

Application No: 2008/0403

Application Type: Full

Proposal: Creation of new access road from Coal Pit Lane to previously approved dwelling (re-submission of previously refused application 2008/0294)

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

Ward:

Report of: Executive Director - Business

Status: For Publication

Report to: Development Control Committee

Date: 4 August 2008

Applicant: J McGuire

Determination Expiry Date:
14 August 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. It is felt that a number of documents relevant to the proposal were not disclosed correctly when the previous application ref. 2008/0294 was considered and refused permission by the Committee on 2nd July 2008.
2. The Highways objections have been removed and in our opinion, the site is a brownfield land albeit overgrown. As such the countryside objection is irrelevant.
3. We are of the opinion that the late objection was vexatious and had no relevance to the application.
4. An appeal has been lodged against the refusal of the previous application which would of course be withdrawn if this application succeeds.

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 This application is a re-submission of the previous application ref. 2008/0294 which was considered and refused permission by Planning Committee at its meeting on 2 June 2008. The scheme has been revised to address the highways concerns made in respect of the previous application and also to reduce the impact of the proposed development in the countryside.
- 1.2 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.
- 1.3 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 approximately 36m 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 grasscrete or equivalent material finished surface and due to the topography of the site, would descend from a level of 101.71m to 98.57m. It is proposed that the first 5m of the access road would be level and 4.5m wide. The remainder section of the road, approximately 31m long, would be 3m wide. To attain a gradient specified by the highway authority (i.e. no greater than 1:15), the proposed access road would in places exceed the height of existing ground level by up to a metre. The widest part of the access road (4.5m) at its junction with Coal Pit Lane, it is proposed, would enable vehicles to wait if vehicles are coming up the road.
- 1.4 It is proposed that the entrance of the access road with Coal Pit Lane would be formed by a 0.9m high hedgerow on the easterly side and 0.95m high new dry stone wall on the westerly side. The proposed hedgerow on the westerly side and the new dry stone wall will run to the length of approximately 21m from Coal Pit Lane. The remainder length of the access road would not be bounded by any fencing on either side. 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.
- 1.5 In support of the application, the applicant points out that:
- The proposal includes environmental, ecological and community benefits including the provision of a new footbridge and network of footpaths and opening up of a culvert to the side of Brook House.
 - Compared to the access route to the dwelling approved under 2005/715, the proposed access road would improve both highway safety and residential amenity in so far that it would lead to less blocking in and associated vehicular manoeuvres on the lower section of Coal Pit Lane.

- Private access drives are acceptable in land-use principle in the countryside.
- Allowing alternative access to the dwelling approved under 2005/715 will limit the likelihood of application for a further garage or extension in the grounds of Brook House.
- The application site has been acquired by the applicant from Lancashire County Council who advised the applicant that a private access road in this location would be acceptable.
- Planning permission 2005/715 includes retention of half of the double garage with the remaining half remaining open at both ends to enable vehicular access to the approved dwelling beyond. This would look out of character in the locality and would afford the occupiers of the proposed dwelling limited privacy from onlookers on Coal Pit Lane.
- Siting the access drive away from the boundary with the side garden of no. 1 Coal Pit Lane would lead to less disturbance and noise for the occupiers of this property to the benefit of residential amenity.
- The application site includes retaining walls belonging to the previous Old Vale Mill. The application site is browfield and should be weighed in the balance when considering this application.

1.6 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 9th February 2008. According to the approved details, access to the approved dwelling would be gained via a strip of land in front of Brook House and through the double garage located in the north-westerly corner of the premises. The approved plans (2005/715) show that one of the front door and part of the rear wall of the existing double garage to be removed and the remainder garage to be reinstated as a single garage with new roof. A material start to implement this 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.

2008/0294: Creation of new access road from Coal Pit Lane to previously approved dwelling on land adjacent Brook House, Coal Pit Lane, Bacup.

