

LATE ITEMS REPORT

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 21 AUGUST 2007

B1. – 2007/233: STUBBYLEE PARK, STUBBYLEE LANE, BACUP

Delegated authority to the Head of Planning, Legal and Democratic Services is sought to determine the application subject to the satisfactory completion of an Agricultural Holdings Certificate and a Design and Access Statement.

It is considered that a paladin fence would be more appropriate rather than the palisade fence proposed.

In addition the following condition should be appended:

2. Prior to the commencement of development on for the construction of the fence hereby approved, the applicant shall submit to the local planning authority for their approval, a scheme detailing the height, colour and detail of the proposed boundary fence. The fence shall be constructed in accordance with the approved scheme and shall thereafter be maintained as such for as long the development remains in existence.

Reason: In the interests of visual amenity.

B2 - 2007/330: DEANSGREAVE ROAD/NEW LINE, BRITANNIA

This application seeks reserved matters approval for the residential redevelopment of the site.

The application is recommended for refusal as the submitted scheme and accompanying documentation has not satisfied the Environment Agency or the Council's own Environmental Health Officers & Drainage Engineer that the resulting development would adequately provide for the remediation of the site and mitigation of flood risks. Your Officers also have concerns about how elements of the proposed development would impact upon occupiers of neighbouring properties and how the proposed 4-storey apartment block would impact upon the character and appearance of the area.

Since writing of the report appearing on the Agenda further letters of objection have been received. Sixteen letters have been received from local residents, objecting to the application on the grounds that :

1. Britannia is a small village with very limited facilities, that will be further stretched.

2. The 4-storey apartment block is too high, being only a few feet away from the countryside walk running to the rear of the site, and will unacceptably overlook/overshadow neighbouring residential properties and block their views of the countryside.

An objection letter has also been received from the occupier of commercial premises bounding the application site at its east end. They express concern about :

1. Changes in ground levels to the side of their premises/affect upon an entrance door.
2. Siting of the refuse collection point for the proposed apartment block so close to the main entrance to their building.

Your Officers remain of the view that this application should be refused with the following amendment to the wording of Reason 3 and additional Reason 4:

3. The Applicant has not demonstrated to the satisfaction of the Council that the proposed development would not result in an unacceptable loss of amenity for the occupiers of existing neighbouring properties or for the future occupiers of the proposed dwellings, nor in terms of visual amenity in relation to its impact upon the character and appearance of the area by reason. 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.
4. The applicant has provided inadequate information in relation to bin storage and cycle parking within the development, renewable energy and efficiency measures. The proposal thereby conflicts with PPS1 and PPS22, Policy 1 of the Joint Lancashire Structure Plan and Policy DC1 of the Rossendale District Local Plan.

ITEM B3 – 2007/447: LAND OFF OAKLANDS DRIVE AND LOWER CRIBDEN AVENUE, RAWTENSTALL

The applicant has submitted an email further to the original submission which is appended to the Late Items Report.

The email contains issues which are the applicant's professional opinion and are considered not to raise any new or substantial issues sufficient to alter the case officer's recommendation.

For clarity, the matter regarding the email from John Cowpe, the case officer responds:

“The email from John Cowpe formed part of the application documents submitted with the application and lends support to the applicant’s argument. It can therefore accurately be surmised that the purpose of submit[ing] this with the application can only be for the purpose of supporting the application”.

The application should be determined against the most up to date planning policy. In the time since policy DC4 of the Rossendale District Local Plan was adopted, there has been a substantial shift towards emphasising high quality development in planning policy. The applicant’s assertions to the contrary are contested.

The recommendation remains for refusal.

ADRIAN HARDING
Acting Development Control Team Manager
20/8/07

Appendix

Application Number 2007/447

From: Daniel Hartley
Sent: 14 August 2007 12:34
To: Linda Fisher
Subject: Late Items Report - Planning Application 2007/447 - Oaklands Drive, Rawtenstall - DC Committee 21st August 2007

Dear Linda

I refer to the above application which is to be considered by DC Committee on 21st August 2007.

I would like to comment as follows for the purposes of the late items report:

1. In terms of applying Policy DC4 of the Local Plan it actually requires either natural stone/slate or an artificial substitute stone/slate in SELECTED AREAS. This site is not even in a selected area but yet an artificial stone/slate is still proposed. To suggest that the site is in a selected area as it is along a valley corridor is perverse. How can a hillside be considered as a corridor? In the last 15 years I can think of no case where any Committee or officer as interpreted the policy in this way. The report ignores these points.
2. Paragraph 5.8 - the report wrongly states that an e-mail has been submitted by John Cowpe "in support of the application". Advice was sought from the original author of Policy DC4 of the Local Plan in terms of its interpretation and not as a means of seeking support.
3. Paragraph 5.9 - the report suggests that committee and officer decisions regarding materials in Rossendale have not been the right ones in the past 10-15 years - this is no more than personal opinion and fails to take into account adopted Policy DC4 of the Local Plan which has been used as the basis of making development control decisions.
4. Paragraph 5.11 - the report implies that national planning policy which talks about "local distinctiveness" and "good design" overrides adopted Local planning policy DC4. This is perverse and a decision on this basis would put the council at serious risk of costs. Incidentally national planning policy has always talked about good design. Whilst some policies in the Local Plan are out of date and not in conformity with the Joint Lancashire Structure Plan it is well documented that Policy DC4 of the Local Plan is not out of date and continues to be the Council's adopted policy in terms of acceptable materials in selected areas.
5. Paragraph 5.12 - the report refers to consistency in terms of applying the policy. The Council has in recent months approved artificial stone in areas where

natural stone predominates (eg i) Anvill Street, Bacup immediately surrounded by stone houses - the officer's report considered artificial stone to be acceptable and ii officer agreed minor amendment change (March 2006) from natural stone to artificial stone/slate at Truffels restaurant on Helshore Road which is in a selected area: 2004/416). I must make reiterate the point again that this site is not within an identified selected area. Contrary to advice in the report officers have continued to interpret policies in recent times as per my views.

6. In addition to the above the indicative materials submitted with the application would match those on Lower Cribden Avenue (ie art stone and slate) and on any reasonable basis the proposals would be reflective and characteristic of surrounding buildings and would seek to promote the "distinctiveness" of the area.

7. I note that the application has been called in. The Councillor is indeed correct that opting for natural materials (it would be difficult to tell the difference between natural and artificial materials in this case) will force up the price of houses thereby impacting negatively upon affordability.

Given the importance of making decisions in accordance with adopted planning policies and a consistency of approach I trust that you will ensure that members are aware that a refusal on the basis of the officer recommendation would but the Council at serious risk of costs and potentially waste tax payer money.

Regards

Daniel Hartley MBA, MRTPI
Director of Planning
Hurstwood Group