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|---|--|
| <b>Application No:</b> 2007/330   | <b>Application Type:</b> Reserved Matters                              |
| <b>Proposal:</b> Residential Development, comprising of 33 houses & 16 apartments | <b>Location:</b> Land adj to Deansgreave Road, Off New Line, Britannia |
| <b>Report of:</b> Head of Planning, Legal and Democratic Services                 | <b>Status:</b> For Publication   |
| <b>Report to:</b> Development Control Committee                                   | <b>Date:</b> 21 <sup>st</sup> August 2007                              |
| <b>Applicant:</b> Harron Homes (North West) Ltd                                   | <b>Determination Expiry Date:</b> 30 <sup>th</sup> August 2007         |

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

**APPLICATION DETAILS**

**1. THE SITE**

1.1 This application relates to an irregularly-shaped site, of approximately 1.2 hectares in area, which has frontages to both New Line and Deansgreave

Road. Formerly used for industrial purposes (including the storing and working of stone), the site slopes down from New Line towards the long-distance recreational route occupying a former railway line.

1.2 The site is bounded by industrial premises located on the corner of New Line/Deansgreave Road (including those of Lancashire Sock Manufacturing Ltd). It is also bounded by a handful of residential properties that front New Line, with residential properties opposite.

### 1.3 **Relevant Development Control History**

#### 1.3.1 Application 2004/555

In accordance with the allocation in the Rossendale District Local Plan for residential development of the site, this application sought Outline Permission for the erection of 50 dwelling units, to be accessed from New Line. In September 2004 Committee was minded to grant Outline Permission, subject to conditions and to the applicant first entering into a Legal Agreement.

1.3.2 As the Legal Agreement had not been entered into prior to Lancashire County Council adopting a new Structure Plan the application was reported back to Committee in July 2006. Having regard to prevailing planning policy, the Officer report recommended that Outline Permission be granted subject to conditions and a S.106 Legal Agreement first being entered into to secure the enhancement and maintenance of the linear walkway to the rear.

1.3.3 The necessary Legal Agreement was duly completed and, in December 2006, the decision notice was issued granting Outline Permission for the residential redevelopment of the site, with access to be from New Line.

## 2. **THE PROPOSAL**

2.1 The current application seeks approval for the reserved matters in respect of Outline Permission 2004/555, namely the layout, scale, appearance and landscaping of the development.

2.2 The submitted layout proposes the erection of 16 detached and terraced houses that face towards New Line, the principal estate road to run in a gap between them. This estate road will give access to the parking/garaging being provided to the rear of the frontage housing and to the other 17 detached houses to be erected and the apartment block to be provided towards the south-eastern corner of the site.

2.3 Approximately half the houses will be of 2-storeys in height, whilst the other half will be of 2-storeys with a front-facing dormer. Twelve of the houses will possess 3 bedrooms and the others 4 or 5. The apartment block is to be of 4-storeys in height, each floor to possess four 2-bedroomed flats. The proposed buildings will be constructed of artificial stone, their roofs covered with grey tiles.

2.4 Whilst each of the detached houses will have its own off-street-parking/garaging spaces for 2+ cars, occupiers/visitors to the terraced houses

and flats will make use of communal parking areas. The communal car park serving the terrace of three houses nearest the junction of the estate road with New Line will be able to accommodate 6 cars. The other two communal car parks will stand 120+m from the estate road/New Line junction and will be able to accommodate 1.5 cars per dwelling.

### **3. CONSULTATIONS**

#### **3.1 LCC (Highways)**

No objection in principle, subject to the Developer funding a Traffic Regulation Order to restrict parking at all times in the vicinity of the estate road/New Line junction. The submitted scheme proposes carriageways of adequate width, with appropriate visibility splays at the junction with New Line. To accord with the approved standards, there is need for certain drives/garages to be slightly amended.

#### **3.2 Environment Agency**

It objects to the application, having unresolved concerns about:

- The proposed culverting of the watercourse running through the site/the proposed site levels/the potential increase in flood risk for 139 New Line.
- 6 of the proposed houses and 4 garages being too near the culverted watercourse.
- The relationship of the proposed attenuation pond to existing and proposed dwellings and the old railway cutting.
- The age and adequacy of the submitted site investigation to act as a basis on which to address any risk of pollution of ground and surface waters.

#### **3.3 RBC (Environmental Health)**

It objects to the application, considering the Ground Condition Report submitted by the applicant to inadequately assess the potential contamination concerns and provide the detailed remediation strategy necessary.

#### **3.4 United Utilities**

It has no objection in principle. However, it advises that a couple of the proposed houses appear very close to the public sewer crossing the site. Consequently, there may be need for a modification of the site layout, or diversion of a public sewer at the applicant's expense.

#### **3.5 Notification Responses**

3.5.1 Site and press notices posted. To date comments have been received from 5 local residents.

3.5.2 The occupiers of 2 houses on the opposite side of New Line have also objected on the grounds that:

- There is no need for more housing in the area/this is essentially a rural environment.
- Affect on their water, electricity and gas supplies.
- Damage/disturbance to their properties by vibration during construction.
- Lose of privacy/light.

- Additional parking problems they would experience as a result of extra traffic/highway obstructions/introduction of double-yellow lines.

3.5.3 Additionally, the occupiers of 3 houses bounding the application site at its western end object on the following grounds:

- Their properties stand above the level of the application site and development of the site may result in changes of levels/construction of buildings in a manner/position that will adversely affect the retaining wall that supports their gardens and a garage, or will make it more difficult to maintain the retaining wall.
- Likewise, changes in ground levels may adversely affect foul and surface drainage from their properties and cause possible flooding.
- Adverse affect on outlook/privacy.

#### 4. DEVELOPMENT PLAN POLICIES

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

DS1 (Urban Boundary)  
 E1 (Greenlands)  
 E6 (Ground Instability)  
 E7 (Contaminated Land)  
 E8 (Landfill Sites)  
 E9 (Pollution)  
 E12 (Noise Attenuation)  
 E13 (Noise Sources)  
 DC1 (Development Criteria)  
 DC2 (Landscaping)  
 DC3 (Public Open Space)  
 DC4 (Materials)  
 C10 (Valley Ways)

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

Policy 1  
 Policy 2  
 Policy 7  
 Policy 12  
 Policy 20  
 Policy 22  
 Policy 24

##### Other Material Planning Considerations

PPS 1  
 PPS3  
 PPG13  
 PPG14  
 PPG17  
 PPS23  
 PPG24  
 PPS25

RPG13

## Draft RSS

LCC Parking Standards  
RBC Core Strategy Preferred Options Report  
RBC Bacup, Stacksteads & Britannia Emerging AAP  
RBC Revised Interim Housing Position Statement 2007  
RBC Housing Land Position Monitoring Report 2006

