

Application No: 2006/533

Application Type: Full

Proposal: Demolition of existing works & erection of 11 houses

Location: Land at Anvil Street, Stacksteads

Report of: Head of Planning, Legal and Democratic Services

Status: For Publication

Report to: Development Control Committee

Date: 24th July 2007

Applicant: B & E Boys Ltd

Determination Expiry Date: 19th December 2006

Agent: Taylor Young Ltd

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)Major

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

1.1.1 This application relates to a rectangular site of approx 0.2ha, which fronts to Anvil Street, a narrow and un-made/unadopted access. Anvil Street can be reached from Newchurch Road via Rushton Street, or one of three other short un-made/unadopted accesses.

- 1.1.2 The eastern half of the site is occupied by commercial buildings (of 380 sq m floor-area), comprising of 2-storey stone buildings on the frontage of Anvil Street, with more modern additions to the rear. The western half of the site is more open in character. This unkempt area of sloping land is largely hidden from view from Anvil Street by a high stone wall, but contains within it a number of mature trees and bushes.
- 1.1.3 Whilst 121-123 Newchurch Road is occupied by Lea Mill Furnishings, the properties surrounding the site are otherwise in residential use. There are terraced houses to the south and west of the site. The application site does not impinge greatly upon the outlook of the more modern houses to the north (fronting Fernhill Way and Fernhill Park) due to their elevation above the level of Anvil Street by more than 15m. However, mature trees on the northern boundary, which further screened the site, have recently been removed. Running along the eastern boundary of the site is a public footpath, a lighting column for the illumination of its upper part located on the application site.

2. RELEVANT PLANNING HISTORY

- 2.1 In September 2005 permission was sought to demolish the existing buildings and erect on the site two terraces, one to contain five houses and the other six.
- 2.2 Each of the houses was to have three bedrooms, appearing to be of three-storey construction as viewed from Anvil Street and of two-storey construction as viewed from the rear. The houses were to be constructed of re-constructed stone, with grey tiled roofs. Each house was to have an integral garage, fronted by a drive taking access from Anvil Street. The proposed layout meant vehicles associated with the development were most likely to make use of Rushton Street to pass to/from Newchurch Road. The rear gardens of the houses were to be terraced, the submitted drawings indicating that the trees on the northern boundary of the site were, in the main, to be retained.
- 2.3 Although the public footpath running to the east side of the site was to be retained, a flight of steps was proposed between the two blocks of houses, providing an alternative means by which the public would be able to pass between Fernhill Park and Anvil Street.
- 2.4 In accordance with the Officer Recommendation, Application 2005/535 was refused by Committee at its meeting on 6 December 2005 for the following reasons:
1. The proposed development would contribute towards an inappropriate excess in housing-supply provision.
 2. The proposed development does not provide satisfactory access arrangements and is likely to result in parking and manoeuvring of vehicles in the immediate vicinity of the site which is detrimental to highway safety and will inconvenience existing residents and other road users.

3. The proposed development will result in loss/harm to trees fronting Fernhill Way/Fernhill Park which are a visually prominent and an attractive feature of the street-scene.
- 2.5 In amplification of the first matter I would advise that the application site does lie within the Study Area boundary of the emerging Bacup, Stacksteads & Britannia AAP, but is not identified as a Key Site for regeneration, nor lies within the boundary of a Cluster Area (wherein there is seen to be a particular need for investment to secure regeneration). However, Members were informed that the site lay immediately adjacent to such a Cluster Area and it would be appropriate to ask the consultants preparing the AAP on the Council's behalf to review its boundary. The Committee report went on to say that if there was a case for amending this boundary to embrace the application site, and the terraced housing lying between it and the main road, there would then be a case for looking (with the applicant) at how the application site could be developed for residential purposes in a manner which will secure not only its regeneration but sufficient improvement of the surrounding accesses to meet its own needs and significantly enhance its regeneration credentials.
- 2.6 Whilst refusing Application 2005/535 at its meeting in December 2005 Committee instructed Officers to request the consultants preparing the AAP to consider amendment of the boundary of the Key Sites/Cluster Map for Stacksteads to embrace land on the north side of Newchurch Road between Queens Terrace and the Royal Oak public house, including the application site. To date the AAP has not progressed to the next stage.
- 2.7 Therefore, an appeal was lodged with the Planning Inspectorate on 7 June 2006 against the refusal of Application 2005/535 as the applicant did not wish to lose their right of appeal. However, the applicant requested that the Planning Inspectorate hold the appeal in abeyance in order that they could re-submit the application and have the Council reconsider the matter. The Inspectorate has now set a date for Inquiry, which will take place on the 4th September this year.

