

Application No: 2008/404	Application Type: Full
Proposal: Revised plot layout & substitution of house types (Plots 84-109 & 112-115) to Planning Permission 2005/142	Location: Land off Rochdale Road/ East of Stack Lane, Britannia
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 2 June 2008
Applicant: Wainhomes Developments	Determination Expiry Date: 17 September 2008
Agent: MPSL Planning & Design	

REASON FOR REPORTING Tick Box
Outside Officer Scheme of Delegation YES

Member Call-In
 Name of Member:
 Reason for Call-In:

More than 3 objections received

Other (please state)DEPARTURE/MAJOR

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.

1. Background

This application relates to a site forming part of a large parcel of land designated as Countryside in the adopted Local Plan, but currently being developed by Wainhomes for residential purposes.

The parcel of land is roughly rectangular in shape. Of approximately 7.7 hectares in area, it lies on the southern side of Rochdale Road, and is dissected by Stack Lane.

2. Relevant Planning History

1975/605 - Erection of 190 dwellings

This permission remained valid by reason of an accepted commencement of development within the original life of the permission following a legal challenge by Melham Holdings Limited in 1995. Wainhomes re-commenced work on the construction of houses on that part of the land situated to the west side of Stack Lane.

2005/142 - Erection of 162 dwellings

Not wishing to complete the development in full accordance with the old permission, Wainhomes submitted an application in March 2005 proposing the erection of 162 dwellings in addition to the 21 dwellings being constructed under the old permission.

Despite the Local Plan designation of the land as Countryside / the issue of housing oversupply, Officers considered the proposed development had certain distinct advantages over its 1975 predecessor permission. These related principally to :

- a) the introduction of a less formal layout both in terms of internal highway layout and the adoption of more varied house types and plot/dwelling positioning;
- b) the adoption of a proper frontage treatment and orientation of properties to Rochdale Road;
- c) the provision within the development of additional public open space;
- d) a financial contribution in order to promote more sustainable transport options than use of the private car.

Furthermore, completion of the development in accordance with the proposed scheme would have reduced the number of dwellings and thereby go a small way towards addressing the housing over-supply issue the Council was faced with as a result of the reduction in the Borough's housing allocation with adoption of the new Structure Plan in March 2005.

In accordance with the Officer recommendation, Committee was minded to grant permission subject to referral of the application as a 'departure' to the Government Office for the North West. As it indicated no wish to call-in the application the decision notice granting permission was issued in February 2006.

Work on the construction of houses on that part of the land situated to the west side of Stack Lane is now well advanced and accords with this permission and subsequent variations of it.

2008/114 - Revised plot layout & substitution of house types (Plots 90-186) East of Stack Lane

This application, in respect of the whole of the parcel of land to the east side of Stack Lane, proposed no change to the number of dwellings previously permitted (100) and the road layout remained fundamentally the same.

However, in accordance with the Officer recommendation, this application was refused permission at the meeting of Committee held on 2 June 2008 for the following reasons :

1. This proposal will result in the erection of a dwelling on Plot 114 occupying land which implementation of Planning Permission 2005/142 requires be landscaped and retained to form a green/soft edge between the permitted houses and the adjacent open countryside. This is not appropriate development for a Countryside Area.
2. This proposal will result in the erection of a dwelling on Plot 114 occupying land which implementation of Planning Permission 2005/142 requires be landscaped and retained as the principal ornamental/informal play space to be provided for the benefit of residents of houses built east of Stack Lane.
3. The split-level units proposed to the rear of existing residential properties 216-268 New Line would detract to an unacceptable extent from the amenities existing residents of New Line and Cobden Street could reasonably expect to enjoy.

4. Proposal

This application, in respect of the north-west corner of the parcel of land to the east side of Stack Lane, proposes no change to the number of dwellings previously permitted here and the road layout remains fundamentally the same.