### **5. ASSESSMENT**

- 5.1 The principle of residential development of the site has been established through the granting of Outline Permission, as too has the position for the access to be formed to serve the development. Approval is now sought for the detailed scheme.
- 5.2 The submitted scheme provides for construction of dwellings on the site at a suitable density, and which are to be served off a new vehicular access joining New Line at the point which accords with the Outline Permission. It was the wish of Committee when determining the Outline Permission that a Condition be attached requiring provision on the site of "a significant element of single-storey house types to reflect the identified local housing need". In-line with the Council's Proposed Policy Response in respect of Policy L2 (Housing Types) of the emerging Core Strategy, the application proposes a third of the dwellings created be flats and not more than 40% in terraces. Accordingly, it is considered that a suitable range of house types/sizes is being proposed.
- 5.3 The application is accompanied by a Topographical Survey, Ground Contamination Report and Flood Risk Report purporting to show the existing ground conditions/ levels, together with drainage and other features on and bounding the site. The submitted scheme is founded upon this base-line information in terms of the need to remediate ground contamination, mitigate flood risk, etc. However, the Environment Agency and the Council's own Environmental Health Officer and Drainage Engineer have questioned the validity/adequacy of the submitted Survey and Reports as the base-line information they contain differs so much from what can now be seen on the site. I too have concerns about how the proposed development will impact upon the amenities of certain of the occupiers of neighbouring houses as a result of the elevated ground levels now to be seen, and also by reason of the siting/size/design of the apartment block.

### **6. RECOMMENDATION**

- 6.1 That the application be refused for the following reasons:
1. The Applicant has not demonstrated to the satisfaction of the Environment Agency and the Council that the proposed development will not result in greater risk of flooding for neighbouring properties, most particularly residents of 137/139 New Line. The proposal is therefore contrary to PPS25, Policy 24 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

2. The Applicant has not demonstrated to the satisfaction of the Environment Agency and the Council that the proposed development will provide for the satisfactory remediation/development of the site, so as to avoid pollution of ground and surface waters or adverse impact upon the health and well-being of occupiers of proposed and neighbouring properties. The proposal is therefore contrary to PPS23, Policies E6-E9 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
  
3. The Applicant has not demonstrated to the satisfaction of the Council that the proposed development will not result in an unacceptable loss of amenity for the occupiers of neighbouring properties (most particularly for residents of 137/139 New Line by reason of loss of privacy/light/outlook/overbearing) and in terms of its impact upon the character and appearance of the area (most particularly by reason of the siting/size/design of the proposed apartment block). The proposal is therefore contrary to PPS1, Policy 1 & 20 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

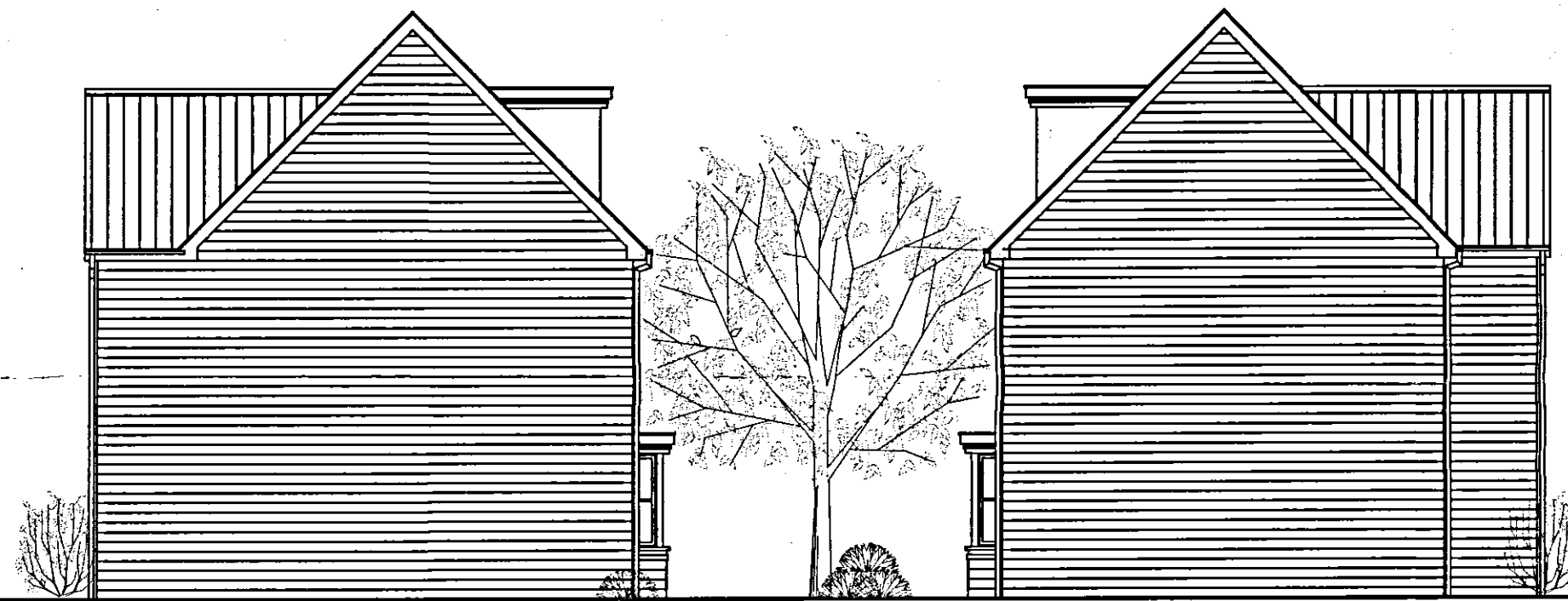
| <b>Background Papers</b>                  |                            |
|---|----------------------------|
| <b>Document</b>                           | <b>Place of Inspection</b> |
| Committee Report for Application 2004/555 | Appendix A                 |

| <b>Contact Officer</b> |  |
|------------------------|--|
| Name                   | Neil Birtles   |
| Position               | Senior Planning Officer  |
| Service / Team         | Development Control  |
| Telephone              | 01706-238642   |
| Email address          | <a href="mailto:Planning@rossendalebc.gov.uk">Planning@rossendalebc.gov.uk</a> |



