

type of development proposed and all matters were reserved for future consideration. The current application was submitted prior to the expiry of the outline approval.

2.2. 2007/636 – A reserved matters application for 12 apartments in a 3 storey block was refused by Development Control Committee on 13 December 2007. The building would have been on approximately the same site as the existing garage building with car parking in front. The applicant's agent attempted to revise the application to reduce the number of units and reposition the building but he was informed that such fundamental changes were not acceptable as an amendment to an application that was already under consideration.

2.3. This application was refused for the following reasons:-

1. By reason of its size, position and design the proposed building would be inappropriate in its village setting and therefore seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with saved Policy DC1 – Development Criteria of the adopted Rossendale District Local Plan.

2. The proposed development would be seriously detrimental to the residential amenities of occupiers of the adjacent property by reason of its height, size, position and degree of overlooking. The proposed development therefore conflicts with saved Policy DC1 – Development Criteria of the adopted Rossendale District Local Plan.

3. The proposed layout does not make adequate provision for pedestrian access, car and cycle parking, servicing the site or refuse collection. There are no details of landscaping, levels or boundary treatments. There is insufficient information for the application to be adequately assessed contrary too saved Policy DC1 – Development Criteria of the adopted Rossendale District Local Plan.

4. The application does not include sufficient details relating to contamination, community involvement, equal access for all, secured by design, or renewable energy and energy efficiency measures oreventing it from being properly assessed.

5. The applicant has failed to complete a Section 106 Agreement for the provision of Public Open Space contrary to saved Policy DC3 of the adopted Rossendale District Local Plan

3. The Current Proposal

3.1 The proposed development has been amended following the refusal and it is now proposed to resite the building closer to Market Street with 11 parking spaces at the rear accessed through the building. This would entail the loss of 2 apartments on the ground floor compared to the previous scheme. A communal bin store at the rear would be accessed by refuse collection vehicles across other land in the applicant's ownership. Construction would be in natural stone and slate and

changes have been made to the elevations to improve the appearance of the building.

- 3.2 Additional information has been provided since the previous refusal including levels, landscaping and boundary treatment. The applicant has state a willingness to commission a contamination study of the site.
- 3.3 The application is accompanied by a Design and Access Statement, an energy efficiency report, and a security report. A unilateral undertaking pledges 10000 pounds towards Edenfield Community Centre.
- 3.4 There is a Statement of Community Involvement and 8 letters of support for the development from local residents.
- 3.5 Revised plans confirm that there would be a gap to the north of the building to allow pedestrian access to the rear of the adjacent terrace of houses. Although the building would be very close to the southern boundary it does not appear that there would be any encroachment over the boundary

4. Policy Context

4.1 National Planning Guidance

PPS1 - Sustainable Development
PPS3 – Housing

4.2 Development Plan Policies

Regional Spatial Strategy for the North West

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy
Policy 2 - Main Development Locations
Policy 7 - Parking
Policy 12 - Housing Provision
Policy 21 - Lancashire's Natural & Man-Made Heritage

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary
E7 - Contaminated Land
E13 - Noise Sources
DC1 - Development Control
DC4 - Materials

4.3 Other Material Planning Considerations

Rossendale BC Revised Interim Housing Position Statement (January 2007)
Rossendale BC Affordable Housing Position Statement (January 2007)

Lancashire CC – Planning Obligations Paper
Lancashire CC - Parking Standards

5. CONSULTATIONS

5.1 INTERNAL CONSULTATIONS

Environmental Health – Any adverse comments will be reported through the late items report.

Forward Planning – No objection on the basis that the site has the benefit of outline planning permission.

Street-Scene and Liveability – There is no objection in principle to access for refuse vehicles at the rear of the site subject to confirmation of details.

5.2 EXTERNAL CONSULTATIONS

Environment Agency – Any comments will be reported through the late items report.

Lancashire Constabulary – The applicant has discussing Secured by Design issues with the Architectural Liaison Officer and there is no objection to the scheme proposed..

Lancashire County Council

Highways – Any comments will be reported through the late items report.

Strategic Planning – No issues of strategic significance as the site already has outline planning permission.

United Utilities – No objection.