However, in response to current marketing feedback, Wainhomes wishes to vary the house-types previously permitted here. In support of the application it is said :

- The house types now proposed on these 30 plots are of a design / facing materials previously approved elsewhere on the development.
- The slab levels have been set as low as technically possible (taking into account the minimum drive gradients / highway gradients to ensure compliance with the requirements of the Highway Authority and Building Regulations and for drainage by gravity). Any reduction in the levels proposed will result in the need for some retaining works and/or underbuild to dwellings.
- The Ground Investigation which has been undertaken in respect of the site has not identified any contamination which precludes its residential development, but indicates the site has a general gradient of 1 in 10 and has revealed past mineworkings on and in the vicinity of the site. All properties within this site can be formed upon strip foundations unless there is a regarding of it. The presence of shallow coalmine workings necessitates ground stabilisation works. It may also be necessary to undertake capping works in respect of a disused mineshaft located adjacent to the southern boundary, which will be located within rear gardens of properties and not overlain by proposed buildings.
- The proposed development does not encroach upon those areas lying between the application site & Rochdale Road, and between the application site & Stack Lane, which Planning Permission 2005/142 requires to be landscaped.

5. Policy Context

National Planning Guidance

- PPS1 - Sustainable Development
- PPS3 - Housing
- PPS7 - Rural Areas
- PPG13 - Transport
- PPS23 - Pollution Control
- PPS25 - Flood Risk

Development Plan Policies

RPG13

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 5 - Development Outside of Principal Urban Areas, Etc
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes
- Policy 24 - Flood Risk

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- DS5 - Development Outside the Urban Boundary & Green Belt
- DC1 - Development Criteria
- DC3 - Public Open Space
- DC4 - Materials
- E7 - Contaminated Land

Other Material Planning Considerations

- Draft RSS
- LPOS Planning Obligations Paper
- LCC Access & Parking SPG and Parking Standards
- RBC Core Strategy
- RBC Bacup, Stacksteads & Britannia Emerging AAP
- RBC Interim Housing Policy Statement (July 2008)
- RBC Housing Market Assessment (September 2007)

6. CONSULTATIONS

LCC(Highways)

No objection in principle. Detailed comments awaited.

Environment Agency

It has no comments to add to those made in respect of Application 2005/142. (It then raised no objection in principle to residential development of the 7.7ha site as a whole, subject to conditions relating to resolution of any contamination issues and regulation of the rate of run-off of surface water.

7. REPRESENTATIONS

The Application has been publicised by way of site notices and a newspaper notice, together with letters to neighbours.

Letters have been received from the occupiers of 2 properties in the vicinity of the site.

The occupier of a house on the opposite side of Rochdale Road advises that, whilst they accept houses are to be built on this site :

1. The applicant has dumped on the site a lot of soil/rubble/other detritus which has been brought from elsewhere, mixed this with soil stabiliser, and bulldozed this across the site, thereby raising its level "a considerable number of feet".
2. The development now proposed will thereby result in red-brick houses which are more prominent from Rochdale Road and out of keeping than would implementation of Planning Permission 2005/142, and will obscure to a greater extent outlook from / privacy within their own property.
3. They also have concern about potential damage to their own property by reason of the reverberation of heavy vehicles engaged in the re-grading.

An objection to the application has also been submitted on behalf of the owner of Lower Stack. Two points are made :

1. The applicant is raising the level of Plots 103-109, which is likely to prejudice future development of their own land, which lies immediately to the south of these plots. The finished floor levels of the proposed dwellings should reflect the original ground levels.
2. The house proposed on Plot 109 has a restricted back garden length and, as such, could prejudice any development of their own land.

8. ASSESSMENT

This application proposes no increase in the total number of dwellings proposed on this parcel of land, keeps to the previously-permitted road layout, would not encroach on to land required by Planning Permission 2005/142 as part of its ornamental/open space. Accordingly, there is no objection in principle to the proposal in terms of principle/housing policy.