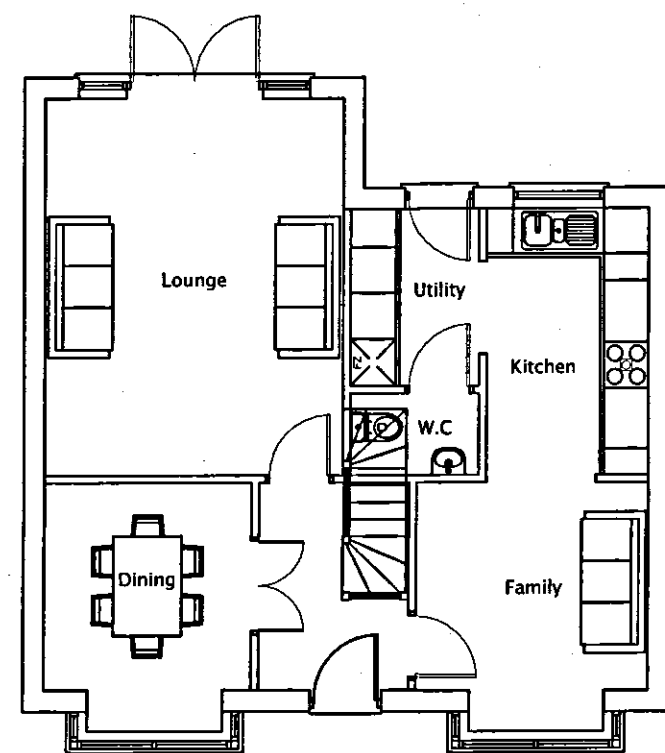
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Rear Elevation

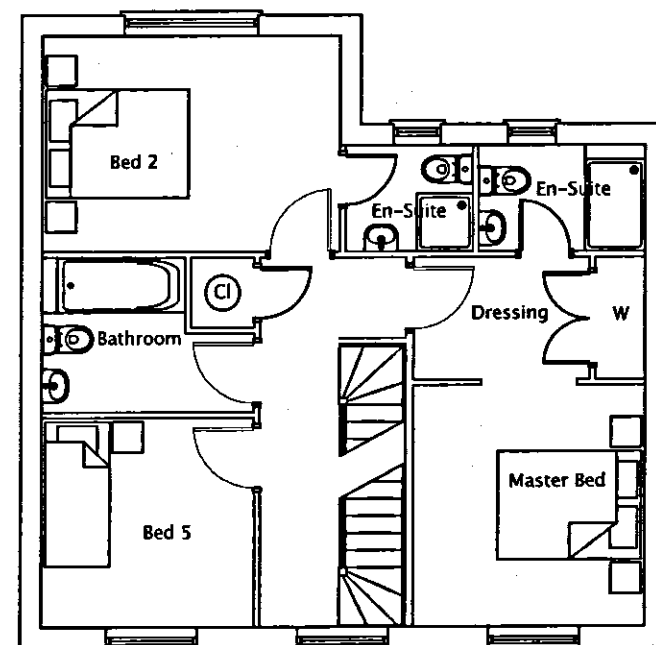


Side Elevation

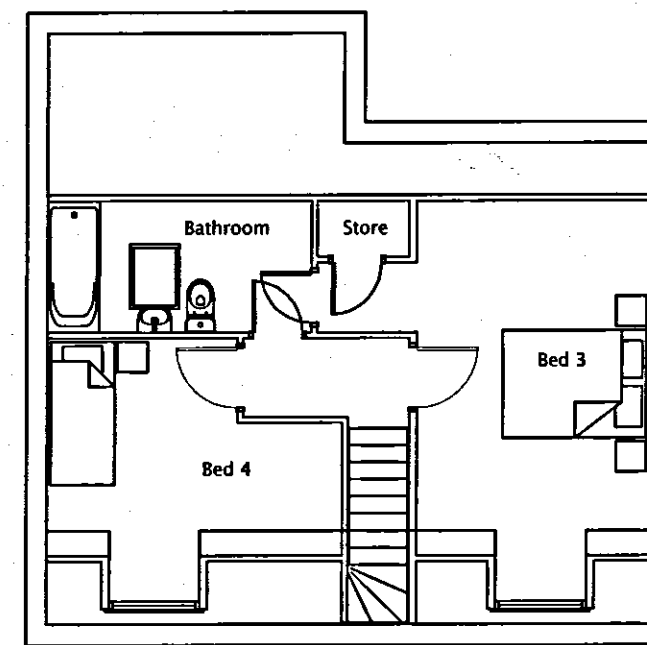
Side Elevation



Ground Floor




First Floor



Second Floor



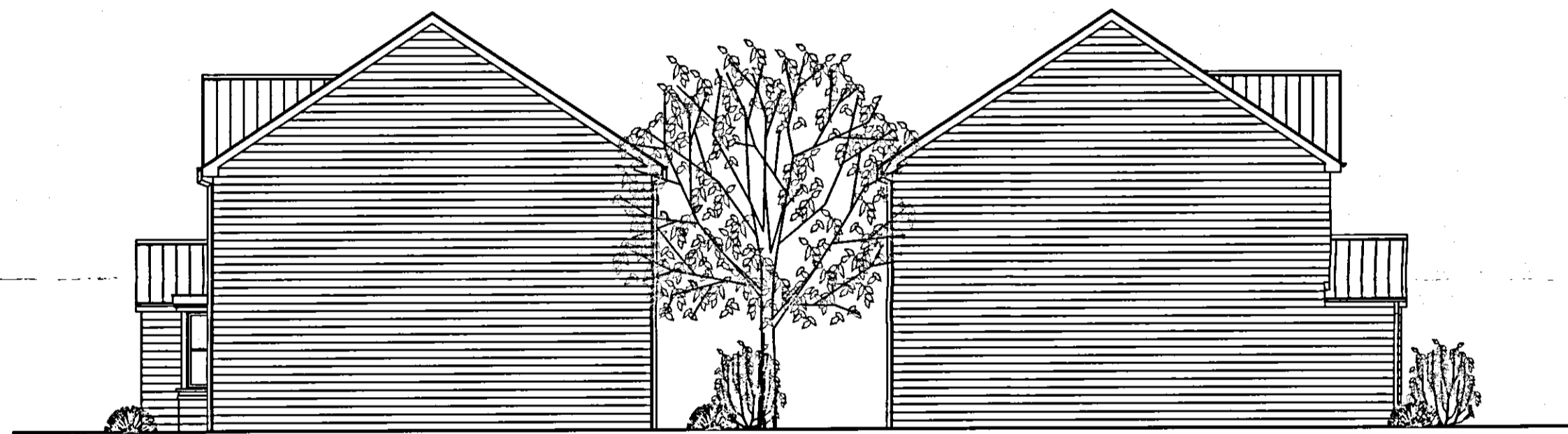
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|  |          |                        |
|--|----------|------------------------|
| REV  | DATE     | AMENDMENT              |
| A  | 17.05.07 | Side elevations added. |
|  |          |                        |
| CLIENT:  |          |                        |
|  <b>HARRON HOMES</b><br>Building for the future |          |                        |
| PROJECT:   |          |                        |
| <b>The Tarporley (St)</b><br><b>1572 sqft</b>  |          |                        |
| DRAWING TITLE:   |          |                        |
| <b>Plans &amp; Elevations (St)</b>   |          |                        |
| SCALE:   | DATE:    |                        |
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| DRAWN:   | CHECKED: | DWG NO.                |
| SMc  |          | TAR-Plan-ST            |
|  |          | REVISION:              |
|  |          | A                      |