3. THE PROPOSAL

- 3.1 Permission is again sought to demolish the existing buildings and erect on the site two terraces, one to contain five houses and the other six.
- 3.2 It remains the case that:
- Each of the proposed houses is to have three bedrooms, appearing to be of three-storey construction as viewed from Anvil Street and of two-storey construction as viewed from the rear.
 - The houses are to be constructed of re-constructed stone, with grey tiled roofs.
 - Each house is to have an integral garage, fronted by a drive taking access from Anvil Street.
 - The rear gardens of the houses will be terraced.

3.3 In respect of what is proposed on the site itself, the scheme is for the most part the same as that previously considered. However, the drawings accompanying the new application do differ from those previously considered in a number of ways:

1. To accord with the wishes of the Highway Authority, both Rushton Street and that part of Anvil Street extending to its east side are to be improved (and, in the case of the latter, widened where fronting the application site).
2. To enhance the quality/appearance of other accesses immediately surrounding the site, it is proposed to undertake works to: a) improve the appearance of that length of Anvil Street lying to the west side of Rushton Street; b) re-surface the carriageway of Back Rushton Street; & c) refurbish the public footpath running to the east side of the site, entailing most particularly improvement of its lighting and reconfiguration of the steps/replacement of the hand-rail at its southern end.
3. To address the concerns of residents of Fernhill Park/Fernhill Way that occupiers of the proposed houses would park vehicles on these roads, it is no longer intended that the houses have gates from their rear gardens to these roads or that the flight of steps previously proposed between the two blocks of houses (to provide an alternative means by which the public would be able to pass between Fernhill Park and Anvil Street) be provided.
4. To reflect the fact that trees on the northern boundary of the site have been removed since consideration of the earlier application, it is now proposed to setback from Fernhill Park/Fernhill Way the 1.8m high fence to be erected to screen the gardens of the new houses and undertake replacement planting.

4. **POLICY CONTEXT**

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E4 - Tree Preservation
- E7 - Contaminated Land
- DC1 - Development Criteria
- DC2 - Landscaping
- DC4 - Materials

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes

Other Material Planning Considerations

PPS1

PPG3

PPG4

PPG13

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

5. CONSULTATIONS

5.1 LCC(Highways)

The Highway Authority accepts the applicants contention that the proposed development is unlikely to result in a significant increase in the volume of traffic visiting the site than if the premises were being fully utilised for employment purposes. It has no objection to the proposal so long as : 1) a section of Anvil Street is widened to enable 2 vehicles to pass; 2) sections of Anvil Street and Rushton Street are brought up to adoptable standard; & 3) the on-site parking/garaging proposed is provided and retained for the parking of vehicles.

5.2 Environment Agency

No objection in principle, subject to a condition to ensure any contamination of the land resulting from its previous uses is identified and appropriately dealt with.

5.3 United Utilities

No objection in principle. However, it advises that there will be a need for buildings to stand at least 3m clear of a sewer which crosses the site and avoid adverse affect for an electricity sub-station.

5.4 RBC Drainage

No objection subject a condition to secure proper drainage of the site.

