

<b>Application No:</b> 2006/696	<b>Application Type:</b> Reserved Matters
<b>Proposal:</b> Erection of 21 dwellings	<b>Location:</b> Slaughter House, Burnley road East, Whitewell Bottom, BB4 9LB
<b>Report of:</b> Head of Planning and Democratic Services	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 10 <sup>th</sup> April 2007
<b>Applicant:</b> McDermott Developments	<b>Determination Expiry Date:</b> 19 <sup>th</sup> April 2007
<b>Agent:</b> N/A	

**REASON FOR REPORTING**

<b>Outside Officer Scheme of Delegation</b>	Yes
<b>Member Call-In</b>	No
Name of Member:	
Reason for Call-In:	
<b>More than 3 objections received</b>	No

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. APPLICATION DETAILS**

### **1.1 The Site and the Proposal**

1.1.1 The application site lies to west of Burnley Road East, Whitewell Bottom. The site was formerly occupied by a slaughter house which covered the northern end of the site but has recently been demolished. The site has been leveled with evidence of the demolished building being retained. The site stands vacant.

1.1.2 The site is bounded by a playing field to the north, Burnley Road East where the land rises to Foxhill Drive to the east, by houses to the south and by Whitewell Brook to the west the other side of which has a sheer rock face rising away from the Brook.

### **1.2 Relevant Planning History**

1.2.1 2003/ 566 – Outline application for a residential development (0.35 hectares) – application was refused on the grounds of housing over-supply (prior to the introduction of the Council's Housing Position Statement ) and was subsequently allowed on appeal 19/04/2004.

### **1.3 Proposal**

1.3.1 The application seeks planning permission for the matters reserved on the Outline approval 2003/566. The scheme seeks consent for the erection of 21 dwelling comprising of 6 flats and 15 houses. The apartment block would be 3 storeys high with 2 flats per floor with the rear elevation running parallel to White Brook. The front elevation would face in to a courtyard area formed by the access road and parking bays serving the two rows of terraced houses which would stand perpendicularly to Burnley Road East.

1.3.2 The row of houses forming plots 1-4 would meet Burnley Road East with plot 1, a two and a half storey dwelling house set down from the remaining plots which would be occupied by 3 storey dwellings. This would be mirrored to the south along plots 5-8. Plots 9-13 would form a terrace of 5 houses running parallel to Burnley Road East, with a two and a half storey dwelling at either end with 3 storey dwellings placed centrally. Plots 14 and 15 would be occupied by a pair of semi-detached houses 3 storeys high standing at right angles to Burnley Road East.

1.3.3 The development would be serviced by two separate access roads, to north the road would serve plots 1-10 and the block of flats as well as the associated parking courts. The second to the south would service plots

12-15 and a smaller parking area. The submitted plans show bin storage and cycle parking details as well as a 6-metre easement to allow for Environment Agency maintenance to the river. The applicant has submitted a contaminated land assessment with the application

- 1.3.4 Following negotiations with the applicant, amended plans were received on 22<sup>nd</sup> March 2007, that have been altered which have revised the positioning of plots 9-13 to increase the separation distance between plot 9 and plots 6-8 which has resulted in the movement of the southern access road southwards. The applicant has increased the size of the dustbin store to accommodate the requisite number of waste and recycling bins and has shown areas where bins can be stored for collection. The applicant has increased buffer planting to the sides of plots 4, 5 and to the apartment block as well as submitting details of the retaining wall adjacent to Whitewell Brook and boundary treatment to the edges of the site. The applicant has also offered a contribution towards public open space of £21,000 to be paid via a unilateral undertaking.

#### **1.4 Policy Context**

PPS 1	– Delivering Sustainable Development
PPG13	- Transport
PPG 17	– Planning for Open Space, Sport and Recreation
PPS 22	– Renewable Energy
PPS23	– Planning and Pollution Control
PPG24	– Planning and Noise

##### Regional Spatial Strategy for the North-West

##### Joint Lancashire Structure Plan

Policy 1	– General Policy
Policy 2	– Main Development Locations
Policy 12	– Housing Provision
Policy 18	– Major Hotel Development
Policy 21	– Lancashire’s Natural and Manmade Heritage

##### Rossendale Local District Plan

DS1	– Urban Boundary
E7	– Contaminated Land
E12	– Noise Attenuation
DC1	– Development Criteria
DC2	- Landscaping
DC3	- Public Open Space
DC4	- Materials

T4	– Car Parking
T6	– Pedestrians
T7	– Cycling
T8	– Access for Disabled People

## **2. CONSULTATION RESPONSES**

### **2.1 Internal Consultations**

Drainage – no comments to make on this application.

Environmental Health – recommend noise attenuation measures be included in the scheme to reduce noise from passing traffic along Burnley Road East, to be secured by condition.

Street-scene and Liveability

Open Space – a contribution towards public open space will be required: either 0.3 hectares on site or a commuted sum payment of £1,000 per dwelling towards maintenance of existing facilities.

Refuse - space for 2 bins per dwelling house required and four 1100-litre bins for the flats as well as storage and collection points to be provided.

### **2.2 External Consultations**

LCC Highways – visibility splays from the proposed access roads need to be maintained free of obstruction to be replaced by hard surfacing.

Environment Agency – do not object to the proposal subject to conditions requiring a structural survey to be undertaken of the retaining wall adjacent to Whitewell Brook and details of the replacement wall and boundary treatment to be submitted and approved prior to the commencement of development on site.

## **3. REPRESENTATIONS**

3.1 No letters of objection received.

## **4. REPORT**

4.1 The principle of the development was established by the outline application granted at appeal. Thus, the main considerations of the application are the acceptability of the land contamination assessment, requested by condition on the appeal decision for 2003/566 and the acceptability of the form and layout of the proposal.