6. REPRESENTATIONS

- 6.1 A site notice was posted on 3 January 2008 and letters have been sent to 21 neighbours. No representations have been received as a result of the publicity.
- 6.2 The applicant's agent has provided copies of 8 letters from neighbours supporting the application on the basis that it will be redevelopment of a brownfield site and a visual improvement, improving the outlook and removing heavy vehicles from the village.

7. REPORT

- 7.1 The site is not in an area where a new application for residential development would currently be acceptable based on current Government Policy as expressed in Policy 12 of the Joint Lancashire Structure Plan and Rossendale Council's Revised Interim Housing Position Statement. However the site had a valid outline approval at the time when the application was submitted and residential development is therefore acceptable in principle.
- 7.2 The outline application did not include any details and all matters were reserved with no approval for any element of the scheme, including siting, external appearance, layout, access and landscaping.

- 7.3 The existing use is not compatible with the residential character of the village and the existing building is unsightly when compared with the surrounding buildings.
- 7.4 The main consideration is whether the form of development now proposed is acceptable for the site and its location within Edenfield village and whether the previous reasons for refusal, including insufficient information, have been overcome. Issues include the number of units, the size and scale of building, the relationship of the building to the street and other buildings, design and materials.
- 7.5 The number of units has been reduced and the building has been moved closer to the front of the site with car parking hidden at the rear and the relationship of the building to the street is acceptable. The adjacent property to the south is 3 storey in part and the size and scale of the building is also considered acceptable.. The use of natural materials together with changes to the elevations would ensure that the building is appropriate to its setting. It is therefore concluded that the first reason for refusal has been overcome
- 7.6 Reasons for refusal 3, 4 and 5 referred to missing information that has now been provided including cycle parking, refuse collection, landscaping, levels, boundary treatment, community involvement, secured by design and energy efficiency. The applicant is intending to provide a contamination study. Reasons 3 and 4 on the previous refusal are therefore no longer appropriate.
- 7.7 The development would have limited private recreational space for residents. The fifth reason for refusal related to the applicant's failure to complete a Section 106 Agreement for the provision of public open space. A Universal Undertaking has now been presented pledging to give a sum of money towards Edenfield Community Centre which would satisfy the requirement.
- 7.8 The second reason for refusal stated that "the proposed development would be seriously detrimental to the residential amenities of occupiers of the adjacent property". The building would have been sited where windows would look into the rear windows of cottages fronting Market Street. By moving the building forward this problem has been overcome but it has resulted in a gable wall projecting some 10.5 metres behind the row of cottages and only 1.2 metres from the boundary.
- 7.9 It is accepted that none of the neighbours has objected and that several have written to support the scheme. The applicant's agent claims that "outlook and sunlighting will not be significantly different from now".
- 7.10 It is the Planning Officer's opinion that there will be a significant difference from the current situation as there is a large open gap between the rear of the houses and the front of the existing garage building. The new block of flats would be to the south of the cottages and there would be a significant loss of light and outlook. The building would be overbearing and a recommendation for refusal is justified.
- 7.11 If Members do not agree with the recommendation the decision can only be "minded to approve" until the Unilateral Undertaking has been finalised and also conditions would need to be imposed.

8. HUMAN RIGHTS

- 8.1 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.

9. CONCLUSION

Although the revised scheme overcomes the majority of the reasons for refusal on the previous application (2007/636) there would be significant detrimental effect on the residential amenities of occupiers of adjacent dwellings.

10. RECOMMENDATION(S)

That Committee refuse the application for the reason set out below.