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

LCC (Highways) – No highways comments

Environment Agency – The Agency has no comments other than those made in respect of the previous application ref. 2008/0294. The comments were:

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 1 July 2008 and the relevant neighbours were notified by letter on 1 July 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 Three letters raising no objection to the proposal has been received from the residents of No. 7 Hazel Grove, Bacup. In addition, the applicant has submitted, as part of the planning application, seven individual letters from the residents of the area supporting the proposed development. The points made are:
- Prior to the construction of the applicant’s house, the land was an unsightly demolished site with piles of rubble, waste materials, large swathes of invasive weeds, nettlebeds and extensive areas of barren ground.
 - The applicant has considerably improved the area by landscaping and grassing. Access to the woodland has been improved and is now being visited by significantly more people than previously.
 - The surface of the road is in an awful state with deep potholes appearing at regular intervals.
 - The fencing is in a poor state which we believe the applicant, as part of his application, has undertaken to replace with a dry stone wall.

- The bridge which the applicant provided to the footpath in the woods has made every dog walker's life easier and pleasant.
- The applicant has made numerous repairs to the continually forming pot holes on the lane and provided security lighting for the benefit of the local residents.

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 position/location, the application site is exposed to views from Coal Pit Lane and the abutting land to the east, north and north - west. Although the access road would have a grasscrete or equivalent material surface appearance, it would be laid out at a higher level by upto a metre compared with the existing levels of the site and would be flanked by a 21m long and 0.95m high stone wall on the westerly side and 0.9m high hedge on the easterly side. Due to its elevated position, design and appearance, it is considered that the proposed access road would be more intrusive and urbanising feature within the essentially open and rural/countryside area. It is therefore considered that the proposed access road would have a significant detrimental impact in the area and would detract from the quality and character of the wider rural/countryside. It is not considered that the use of the grasscrete or equivalent materials to prepare the surface of the road in this location would be sympathetic to the character of the area.

6.4 It is considered that the formation of the access road flanked by stone walls/hedging, 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 raised level, scale, design and materials, 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 revised scheme has been prepared to overcome the concerns expressed by the highway authority in respect of the previous applications. Therefore the highway authority has raised no objection to the proposal.

6.7 Applicant's comments

The applicant has made a number of points in support of the proposal which need clarification. These are as follows:

1. The original scheme submitted with planning application ref. 2008/0294 proposed 3m wide access road. However, the amended plan submitted for the consideration of the Committee on 2nd July 2008 indicated the width of the road as 4.5m. The report stating the width of the access road as 3m wide accords with the original submission.
2. Planning permission ref. 2005/715 for the erection of a detached dwelling and double garage was granted with an access running through the western half of the 6m wide double garage permitted for Brook House. It is considered that the approved access is satisfactory and would not look out of character in the locality.
3. The proposed access is not acceptable in terms of Policy DS5 of the Rossendale District Local Plan or PPS7- Sustainable Development in Rural Areas.
4. The use of the grasscrete or other equivalent materials would not help reduce significantly the impact of the access road in the countryside.

7. CONCLUSION

7.1 The proposed access road is required in connection with an approved detached dwelling and double garage 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 would be gained via a strip of land in front of the Brook House and through the western half of the 6m wide garage permitted for Brook House. This option is considered to be acceptable and far less visually intrusive than the proposal.

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.