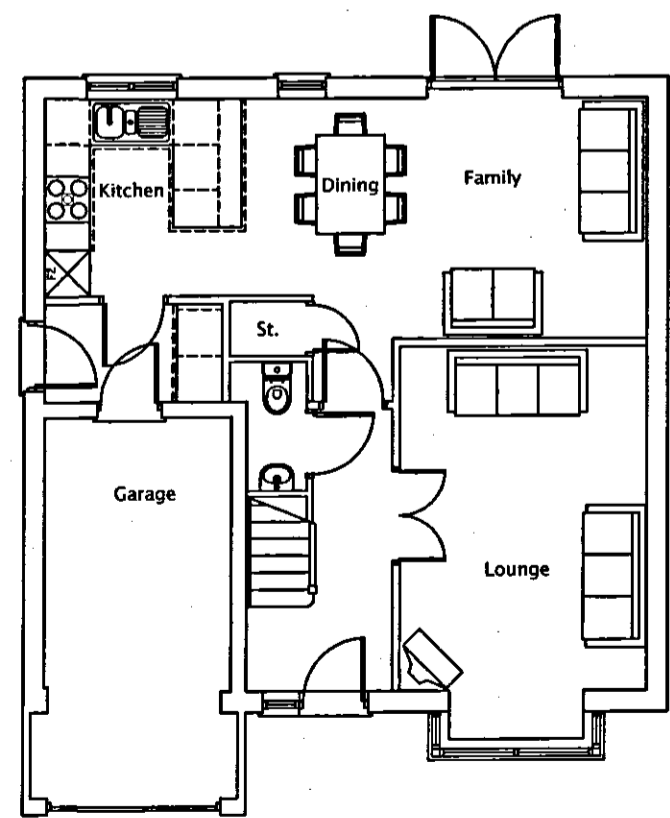
Front Elevation

Rear Elevation

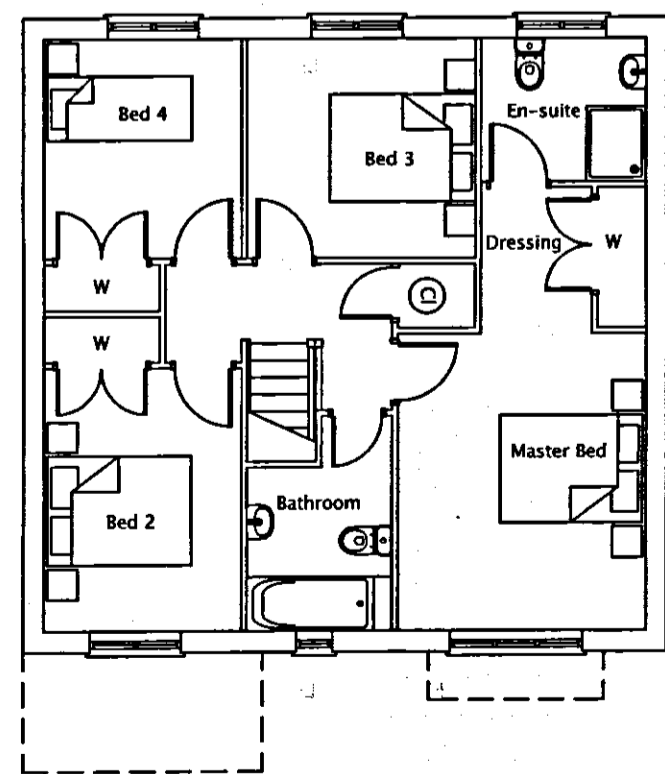


Side Elevation

Side Elevation




Ground Floor



First Floor

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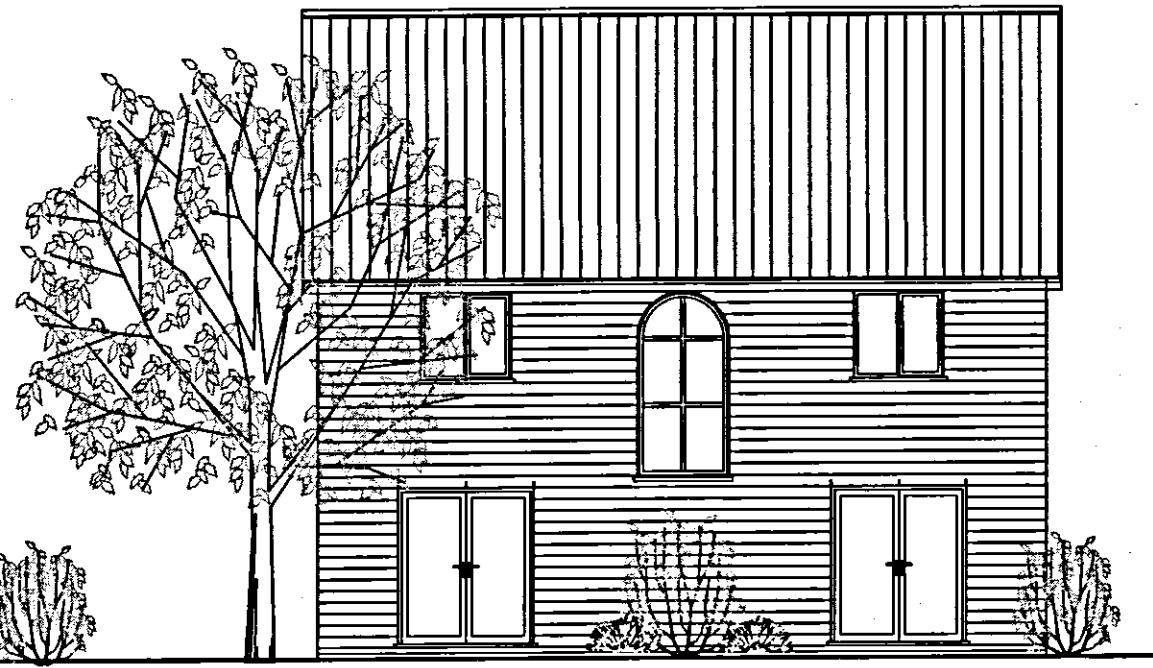
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| REV   | DATE     | AMENDMENT  |           |                        |  |
| <p>CLIENT:</p>  <p><b>HARRON HOMES</b><br/>Building for the future</p> |          |            |           |                        |  |
| <p>PROJECT:</p> <p><b>The Budworth (Br)</b><br/>1234 sqft</p>   |          |            |           |                        |  |
| <p>DRAWING TITLE:</p> <p><b>Plans &amp; Elevations (Br)</b></p>   |          |            |           |                        |  |
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|   |          |            |           | 10.01.2007             |  |
| DRAWN:  | CHECKED: | DWG NO.    | REVISION: |                        |  |
| SMc   |          | Bu-Plan-BR | A         |                        |  |