- 4.2 The Environmental Health department of the Council considers that the contaminated land assessment submitted with the application is acceptable. The application should be subject to a condition covering the implementation of remedial measures.
- 4.3 The height of the proposed development would range between 2 and a half and 3 and a half storeys high which would not conflict with any adjoining development as the site is isolated and would be viewed against the backdrop of the steeply climbing hill to the west. Again, the site's separation from residential development means there would be little impact on residential amenity. However, at the southern tip of the site, the proposed dwellings would be 2 storeys high, would have adequate separation from the existing dwellings and would be situated to the north. The density, character, position and proximity of the properties together with the materials they are to be constructed from, would be acceptable. As such, the form of the proposed development is considered acceptable.
- 4.4 The development makes adequate parking provision and access for vehicles and pedestrians. The Highway Authority have requested conditions be attached requiring the visibility splays to be maintained clear of low-level planting and that the railing to the front of the scheme are below 1.1 metre high. The development would be served by a shared-access arrangements which would assist in traffic calming the scheme, although a condition is recommended to agree the materials used in construction. A landscaping scheme has been indicated on the layout plan, as have bin storage and cycle parking although these will be controlled by condition. The scheme provides a good level of natural surveillance and a condition can be attached to require details of additional Secure by Design details and to secure a controlled entry system to the apartment block. The applicant has not provided public open space within the scheme but has offered to provide a commuted sum payment of £21,000 towards maintenance of other nearby recreation sites, in lieu. The layout of the proposed development is considered acceptable.
- 4.5 There were no letters or emails from nearby residents objecting to the scheme.

## 5. **CONCLUSION**

- 5.1 The application is acceptable and recommended for approval.

## 6. **RECOMMENDATION(S)**

- 6.1 That the Committee be minded to Approve the application subject to the completion of the Unilateral Undertaking being satisfactory. Delegated authority is sought to be devolved to the Head of Planning to refuse the application if the Unilateral Undertaking does not satisfactorily provide the commuted sum payment for Public Open Space by the 18<sup>th</sup> April 2007.

## 7. REASONS FOR APPROVAL

The proposal has been found to be acceptable in principle and would be acceptable in terms of its form and layout and public open space provision and therefore conforms with the following policies of the Rossendale District Local Plan DS1 – Urban Boundary, E7 – Contaminated Land, E12 – Noise Attenuation, DC1 – Development Criteria, DC2 – Landscaping, DC3 – Public Open Space, DC4 – Materials, T4 – Car Parking, T6 – Pedestrians, T7 – Cycling, T8 – Access for Disabled People. There are no other material considerations which outweigh this finding.

## 8. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
*REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act*
2. This decision relates to the drawings date stamped 21 MAR 2007 and the development shall not be carried out except in accordance with the drawings hereby approved or as subsequently amended and approved in writing by the Local Planning Authority.  
*REASON: For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Joint Lancashire Structure Plan and Rossendale Local Plan.*
3. The development hereby approved shall not commence until full details of the natural stone and natural slate to be used in the construction of the external facings and surfaces to the proposed development (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved external facing and surfacing materials and shall thereafter be maintained.  
*REASON: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
4. Prior to the commencement of development on site, a landscaping scheme, including details of boundary treatment, street furniture, rainwater goods and surface materials to the shared access areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme for soft and hard landscaping shall be implemented not later than 12 months from the date the building(s) is first occupied; and any materials, trees or shrubs removed, dying or

becoming severely damaged or becoming severely diseased within two years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

*Reason To secure the satisfactory development of the site and in the interests of visual amenity.*

5. The garages forming part of the development hereby approved shall not be converted to additional living accommodation without the written approval of the Local Planning Authority.  
*REASON: To ensure adequate car parking provision is retained : In the interests of highway safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any order revoking or re-enacting that Order), no development shall be carried out within the terms of Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority.  
*REASON: To ensure that future inappropriate alterations or extensions do not occur.*
7. Prior to the commencement of development on site, the applicant shall submit the Local Planning Authority for their approval, a scheme detailing renewable energy facilities within the development hereby approved. The renewable energy facilities shall be implemented in accordance with approved scheme and thereafter maintained.  
*REASON: In order to encourage the use of renewable energy sources in the absence of detailed local planning policies having regard to PPS22.*
8. The residential accommodation hereby approved shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the Local Planning Authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the residential premises first commences and shall thereafter be maintained.  
*REASON: To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to Policy E12 – Noise Attenuation of the Rossendale District Local Plan.*
9. The visibility splays indicated on the approved plans dated 21 MAR 2007, at the junctions of the proposed development with Burnley Road East, shall be implemented to the written satisfaction of the Local

Planning Authority before the development is brought into use and subsequently maintained free of obstruction.

*Reason: To ensure the inter-visibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policy DC1 of the Rossendale District Local Plan.*

10. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a structural survey of the retaining wall adjacent to Whitewell Brook be undertaken and details of the replacement wall and boundary treatment to be submitted. The approved details shall be implemented prior to the commencement of development hereby approved and shall thereafter be maintained.

*Reason: To ensure the stability of the wall in the interest of flood prevention.*

11. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, details of the security measures, to include an audio-visual controlled entry system to the apartment block, to the development hereby approved. The approved security measures shall be implemented prior to the dwellings hereby approved first being occupied and shall thereafter be maintained.

*Reason: In the interests of the security of the future occupiers of the dwellings.*

12. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and; The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

*REASON: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 – Planning and Pollution Control and Policy E7 – Contaminated Land of the Rossendale District Local Plan.*

13. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be



carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

*REASON: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 – Planning and Pollution Control and Policy E7 – Contaminated Land of the Rossendale District Local Plan.*

14. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

*REASON:: To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

<b>Contact Officer</b>	
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