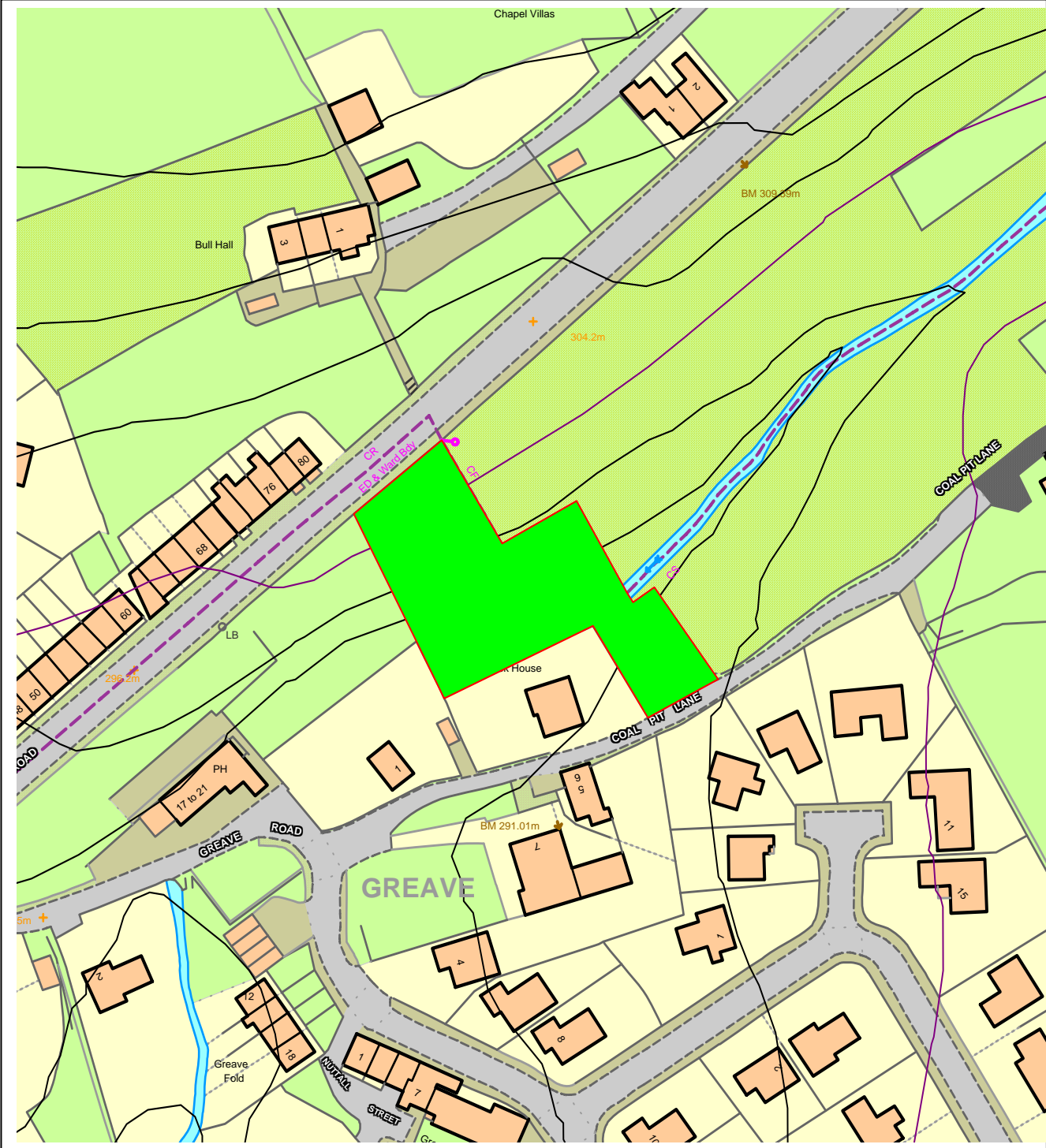
8. RECOMMENDATION Refuse

Reasons

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 is therefore unacceptable in principle and 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 – Sustainable Development, PPS7 – Delivering Sustainable Development in Rural Areas, Saved Policy 20 – Lancashire’s Landscapes of the Joint Lancashire Structure Plan and saved Policy of DS5 – Development Outside the Urban Boundary & Green Belt and Saved Policy DC1 – Development Criteria of the Rossendale District Local Plan.

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2008/0403 Coal Pit Lane, Bacup



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