ALL DIMENSIONS TO BE CHECKED ON SITE. DISCREPANCIES, AMBIGUITIES AND/OR OMISSIONS BETWEEN THIS DRAWING AND INFORMATION GIVEN ELSEWHERE MUST BE REPORTED TO THIS OFFICE AND CLARIFICATION SOUGHT BEFORE PROCEEDING





Front Elevation

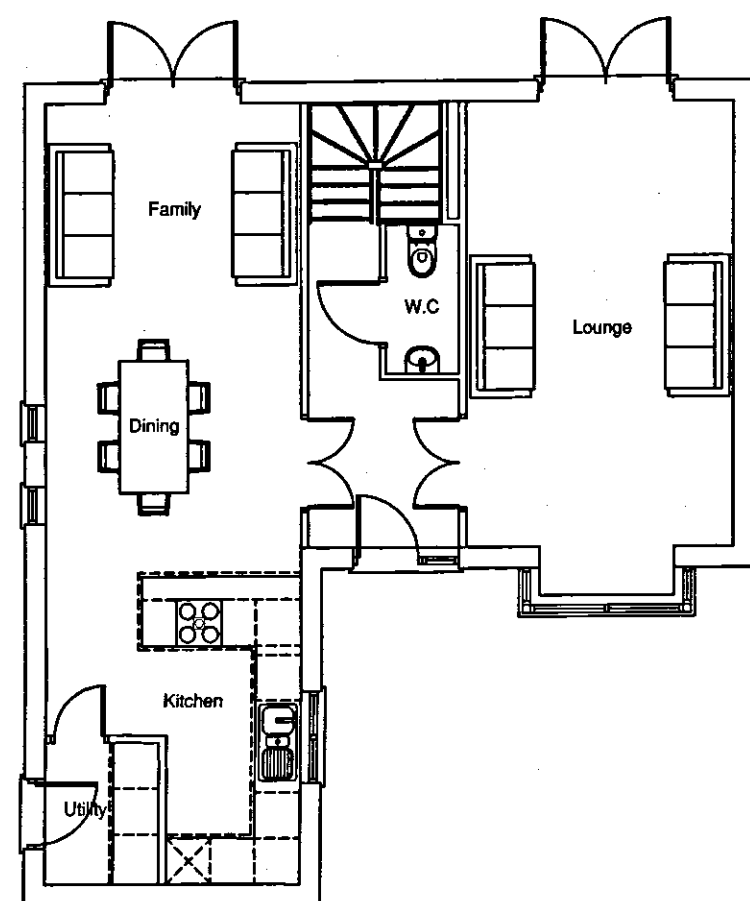


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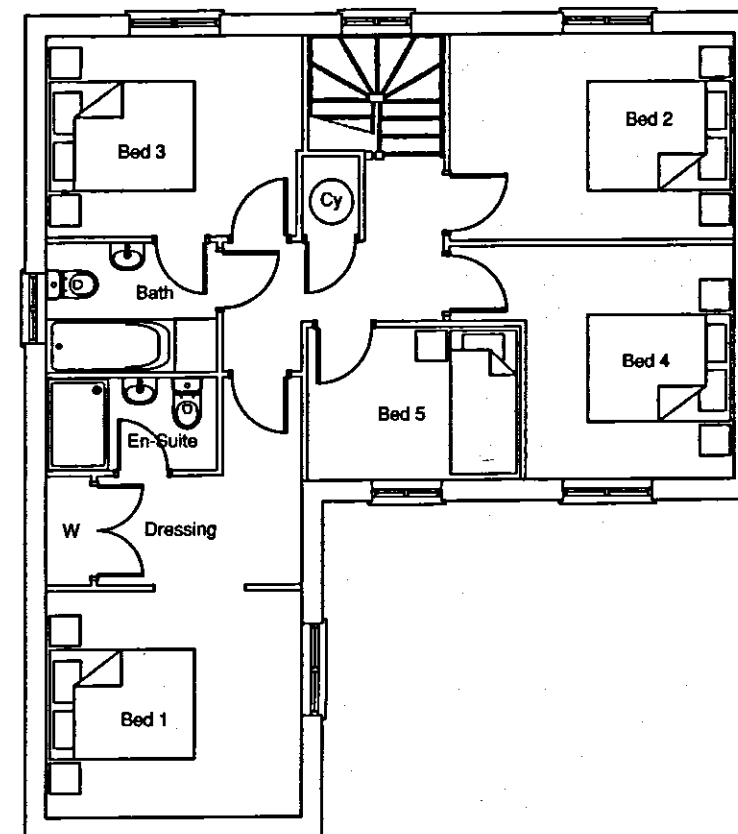


