

**Application No:** 2008/0294

**Application Type:** Full

**Proposal:** Creation of new access road from Coal Pit Lane to previously approved dwelling.

**Location:** Land adjacent Brook House, Coal Pit Lane, Bacup.

**Ward:**

**Report of:** Executive Director of Regulatory Services

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 2 June 2008

**Applicant:** J McGuire

**Determination Expiry Date:**  
16 June 2008.

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member: Cllr Peter Steen

Reason for Call-In:

1. The proposed access road is intended to give access to a new building that is being constructed adjacent to Brook House.
2. At present the access would be across land currently used by the owner of Brook House for parking his vehicles and also cut across the front of his garage.
3. The vehicles passing across the front window of Brook House would result in the loss of privacy and enjoyment of the view for the owner of Brook House, to which he is entitled under the Human Rights Act.
4. The construction of the access track would take any vehicles wishing to visit the new development away from Brook House and would help reduce noise and disruption to the occupants.
5. Lancashire County Council sold the land to the applicant for the express purpose of building the access road.

**3 or more objections received**

No.

**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 Proposal and the Site**

- 1.1 The application site forms part of the open/woodland located to the north and north-east of the dwelling house (known as Brook House) off Coal Pit Lane, Bacup. It adjoins the north-easterly side of the rear garden of Brook House which is bounded by a 1.5m high stone wall and 2m high thick hedge. The site slopes sharply away from Coal Pit Lane. Currently, the site is covered with natural grass/vegetation.
- 1.2 The proposal involves the creation of an access road from Coal Pit Lane to a previously approved detached dwelling on land to the north-west of Brook House. It is proposed that the access road, 3m wide and 40m long, would be constructed along the north-easterly side of the boundary wall of Brook House leading to the site of the approved dwelling. The road would have a tarmac finished surface and due to the topography of the site, would descend from a level of 101.0m to 97.0m.
- 1.3 It is proposed that the entrance of the access road with Coal Pit Lane would be formed by 1.2m high dry stone walls on both sides to a length of 5m. The remainder length of the access road would be flanked by 1.5 high timber post and rail fencing on both sides. Since the access road would run over Greaves Clough Brook, it is proposed that a culvert crossing would be constructed over a section of the water course. According to the applicant, the design of the crossing of the river would be to the satisfaction of the Environment Agency.
- 1.4 Planning permission ref. 2005/715 for the erection of a detached dwelling and double garage on land to the north-west of Brook House was granted on 9<sup>th</sup> February 2008. According to the approved details, access to the approved dwelling would be gained via a strip of land running outside the westerly side of the curtilage of Brook House. A material start to implement the permission has been made on the site.

### **2. Relevant Planning History**

2002/080: Erection of detached garage, Brook House, off Coal Pit Lane – Approved.

2005/162: Erection of dwelling and detached double garage at land adjacent to Brook House, off Coal Pit Lane, Bacup – Refused

2005/478: Erection of one dwelling and detached double garage at land adjacent to Brook House, off Coal Pit Lane, Bacup – Refused.

2005/715: Erection of dwelling and detached double garage on land adjacent to Brook House, off Coal Pit Lane, Bacup – Approved.

2007/581: Double garage to dwelling, new access to Coal Pit Lane and erection of dry stone wall - Withdrawn.

### **3. POLICY CONTEXT**

#### **National Planning Guidance**

PPS1 - Sustainable Development

PPS7 – Sustainable Developments in Rural Areas

#### **Joint Lancashire Structure Plan**

Policy 1 – General Policy

Policy 5 – Development Outside of Principal Urban Areas, Main Towns and Key Service Centres

Policy 20 – Lancashire's Landscapes

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

DS5 – Development Outside the Urban Boundary & Green Belt

DC1 – Development Criteria

DC4 - Materials

#### **Other Material Planning Considerations**

LCC Landscape & Heritage SPD

### **4. CONSULTATIONS**

4.1 LCC (Highways) - Recommends that the application be refused on the grounds:

1. The first 5m of the access road should be both level and 4.5m wide to allow vehicles to pass.
2. The walls adjacent the entrance should be of a height less than 1m to maximise sight lines.
3. The gradient between the lowest point and highest point should not exceed 1:15.

4.2 Environment Agency – No objection subject to conditions requiring the submission of a scheme for boundary treatment for the access road adjacent Greave Clough Brook.

### **5. REPRESENTATIONS**

5.1 A site notice was posted on 13 May 2008 and the relevant neighbours were notified by letter on 28 April 2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

5.2 No comments have been received to date.

### **6. ASSESSMENT**

6.1 In dealing with this application the main issues to consider are:

1. Principle of the development
2. Design/appearance - Impact on the countryside
3. Neighbourhood amenity

#### 4. Highway issues.

##### 6.2 Principle

In the adopted Local Plan, the application site lies within a Countryside Area, wherein Policy DS5 would preclude development other than for the purposes of agriculture, forestry or other uses appropriate to a rural area, unless for the rehabilitation and re-use of buildings providing that they comply with policy DC1. Since the proposed development involving the formation of an access road would be used in connection with a residential dwelling, it is considered that the proposal conflicts with the purposes of Policy DS5 of the Local Plan and is therefore unacceptable in principle.