5.5 Director of Strategic Planning and Transport

The Director of Strategic Planning and Transport highlights Policy 12 of the Joint Lancashire Structure Plan which sets the maximum provision of 1,920 dwellings over the plan period From the latest information available to them as at 31st December 2005, 932 dwellings had completed since April 2001 with 1,233 dwellings either under construction or else with the benefit of planning permission. Based on those figures they conclude that there are sufficient residential permissions to meet the boroughs housing requirement to 2016. Overriding considerations would be required to justify granting planning permission in such circumstances.

In relation to transport the Director comments that the development complies with adopted parking standards .Provision should be made for mobility parking, bicycles and motorcycles to at least the minimum standards indicated in the "Parking Standards".

Reference is also made to the Lancashire Planning Officers Society Planning Obligations paper. Using the transport methodology a developer contribution of £18,810 should be sought towards transport improvements if the Council is minded to grant planning permission .This is a cost of £1,710 per 3 bedroomed dwelling.

6. REPRESENTATIONS

- 6.1 Letters have been received from 5 local residents objecting to the application for the following reasons:
- The scheme is little changed from that previously refused/trees mentioned in the last application have been felled.
 - No more houses are needed.
 - Three-storey houses will be an eye-sore/cause a loss of privacy for neighbours.
 - The proposal will add to congestion and highway danger at junctions with Newchurch Road.
 - Access to existing houses on Fernhill Way/Fernhill Park will be obstructed by on-street parking caused by the new houses.
 - Badgers have been seen in and around the area.

7. ASSESSMENT

- 7.1 Given the similarities between this scheme and the refused scheme (2005/535), which are outlined above, I consider that the main planning issues to consider are: Housing Supply, Access/Parking and the provision of trees. However, for completeness the report will also report on the principle of development; the retention of the site for employment purposes; residential amenity; Townscape; Badgers and any other material planning considerations.
- 7.2 Principle of Development
Given that the principle of re-development of this site was not considered a reason to refuse planning permission previously I do consider that circumstances have changed in the interim period to warrant a different view in this instance.
- 7.3 However, the application site lies within the Urban Boundary, with shops/other local services nearby. As it is close to Newchurch Road, along which run relatively frequent bus services, it is reasonably accessible by means of travel other than the private car. To this extent the redevelopment of the site is appropriate in principle.

7.4 Retention as Employment Site

Given that the loss of this site for employment purposes was not previously considered to be at odds with the adopted development plan I do consider that circumstances have changed in the interim period to warrant a different view in this instance.

7.5 Having regard to the surrounding uses and standard of the approach roads I do not consider that there are grounds for resisting the redevelopment of the site for residential purposes in order that the site can be retained/redeveloped in employment use. Moreover, the applicant has indicated that the sole person employed on the site will be relocated into one of the applicant's existing employment premises within the borough. This will be secured through the provision of a unilateral undertaking.

7.6 Housing Policy

The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.

7.7 Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 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 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, 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.

7.8 In the supporting statement following Policy 12 of the Structure Plan it states that : *"Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project"*.

7.9 Members will recall that a revised Interim Housing Position Statement and an Affordable Housing Position Statement were approved by Council in January of this year. Both documents set out the application received on or after the approval date will be considered against the criteria set out in these position statements. In this particular case, the application was submitted prior to the approval of the statements and therefore should be assessed against the provision of the previous Housing Position Statement (August 2005).