Side Elevation


Side Elevation



Ground Floor



First Floor

|  |            |                        |
|--|------------|------------------------|
| REV  | DATE       | AMENDMENT              |
| A  | 17.05.07   | Side elevations added. |
| CLIENT:  |            |                        |
|  <b>HARRON HOMES</b><br>Building for the future |            |                        |
| PROJECT:   |            |                        |
| <b>The Hanley (St)</b><br>1474 sqft  |            |                        |
| DRAWING TITLE:   |            |                        |
| <b>Plans &amp; Elevations (St)</b>   |            |                        |
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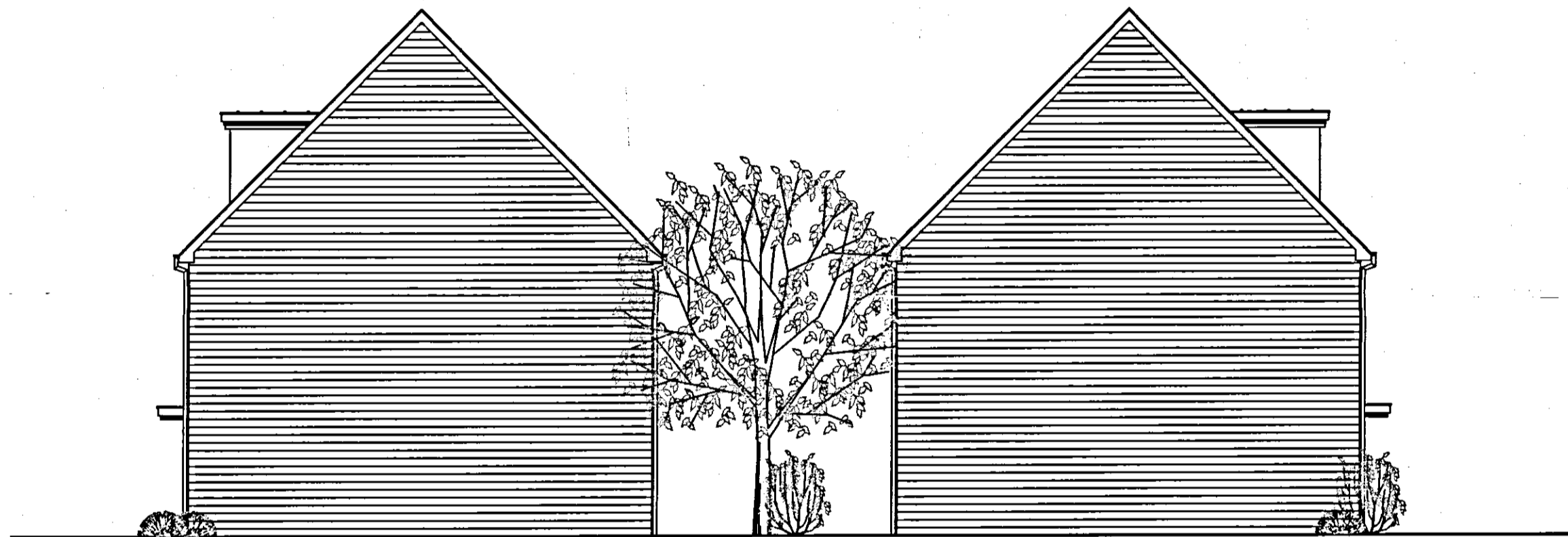
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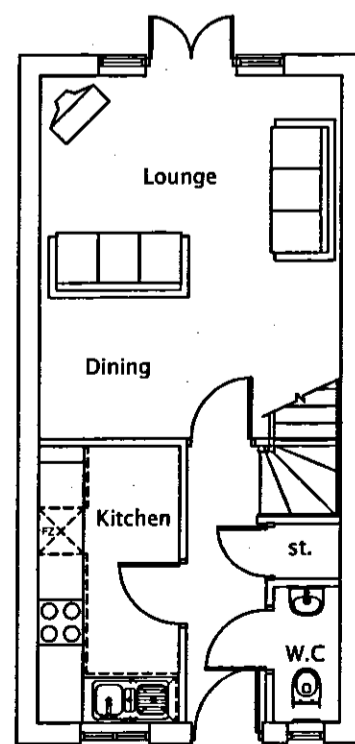
Front Elevation

Rear Elevation

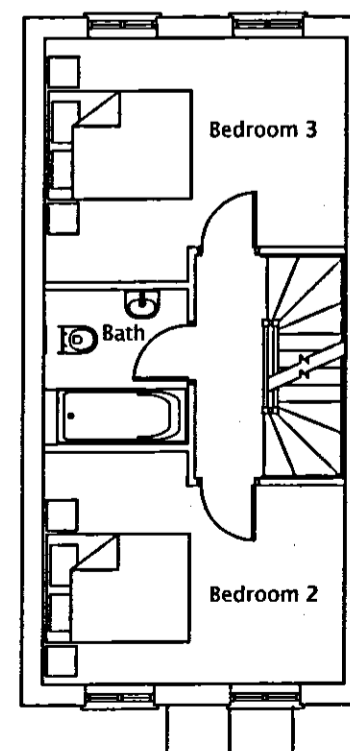


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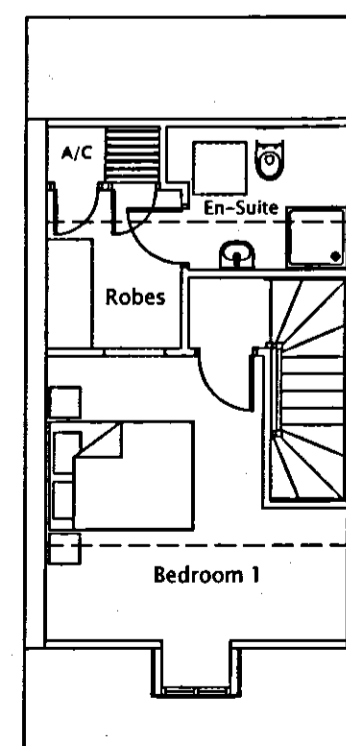
Side Elevation