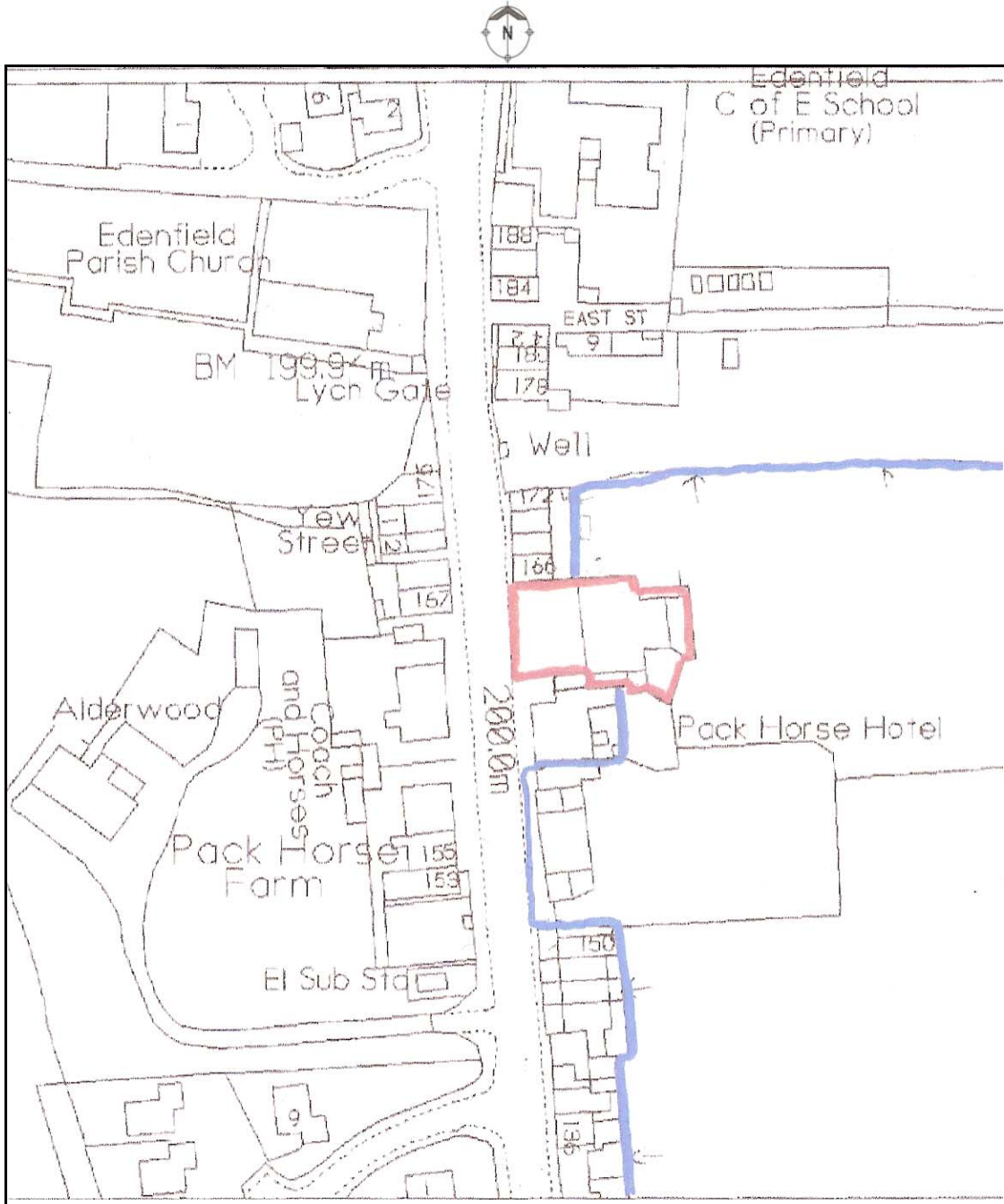
11. REASONS FOR REFUSAL

1. The proposed development would be seriously detrimental to the residential amenities of occupiers of the adjacent property by reason of its height, size and position. The building would be overbearing and would lead to the loss of light and outlook. The proposed development therefore conflicts with saved Policy DC1 – Development Criteria of the adopted Rossendale District Local Plan.

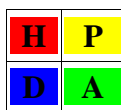
Contact Officer	
Name	John Hodkinson
Position	Consultant
Service / Team	Development Control
Telephone	07772085221
Email address	

*LOCATION PLAN TO BE PROVIDED
ATTACH ALL APPENDICES*

Site Location Plan
Address and proposal: Pack Horse Garage, Edenfield
Reserve matters application relating to residential development
Outline permission 2005/543



