



TITLE: 2004/512 DEMOLITION OF INDUSTRIAL UNIT AND ERECTION OF STONE BUILT DWELLINGS AT LAND OFF CLOUGH END ROAD, HASLINGDEN

TO/ON: DEVELOPMENT CONTROL COMMITTEE 3rd February 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT: EXCEL PROPERTIES LTD

DETERMINATION EXPIRY DATE: 13TH SEPTEMBER 2004

This application was deferred from the DC Committee of 13th January to enable outstanding issues relating to the internal highway layout and access junction with Clough End Road to be addressed.

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.

Site and Proposal

The applicant seeks full permission for residential development at land off Clough End Road, Haslingden. The site has the benefit of an extant outline planning approval (2003/440).

Planning History

2003/440 – Outline permission for residential development – Approved 22/8/2003

Notification Responses

The following summarized comments have been received from the occupiers of neighbouring residential property:

- Overlooking of surrounding properties
- Traffic generation and Clough End Road is in a poor state of repair
- Drainage problems already exist

Consultation Responses

United Utilities

No objection

RBC Highways

No objection subject to receipt of amended plan providing confirmation of 1 in 14 max access drive gradients and boundary/highway wall positions.

County Planning

May be required to meet completion rates as referred to in Policy 12 of the dJLSP

County Highways

No objection subject to condition

Development Plan Policies

Rossendale District Local Plan:

C1

DC1

Joint Lancashire Structure Plan:

Policy 12

Draft RBC Interim housing policy

Other Material Planning Considerations

PPG 3 (Housing)

Planning Issues

The application has been the subject of amendments designed to achieve the requirements of the Council's highway section in respect of the internal highway layout including driveway gradients and crossfalls through the site. On this basis it is not considered that the proposed development would have an adverse impact on highway safety and to this extent the proposed development would accord with Policy DC1 of the Rossendale District Local Plan.

Outline planning permission No 2003/440 for residential development was approved on this site in August 2003 and remains extant and as such could still be implemented subject to approval of reserved matters. It would be inappropriate in this context to refuse planning permission having regard to the principle of developing this site for residential purposes notwithstanding housing land supply policies in the Draft Joint Lancashire Structure Plan. The site is brownfield and the proposed scheme would seek to make efficient use of the land and to this extent the proposed development

accords with Government guidance in the form of PPG 3. It is situated in close proximity to good public transport links and lies one half mile to the north of Haslingden Town Centre.

Having regard to separation distances it is not considered that the proposed development would have a materially adverse impact upon surrounding properties from a residential amenity point of view. Subject to conditional control relating to highway construction and the use of natural materials I am satisfied that the proposed development would not look out of place in the locality or cause harm to visual or residential amenity and thereby accords with Policies DC1 and C1 of the Rossendale District Local Plan.

Summary of Reasons for Approval

Residential development on this site was approved in principle on 22nd August 2004 (2003/440). Whilst the Council's interim housing policy excludes Haslingden from defined priority areas this guidance is in draft form and currently carries little weight in the determination process. Having regard to the extant outline planning permission (2003/440) the proposal is considered to be acceptable in land-use principle. The development would not cause material harm to residential/visual amenity or highway safety thereby according with Policy DC1 of the Rossendale District Local Plan. The proposed development would seek to make efficient use of a brownfield site thereby according with Government guidance in the form of PPG 3.

Recommendation

That planning permission is approved subject to the following conditions and for the above summarized reasons:

Conditions

01 The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

02 The development shall be carried out in accordance with amended plans received on 20th January 2005.

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

03 The development shall not be commenced until full details, including representative samples, of the natural stone and slate external materials of construction to be used on the roof and walls of the development have been submitted to and first approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved.

Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan

04 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of visual amenity having regard to Policy DC1 of the Rossendale District Local Plan.

05 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,

Reason: In the interests of visual amenity having regard to Policy DC1 of the Rossendale District Local Plan.

06 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order with or without modification) no development shall be carried out on the site within the terms of class(es) A, B, C, D & E, part 1 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority.

Reason: In the interests of the character of the countryside having regard to Policy C1 of the Rossendale District Local Plan

07 None of the dwellings hereby approved shall be occupied until the stone boundary wall at the site access has been removed to a height of no greater than 1 metre. No trees or shrubs shall be erected within sightlines which should be provided at 2.4 metres x 60 metres.

Reason: In the interests of highway safety having regard to Policy DC1 of the Rossendale District Local Plan.

08 No dwelling hereby approved shall be occupied until such time as the vehicular access to the site and the internal highway layout has been constructed in accordance with the Lancashire County Council specification for the construction of estate roads to at least base course level and thereafter prior to first occupation of the sixth and last dwelling the internal highway layout and vehicular access to the site shall be completed to adoption standard.

Reason: In the interests of highway safety having regard to Policy DC.1 of the Rossendale District Local Plan.