Ground Floor Plan




First Floor Plan



Second Floor Plan

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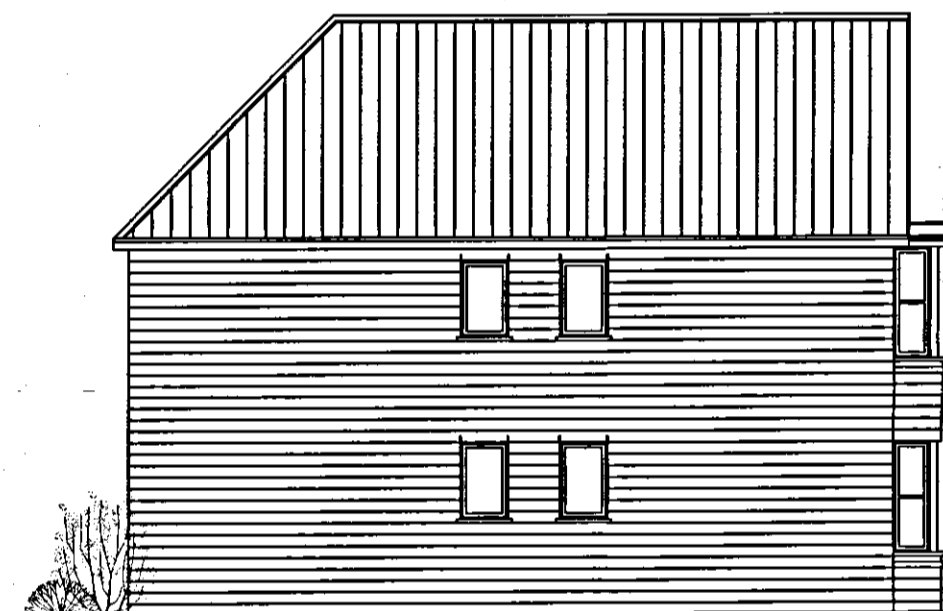
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| REV  | DATE       | AMENDMENT              |
| A  | 29.05.07   | Side elevations added. |
| CLIENT:  |            |                        |
|  <b>HARRON HOMES</b><br>Building for the future |            |                        |
| PROJECT:   |            |                        |
| <b>The Whitehaven (St)</b><br>1028 sqft  |            |                        |
| DRAWING TITLE:   |            |                        |
| <b>Plans &amp; Elevations (St)</b>   |            |                        |
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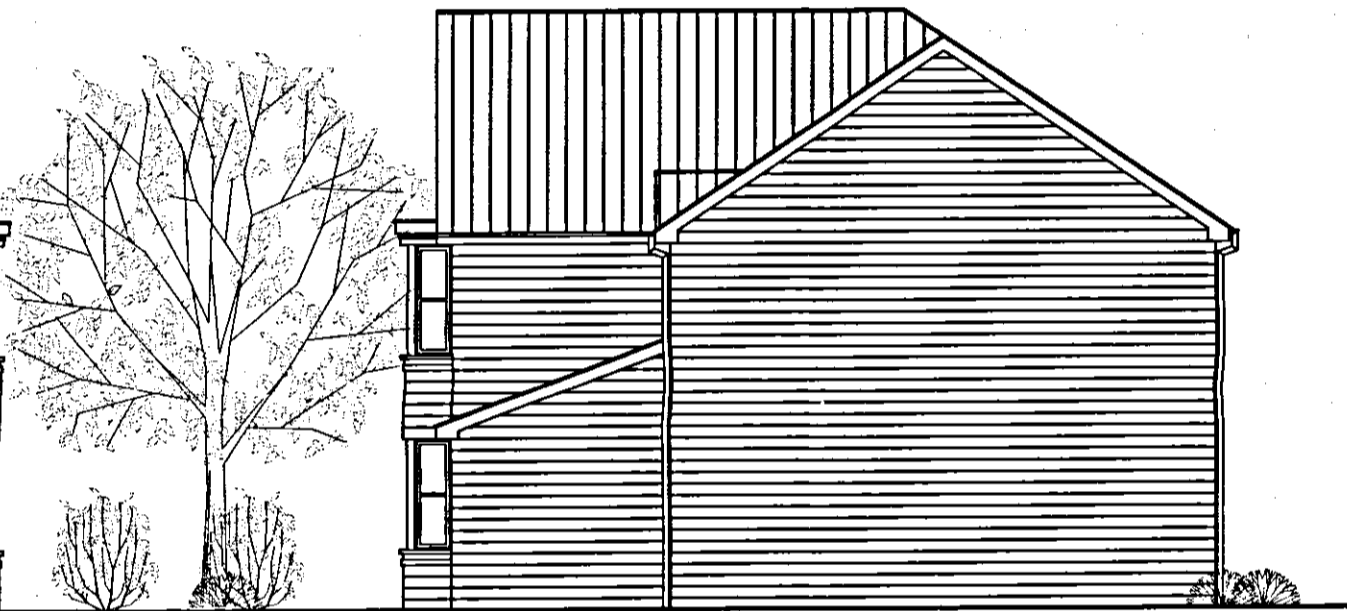
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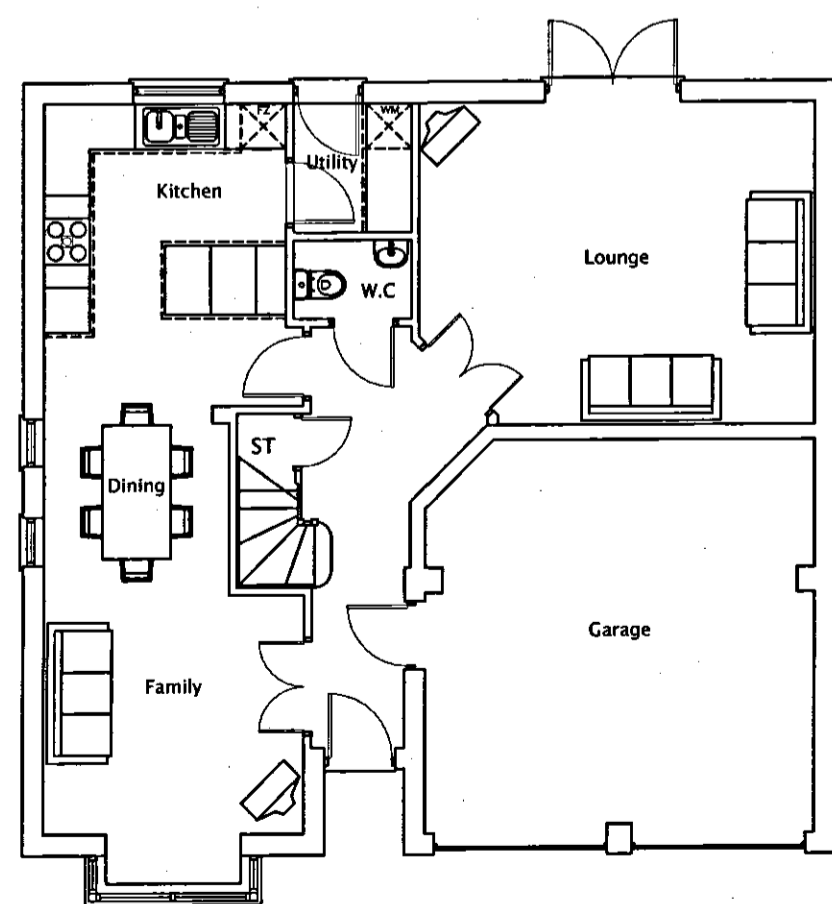
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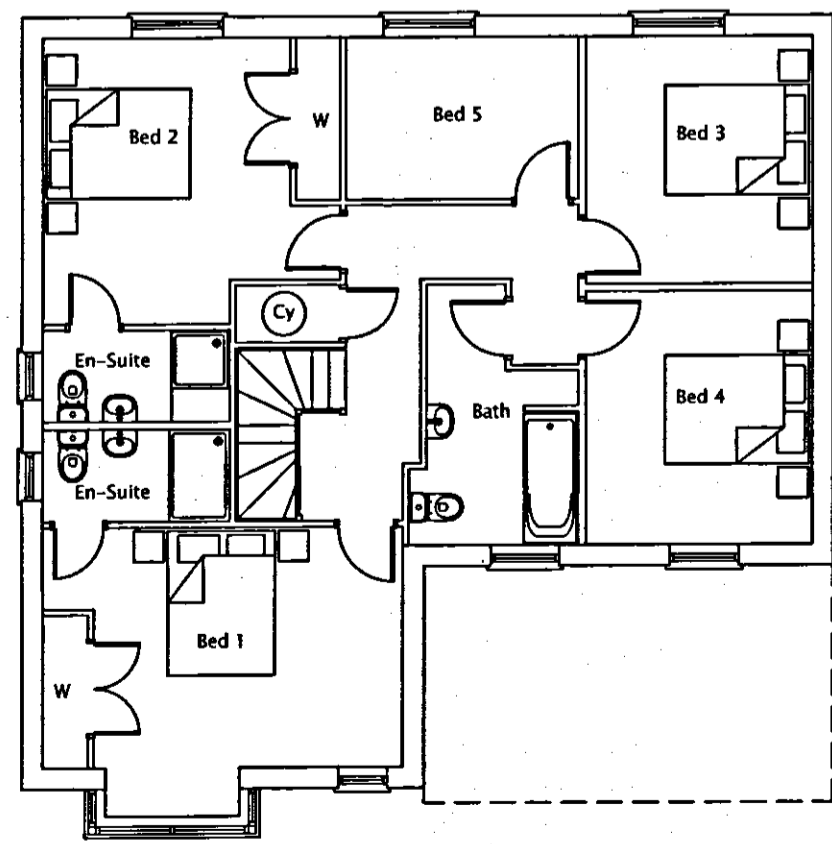
Side Elevation