7.10 The Council's Housing Position Statement (August 2005) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out:

"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."*

7.11 At its meeting in June 2006 Cabinet received a Housing Land Monitoring Report, setting out the latest position in relation to provision of housing. The report to Cabinet says of the Monitoring Report: *"It shows that the number of dwellings which have a valid planning approval exceed the requirements of the Joint Lancashire Structure Plan (JLSP). Anticipated completions have also been considered and this will significantly exceed the provision of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016. The situation has not changed since the Housing Policy Position Statement, approved in August 2005".* Nor has the Draft Regional Spatial Strategy progressed to the stage that its contents can have greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

7.12 Accordingly, it is appropriate to consider the application in relation to the criteria of the Housing Position Statement. The application proposal:

- Does result in an increase in the number of dwellings to be erected on the site - whilst the addition of the 11 dwellings proposed by this application may not be considered great, the Council needs to be mindful of the cumulative impact.
- Does lie within the Study Area boundary of the emerging Bacup, Stacksteads & Britannia AAP, but is not identified as a Key Site for regeneration, nor lies within the boundary of a Cluster Area (wherein there is seen to be a particular need for investment to secure regeneration).
- Will not harm the character of any Listed Building or Conservation Area, etc.
- The "regeneration" credentials of the proposal will be dealt with separately below.
- The Applicant has confirmed that two of the proposed dwellings would be retained as affordable housing (as defined in PPG3 and the Structure Plan).

7.13 The regeneration credential and the provision of affordable housing provision as discussed later in this report.

7.14 Neighbour Amenity

I do not consider the proposed use to be incompatible with the interests of neighbours. With regard to the details of the submitted scheme I would advise that the change in levels across the site (and with the neighbouring land) are

being utilised in a way which makes it possible to accommodate the proposed split-level houses without undue detriment for occupiers of neighbouring houses to the north, west and east in terms of overbearing affect/loss of light & outlook/privacy, etc.

- 7.15 Likewise, the Council's normal spacing standards are adhered to between the most eastern of the terraces proposed and the existing housing to the south of it, the latter not having the principal windows to habitable rooms facing towards the application site.
- 7.16 However, it must be said that the most westerly of the terraces proposed is somewhat 'tight' in relation to the existing houses on its south side, the existing houses to this side having the principal windows to habitable rooms facing towards the application site. There will be a distance of 20.5m between the main body of the five properties in the proposed terrace and the first-floor windows of six existing terraced-houses on the south side, with 1-storey projections on the proposed and existing houses narrowing this distance somewhat. However, I am mindful that the ground-floor windows and yards of the existing houses are presently restricted in terms of their outlook and the light they receive by reason of the 3m high retaining wall that now runs along the north side of Anvil Street, the topography of the site and trees. Furthermore, the room-layout of the proposed houses is such that they will not have any habitable room windows facing towards the existing houses. Thus, such loss of privacy as will occur will result from people standing in the elevated area fronting the proposed houses. In my view, the loss of privacy arising from this will not be so great as to warrant refusal of the application.
- 7.17 Given that the relationship and design of the proposed dwellings to the existing neighbouring properties was not considered a reason to refuse planning permission previously, I do consider that circumstances have changed in the interim period to warrant a different view in this instance.
- 7.18 Townscape/Trees
The proposed buildings are of satisfactory design, and the intended facing-materials are appropriate.
- 7.19 In this regard the principal concern I had with respect to the earlier application related to trees. The trees within the site were not considered to be of significant visual amenity or wildlife value. However, there was a line of mature trees running along the frontage to Fernhill Way/Fernhill Park. None of these trees were particularly fine specimens, nor of species, the Council would normally consider it appropriate to plant or protect close to residential properties. However, the applicant indicated it was their intention to retain them. In my view the retaining-walls/steps required to form the terraced-rear gardens being proposed would have caused such significant root-damage to these trees it was not appropriate to grant a permission to the development proposed in the expectation that they would remain. Subsequent to the refusal of the earlier application the applicants own arboriculturist surveyed these poplars and came to the conclusion that they were dangerous and in need of felling. As a result of this, the trees (which were not covered by a TPO) have now been removed. To compensate for the loss of trees, a landscaping scheme has been included

which would provide for appropriate replacement provision. Therefore, I consider that the previous reason to refuse planning permission on trees grounds is therefore overcome and would accord with the provisions of the development plan.