##### 6.3 Design/appearance - Impact on the countryside

The site proposed for the creation of the access road forms part of the undisturbed undulating open land within the Countryside. Due to its elevated position, the application site is exposed to views from Coal Pit Lane and the abutting land to the east, north and north - west. It is considered that the provision of a tarmac surfaced road flanked by a 5m long and 1.2 metre high stone wall would characterise the site as “built development” and would be incongruous and unsympathetic in this countryside. It is considered this would have a significant detrimental impact in the area and would detract from the quality and character of the wider rural/countryside.

6.4 It is considered that the formation of hard surfaced road flanked by stone walls/fencing, alteration to the levels of land etc. in this prominent location, would erode the essentially open and rural character of the area to an unacceptable extent, contrary to PPS1/PPS7. PPS1 aims to protect and enhance the quality of the natural and historic environment, in both rural and urban areas, and expresses the importance Government attaches to good design. The scheme would be contrary to PPS7, which aims to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all, the proposal would not help raise the quality of life and the environment in rural areas.

##### 6.5 Neighbour Amenity

There are several residential properties located on the southerly side of Coal Pit Lane. They are situated in an elevated position directly overlooking the application site. It is considered that the proposed development, due to its scale, design and materials, ( i.e. tarmac surfaced 3m wide road and boundary walls) would not only be obtrusive in the area but would also be detrimental to the visual amenity of the adjacent residents and the people visiting the area, contrary to policy DC1 of the Rossendale District Local Plan.

##### 6.6 Highway issues

The highway authority is concerned that the proposed access road in would be inadequate in terms of its width, gradient and provision of satisfactory sight lines. The authority believes that the access road, due to its restricted width, steep gradient and without the benefit of any passing places, would be to the detriment of highway safety which is unacceptable.

## 7. CONCLUSION

- 7.1 The proposed access road is required in connection with an approved detached dwelling and double garage to be located on land to the north – west of the applicant's property, Brooks House (Ref. 2005/715). A material start to implement the permission has been made on the site. According to the approved details, access to the approved dwelling should be provided via a strip of land running outside the westerly side of the curtilage of Brook House.
- 7.2 The application site lies within the countryside and the proposed development, due to its scale, design and appearance, is contrary to the objectives of PPS1, PPS7, Saved Policy 20 of the Joint Structure Plan and Saved Policy DC1 of the Rossendale District Local Plan and is therefore unacceptable.