Side Elevation




Ground Floor

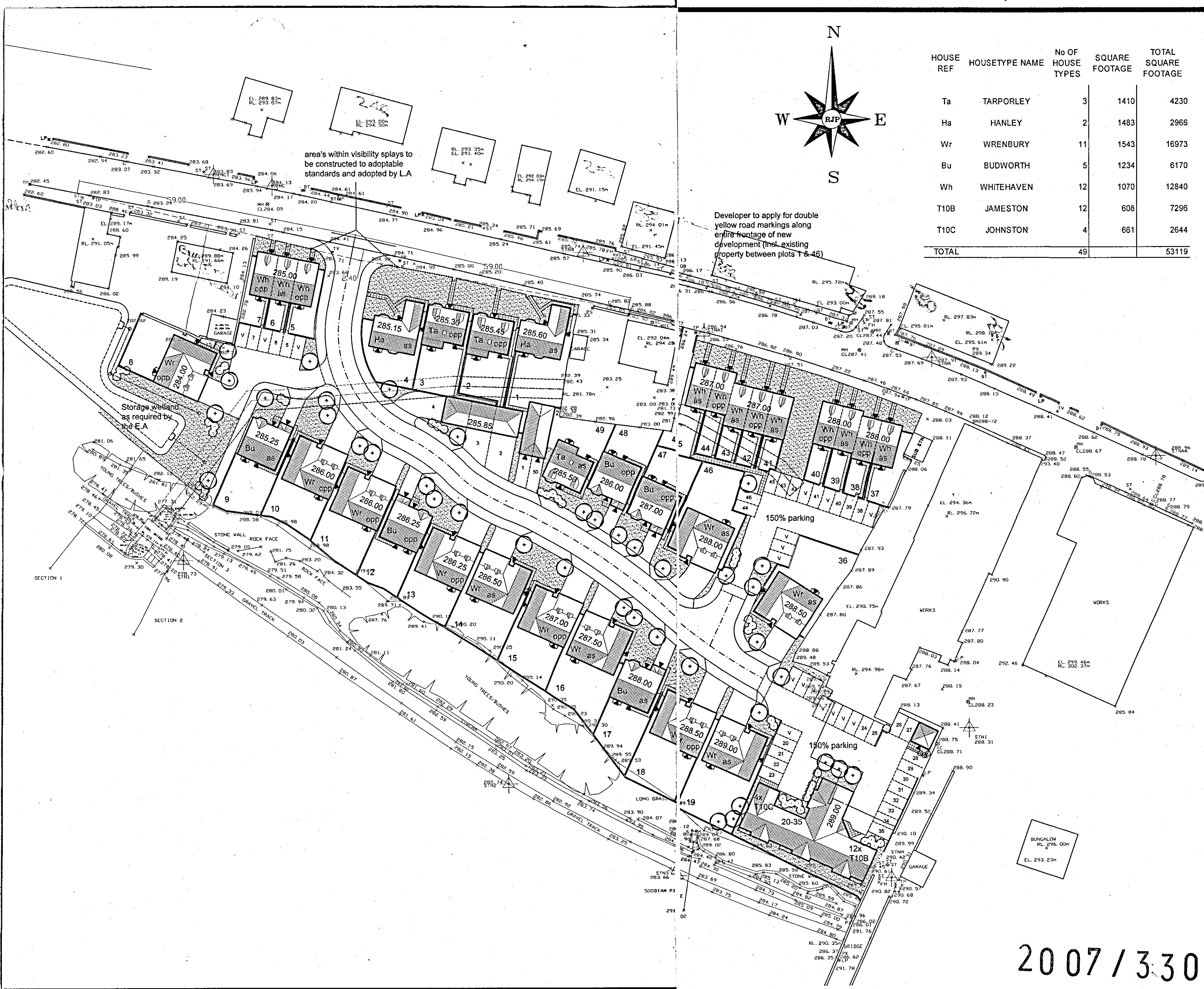


First Floor

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|   |          |             |                        |
|---|----------|-------------|------------------------|
| A   |          | 17.05.07    | Side elevations added. |
| REV   | DATE     | AMENDMENT   |                        |
| <p>CLIENT:</p>  <p><b>HARRON HOMES</b><br/>Building for the future</p> |          |             |                        |
| <p>PROJECT:</p> <p>The Wrenbury (Br)<br/>1595 sqft</p>  |          |             |                        |
| <p>DRAWING TITLE:</p> <p>Plans &amp;<br/>Elevations (Br)</p>  |          |             |                        |
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| HOUSE REF    | HOUSETYPE NAME | No OF HOUSE TYPES | SQUARE FOOTAGE | TOTAL SQUARE FOOTAGE |
|--------------|----------------|-------------------|----------------|----------------------|
| Ta           | TARPORLEY      | 3                 | 1410           | 4230                 |
| Ha           | HANLEY         | 2                 | 1483           | 2966                 |
| Wr           | WRENBURY       | 11                | 1543           | 16973                |
| Bu           | BUDWORTH       | 5                 | 1234           | 6170                 |
| Wh           | WHITEHAVEN     | 12                | 1070           | 12840                |
| T10B         | JAMESTON       | 12                | 608            | 7296                 |
| T10C         | JOHNSTON       | 4                 | 661            | 2644                 |
| <b>TOTAL</b> |                | <b>49</b>         |                | <b>53119</b>         |

31 MAR 2007

|   |          |   |
|---|----------|---|
| D | 08.05.07 | House type names amended & mix added. Railings added to front of plots 1-7, plots 37-46 existing properties, off-site survey information and slab levels added.   |
| C | 03.05.07 | Bin store added to apartment area, parking configuration amended. Wetland area added in accordance with E.A. comments. Visibility signs amended to Highways comments. Layout re-designed to LPA's comments. |
| B | 26.04.07 |   |
| A | 23.01.07 |   |

| REV | DATE | AMENDMENT |
|-----|------|-----------|
|-----|------|-----------|

CLIENT:



**HARRON HOMES**  
Building for the future

PROJECT:  
**NEW LINE, BACUP**

DRAWING TITLE:  
**PLANNING LAYOUT**

|        |                   |
|--------|-------------------|
| SCALE: | DATE:             |
| 1:500  | 29.03.07          |
| DRAWN: | CHECKED:          |
| DH     | DWG NO. 0129/SK05 |

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