7.20 Badgers

The Lancashire Badger Group advises that, whilst badgers are known to be present in this part of the Rossendale Valley, it is not aware of any badger sett on or close to the application site.

7.21 Access/Parking

The applicant contends that the proposed development will not result in significantly more traffic seeking to pass between Newchurch Road and the site than if the existing premises were being fully utilised for employment purposes, and its redevelopment for residential purposes will entail a reduction in van/lorry movements along roads unsuited to it.

7.22 The Highway Authority concurs with the latter point and is satisfied each of the proposed dwellings will have adequate off-street parking. It is also satisfied the current proposal, subject to conditions, adequately addresses its previous concerns about deficiencies in the condition/width of Rushton Street/Anvil Street to serve the proposed houses. Furthermore, the intended improvements to the other accesses will reduce the likelihood of conflict between residents of existing and proposed housing seeking to park/manoeuvre their cars.

7.23 Therefore, I have no highway objection to the current scheme.

7.24 Regeneration Benefit

These commercial premises are poorly situated, having regard to the predominantly residential area in which they are sited and grossly sub-standard access which commercial vehicles must use to access them.

7.25 Furthermore, the applicant is now proposing to carry out works to enhance the quality/appearance of accesses immediately surrounding the site (beyond those required by the Highway Authority). These works are akin to the external works being undertaken further along Newchurch Road as part of the Elevate 'enveloping' schemes, and are consistent with the aims and objectives to secure investment/urban renewal within boundaries of the emerging Bacup, Stacksteads & Britannia Area Action Plan.

7.26 Whilst it is clear that the above would result in local improvements, I do not consider that these improvements (albeit material planning considerations), when considered in isolation, to weigh in favour to grant planning permission when assessed against parts b) and e) of the previous Interim Housing Position Statement (2005), those being:

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);

e) The proposal will assist the regeneration of the site;

7.27 Affordable Housing Provision

As stated earlier the recently approved Affordable Housing Position Statement (January 2007) is not applicable in this instance as the application was received prior to the approval of the position statement. The 2007 statement requires that affordable housing provision be sought on development schemes with more than 15 dwellings.

7.28 Notwithstanding the above, the applicant has offered the provision of two affordable houses within the development. These will be delivered by a Registered Social Landlord (the applicant has had positive discussions with the Regenda Group who have confirmed they are willing to purchase two of the houses) and can be secured by way of a S106 agreement.

7.29 I am informed that the current update of the HNMA is likely to highlight that there is an affordable housing in this area and the borough as a whole and that the affordable provision would have to be for Shared Equity (Homebuy) or Affordable Rented.

7.30 In conclusion, I consider that the provision of these two affordable dwellings will ensure that the proposed development makes an essential contribution to the supply of affordable housing across the Borough, and can thus be considered an acceptable exception to Policy 12 of the Structure Plan (para 6.3.13) and would also satisfy part 'e' of the *Interim Housing Position Statement (2005)* in that "The proposal meets an identified local housing need."

7.31 Open Space Contribution

In accordance with Policy DC 3 of the Rossendale Local Plan. This policy provides that in areas of new residential development the Council will expect appropriate public open space to be provided by developers.

The developer proposes to provide an off site contribution for open space of £11,000 in accordance with the Councils policy on off site contributions.

7.32 Transport Contribution

The transport contribution requirement relates to the Lancashire County Council Policy which the Council adopted in January 2007, this application was received before that date and therefore it is considered that such policies would not be applied to this application.

8. CONCLUSION

8.1 Therefore, whilst I accept that the scheme is contrary to the thrust of policy 12 of the adopted Joint Structure Plan in that the housing numbers have already been exceeded for the plan period, I consider that the proposal should be considered as an appropriate exception to policy 12 as it would provide for affordable housing provision which is considered acceptable, in this instance, within the commentary given in 6.3.13 and the further advice provided in the Interim Housing Position Statement 2005. Consideration has also been given to

the public open space contribution of £11,000 and the offer to relocate the existing occupier to a unit within the borough to avoid loss of employment within the borough.