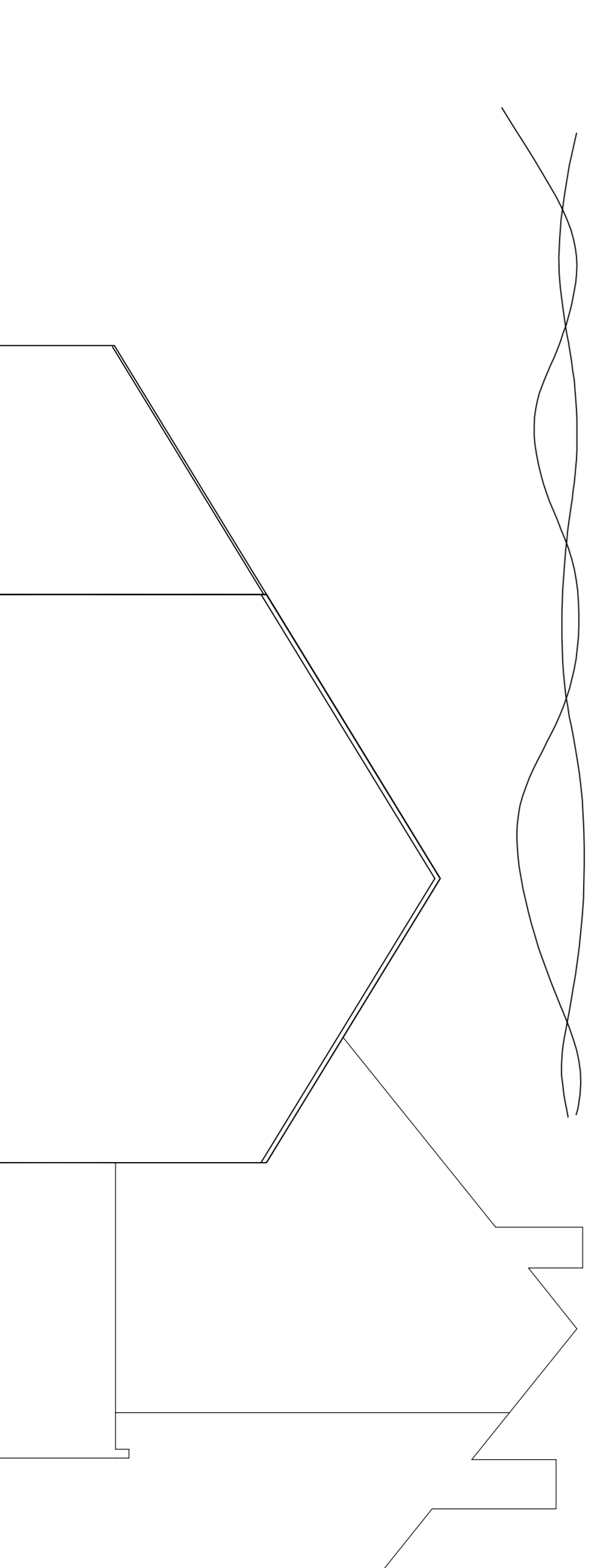
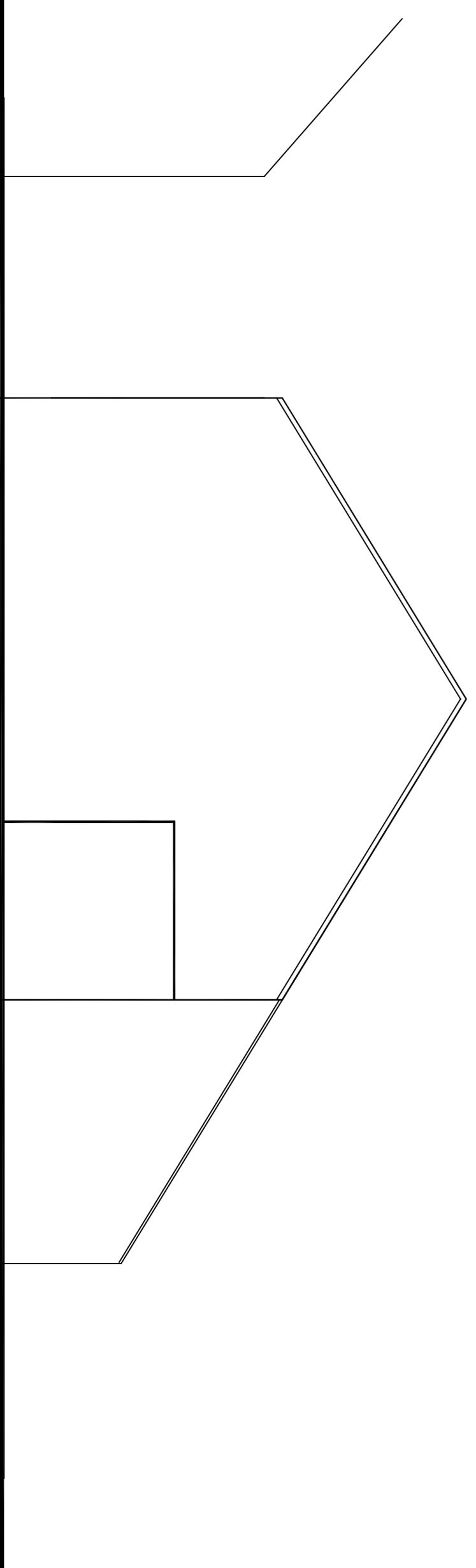
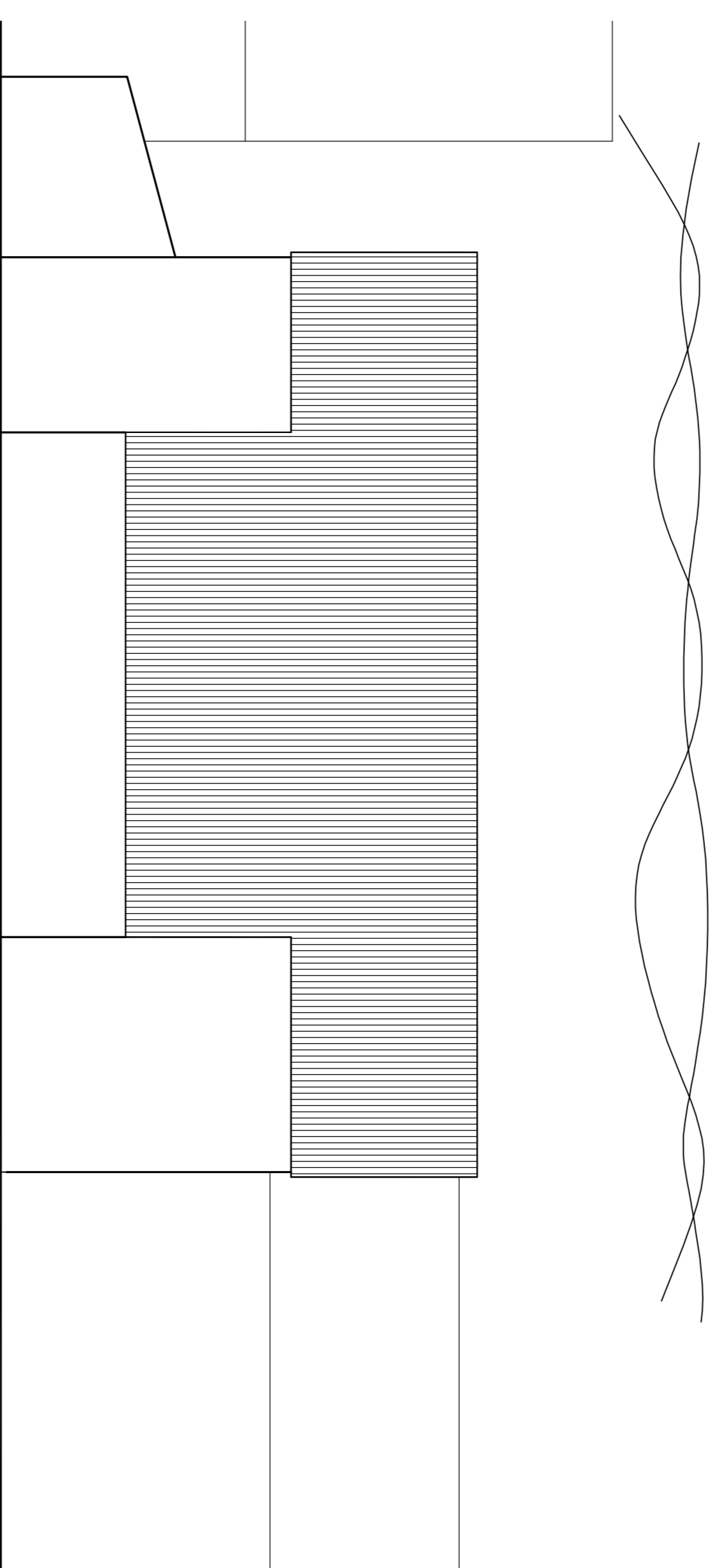
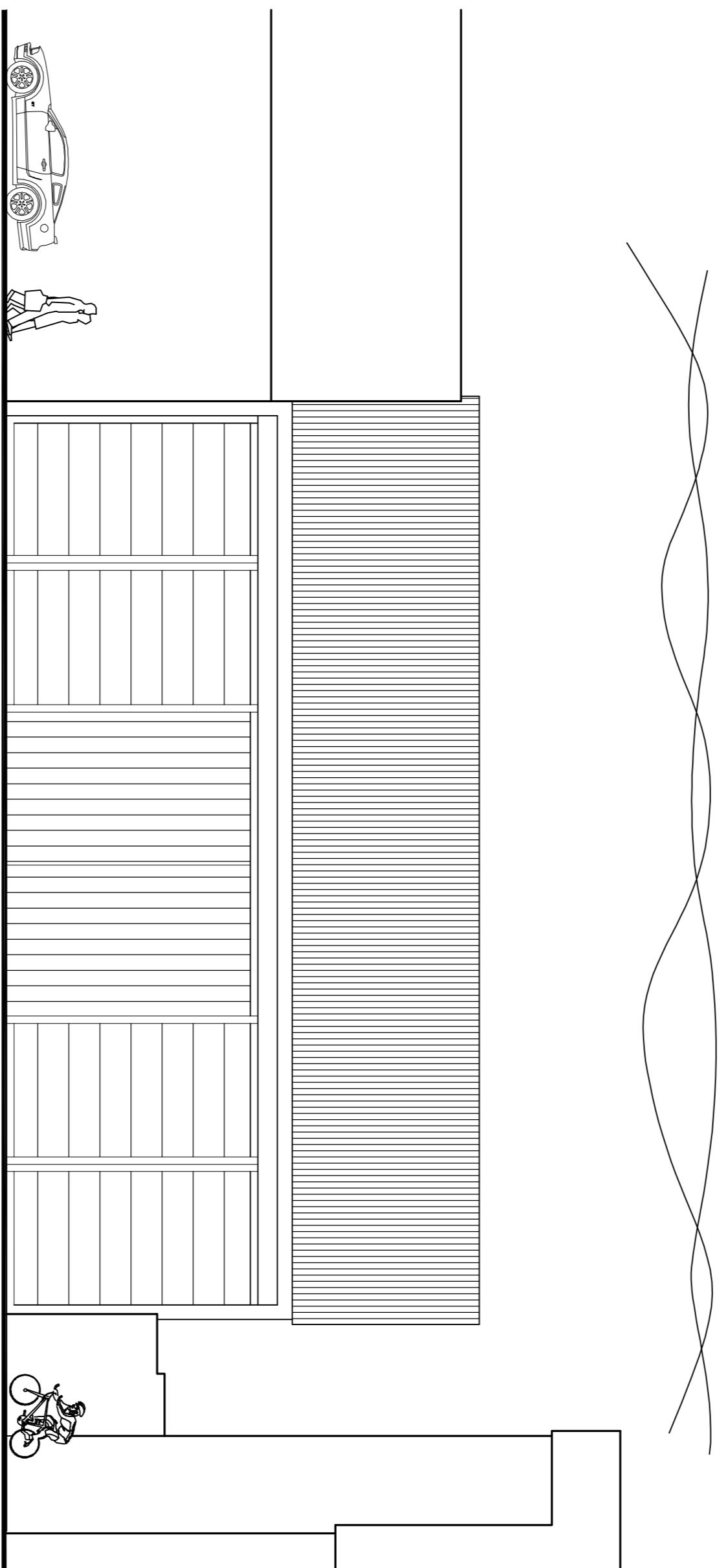
