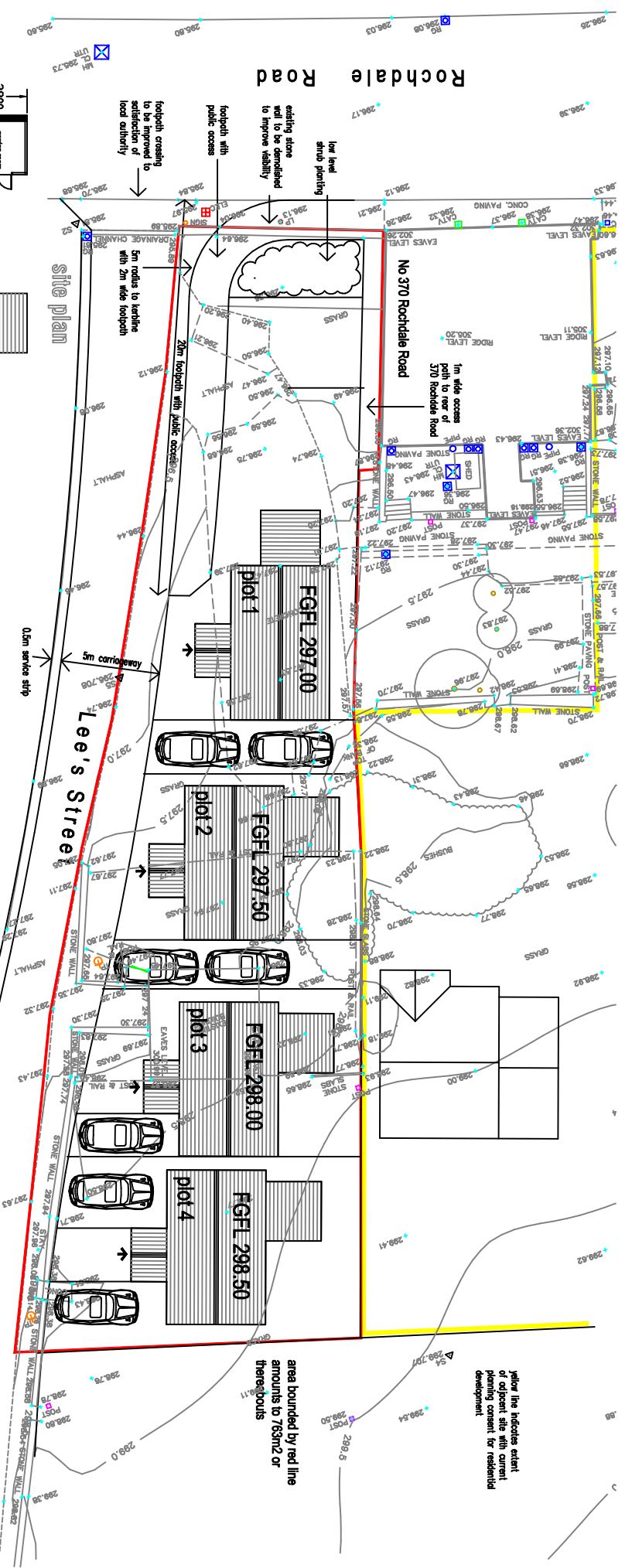
3. Before any development commences, a scheme for the improvement of Lees Street, including its junction with Rochdale Road and the length of the application site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented, prior to first occupation of any dwelling on the application site.

*REASON: In the interests of highway and pedestrian safety.*

### NOTES FOR APPLICANT:

All conditions on the Outline consent (2006/189) will need to be complied with.

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**PLANNING NOTES**

1. The proposed development is a 4 detached 3 bed houses at Lee's Street Britannia Bacup.

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