9. RECOMMENDATION

- 9.1 That the Head of Democratic and Legal Services be authorised to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of two affordable units (Shared Equity (Homebuy) or Affordable Rented) and to deal with the open space contribution and employment of the existing occupier .
- 9.2 That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such legal agreement and unilateral undertaking to secure the existing employment provision elsewhere within the Borough;
- 9.3 That authority be given for the decision notice relating to the application be issued, (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreements,
- 9.4 That authority be given to refuse the application if the applicant fails to complete the S106 agreements within a reasonable period on the grounds that the proposals would be contrary to policy 12 of the Joint Lancashire Structure Plan.

10. CONDITIONS AND REASONS

- 10.1 That permission be granted subject to the following 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. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
Reason: To ensure a satisfactory means of drainage, in accordance with the comments of the Environment Agency and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
 3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.
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. The development hereby 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, notwithstanding any details shown on the previously submitted plans and specification. The development shall only be carried out using the approved external facing materials.
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.
5. 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, notwithstanding any such detail which may have previously been submitted. The submitted scheme shall provide details of the protection to be afforded during construction to planting to be retained and of the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; 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 nearest building, unless otherwise 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. 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. The vehicle parking and manoeuvring areas, and garages, indicated on the approved drawings shall be provided prior to first occupation of the dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order amending or revoking and re-enacting that order, these vehicle parking and manoeuvring areas, and garages shall thereafter be kept freely available for use by vehicles.
Reason: To ensure adequate garaging/off street parking provision is made/maintained, thereby avoiding the inconvenience/hazards caused by on-street parking, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
8. Prior to the commencement of development full details/specifications shall be submitted to and approved in writing by the Local Planning Authority in respect of works to:

- a. Improve the carriageway/footways/illumination of both Rushton Street and that part of Anvil Street extending to its east side.
- b. enhance the quality/appearance of other accesses immediately surrounding the site, to include : the surface finish and illumination that length of Anvil Street lying to the west side of Rushton Street; re-surfacing of the carriageway of Back Rushton Street; & refurbishment of the public footpath running to the east side of the site, entailing most particularly improvement of its lighting and reconfiguration of the steps/replacement of the hand-rail at its southern end.

The approved scheme shall be fully implemented prior to first occupation of any of the proposed dwellings.

Reason: In the interests of highway/pedestrian safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan, and to ensure the proposal will positively contribute to the urban regeneration of the emerging Bacup, Stacksteads and Britannia Area Action Plan, in accordance with the criteria of the Council's approved Housing Position Statement.

9. 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 shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