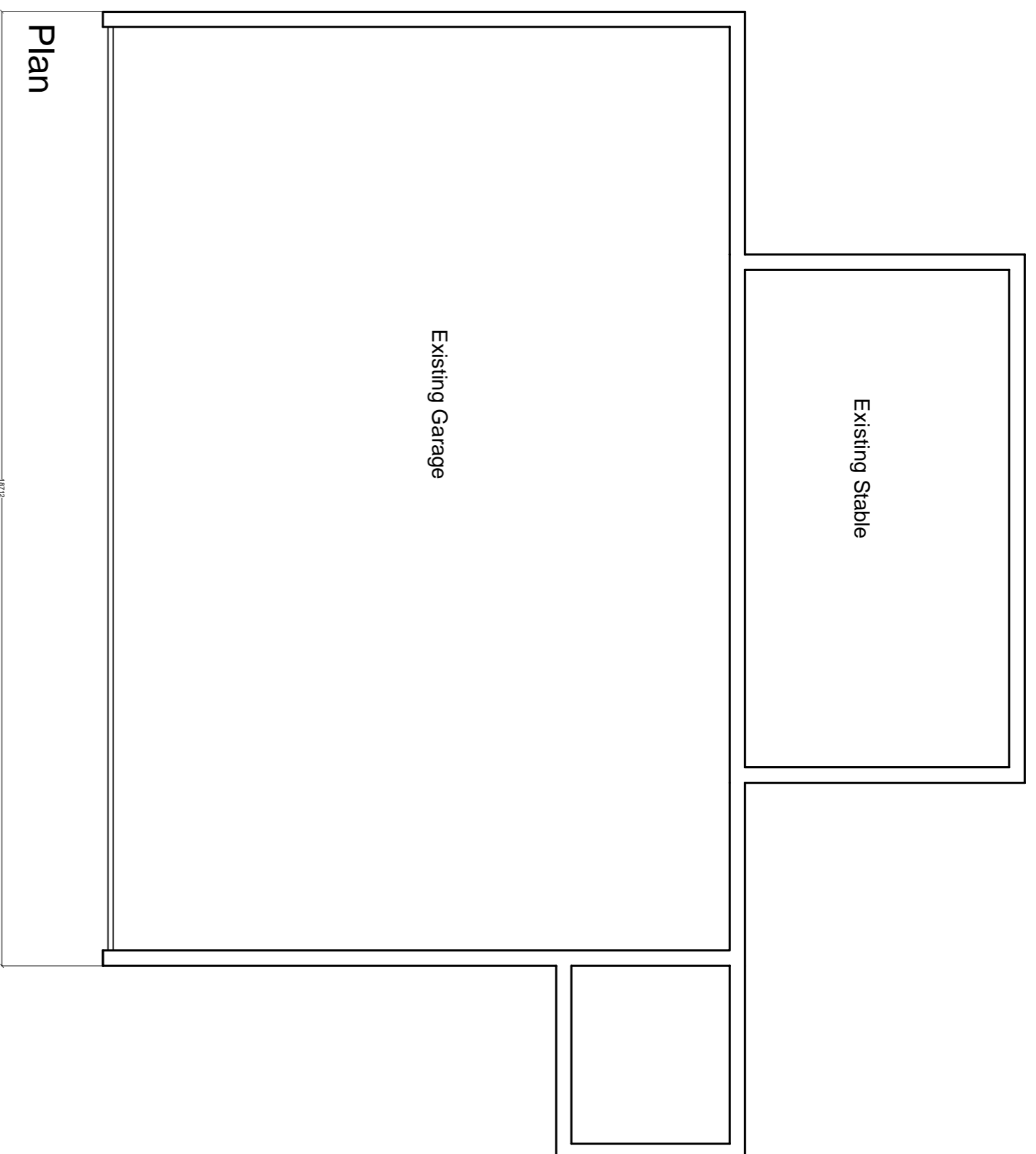
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Dec. 2007

Prepared by Hartley Planning and Development Associates Ltd

GENERAL NOTES



NOTES

Rev	Date	Title

Client

Mr Richard Nuttall

Project

Proposed Erection of Apartment Building for 12No. 1 Bedroom Flats, Pack Horse, Garage, Edenfield, Rossendale

Job No: 9100

Title

Existing Plan and Elevations

Date	Drawn	Scale	Checked	Rev.
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