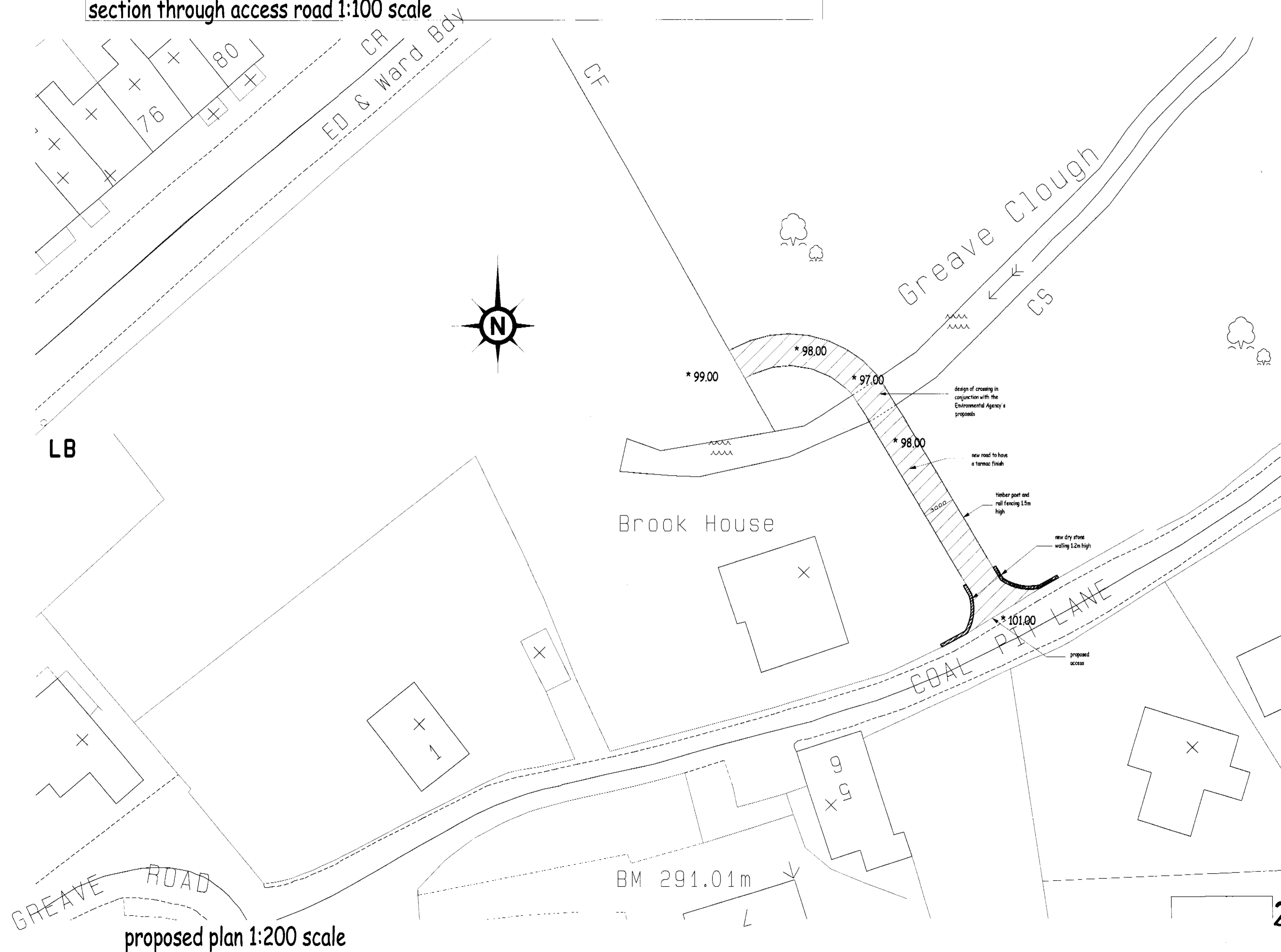
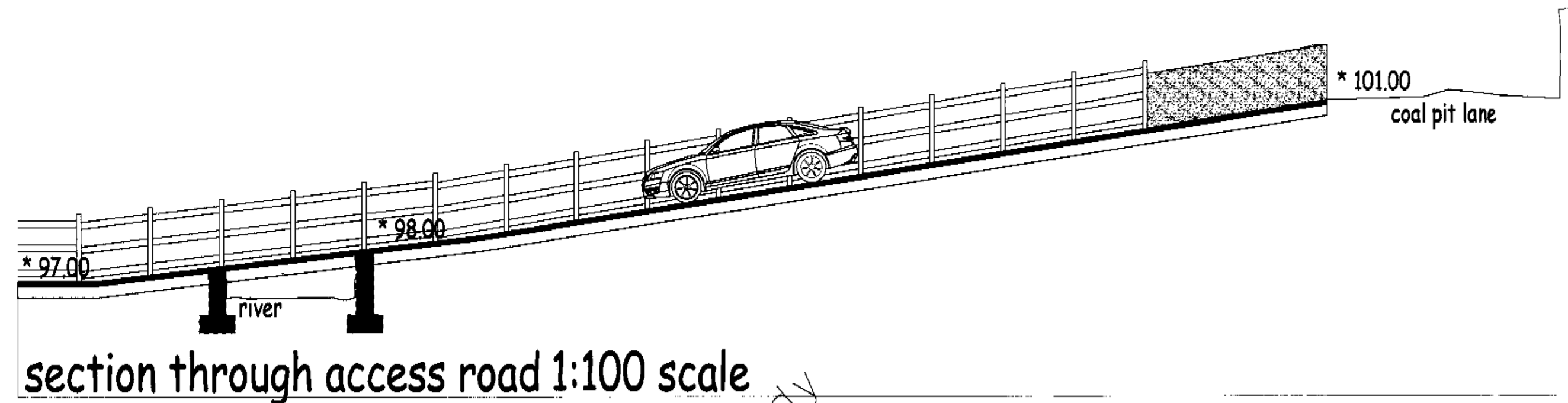
## 8. RECOMMENDATION Refuse

### Reasons

1. The application site is located within the Countryside and prominently exposed to public view from Coal Pit Lane and the surrounding area. The proposed development, due to its scale, design and appearance, would unacceptably erode the essentially open and rural character of the site. The proposal is therefore considered contrary to PPS1 & PPS7, and saved Policy of DS5 and criteria of Saved Policy DC1 of the Rossendale District Local Plan.
2. The proposed access road is inadequate and is likely to lead to vehicles carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposal is therefore considered contrary to the criteria of saved Policy DC1 of the Rossendale District Local Plan.

### NOTES FOR APPLICANT:

<b>Contact Officer</b>	
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Service / Team	Development Control
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SCALE	1:200	DATE	April 08
DRAWN	JDJ	P.P	B.R
CUSTOMER	Mr McGuire		
PROJECT	Proposed Access		
LOCATION	Land to rear of Brook House, Coal Pit Lane, Bacup		
LOCAL AUTHORITY	Rossendale BC		

21 APR 2008

2008/294

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