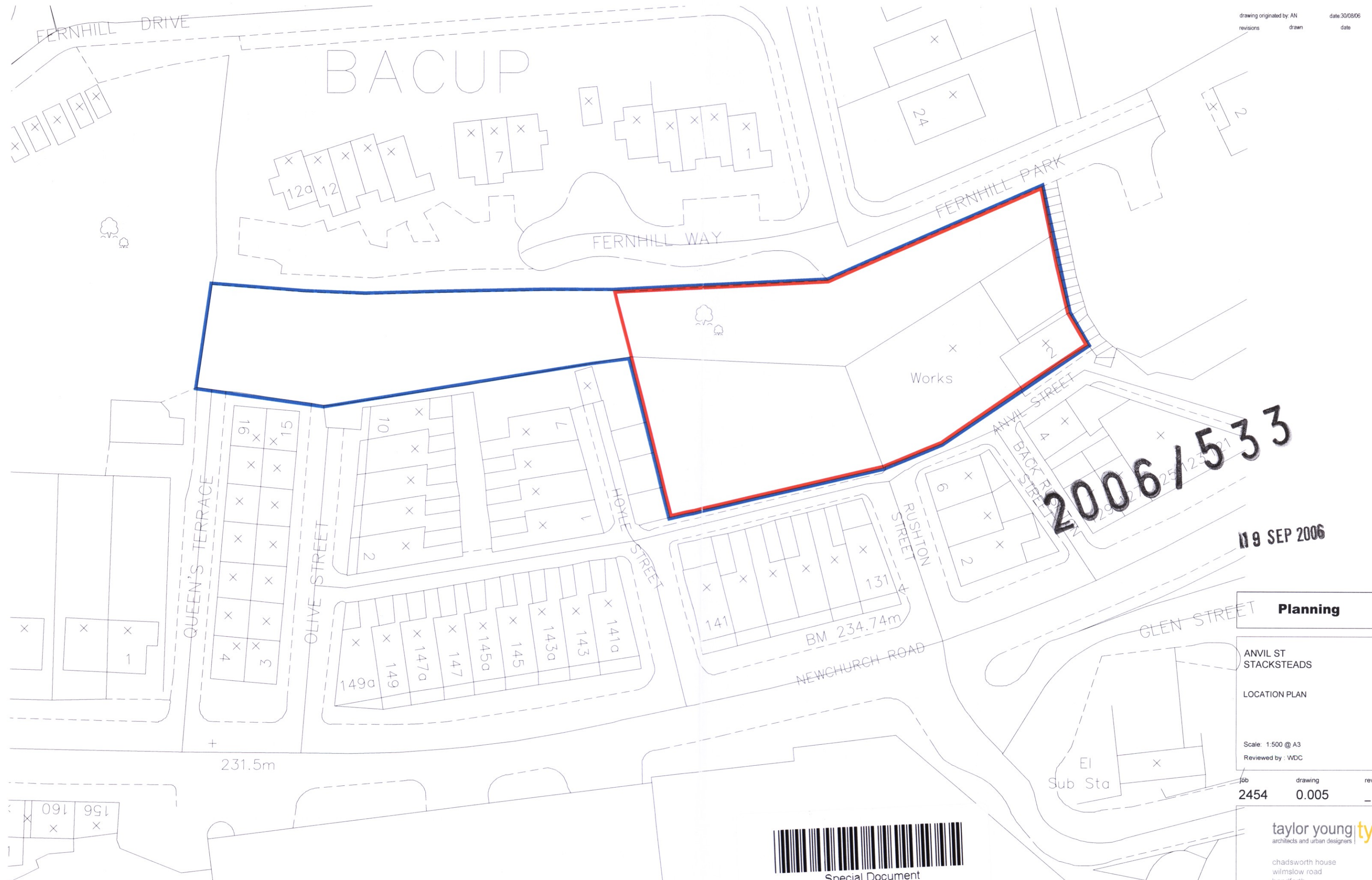
Reason: For the avoidance of doubt and to accord with the criteria of Policy DC1 of the Rossendale District Local Plan.

10. Prior to the development commencing:

- a. A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
- b. Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA.
- c. Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with approved details.
- d. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by the LPA prior to the first use or occupation of that part of the development hereby approved.

Reason : To ensure the site is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development, to accord with Policy E7 of the adopted Rossendale District Local Plan.

Contact Officer	
Name	Neil Birtles
Position	Senior Planning Officer
Service / Team	Development Control
Telephone	01706 238642
Email address	planning@rossendalebc.gov.uk



2006/533

19 SEP 2006

231.5m

BM 234.74m



Special Document
032421

© Crown Copyright. All rights reserved. Licence number 100020449

Planning		
ANVIL ST STACKSTEADS		
LOCATION PLAN		
Scale: 1:500 @ A3 Reviewed by: WDC		
job	drawing	rev
2454	0.005	-
taylor young ty architects and urban designers chadworth house wilmslow road handforth cheshire sk9 3hp tel: 01625 542 200 fax: 01625 542 250 arch@tayloryoung.co.uk www.tayloryoung.co.uk		