This being the case, the main issues which need to be considered are :

1) Housing Mix; 2) Design & Appearance; & 3) Neighbour Amenity.

Mix of Dwellings

Planning Permission 2005/142 provides for the erection of 30 detached houses on this parcel of land, of which 10 were to be 3-bedroomed and the rest 4-bedroomed. The current application is proposing the erection of 30 detached houses, of which 7 are to be 3-bedroomed and the rest 4-bedroomed. Thus, whilst the proposal entails a slight increase in the proportion of larger dwellings, I am satisfied a suitable mix of dwelling sizes/types will be maintained across the site as a whole.

Design and Appearance

The current application entails no change to the previously-permitted road layout, no encroachment of development on to land required by Planning Permission 2005/142

as part of its ornamental/open space. Furthermore, it introduces no house-types which have not been approved elsewhere within the overall site and proposes no change to the previously-permitted facing materials.

Thus, I am satisfied that the development for which permission is now sought will have no greater impact upon the character and appearance of the area than would implementation of the previously-permitted scheme so long as it is itself built-out to appropriate ground-levels and does not have an unacceptable knock-on effect for the levels at which neighbouring plots must then be built-out.

Prior to recent earth-moving activities by Wainhomes the application site sloped generally down from Rochdale Road towards New Line (ie north to south). The drawings submitted with the current application show the 30 houses for which permission is now sought will have slab-levels that reduce in level from the north-east corner to the south-west corner.

Those houses on the application site to face towards Rochdale Road will continue to have slab-levels below the level of Rochdale Road, the house in the north-west corner to have a slab-level reflecting the pre-existing ground-level and the house in the most north-east corner to have a slab-level elevated above the pre-existing ground-level by approximately 2m. For houses proposed towards the southern boundary of the application site the submitted drawings indicate a wish to have slab-levels elevated approximately 2m above the pre-existing ground levels. Accordingly, I do not consider the proposed development would itself result in materially greater impact upon the street-scene of Rochdale Road than would implementation of the previously-permitted scheme. However, I have greater concern about the impact upon the character and appearance of the development as viewed from Stack Lane/the south unless the level at which the development towards the southern boundary of the site is further regulated.

The levels at which these 30 houses are built-out at will have greater impact upon the amenities of neighbours than it will for the character and appearance of the area.

Neighbour Amenity

For the reasons set out in the foregoing section I do not consider the proposed development will detract to an unacceptable extent from the amenities occupiers of the residential properties on the opposite side of Rochdale Road could expect to enjoy.

An objection to the application has been submitted on behalf of the owner of Lower Stack, which is located to the south of the application site. It is said that the house proposed on Plot 109 has a restricted back garden length and, as such, could prejudice any development of their own land. The current scheme will not result in the proposed house standing any nearer to the complex of buildings at Lower Stack. However, the house proposed on Plot 109 (and the houses on the plots immediately adjacent to it) will have rear gardens of slightly reduced length by comparison with the scheme permitted by Planning Permission 2005/142. This reduction in garden lengths is a result having re-surveyed the true boundaries of their site and 'giving up' land to the objector. I consider this will not leave the proposed houses with rear gardens of inadequate length. However, it does re-inforce the need for further regulation of the levels at which development towards the southern boundary occurs, if unnecessary

and unacceptable detriment is to be avoided for this neighbour or as a result of the knock-on effect the levels these 30 units are built-out at has for development of the remainder of the Wainhomes land to the east side of Stack Lane.

9. Recommendation

That permission be granted subject to the following conditions :

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. *Reason : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.*
2. Notwithstanding any such detail shown on the submitted drawings, before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details. *Reason: To protect the character and appearance of the locality and to protect the amenities of local residents by reason of development to take place within the site of this application and the knock-on effect this may have for development of adjacent land, in accordance with the provisions of PPS1 & PPS3, saved Policy 1 & 20 of the adopted Joint Lancashire Structure Plan and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
3. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans. *Reason: To ensure a satisfactory means of drainage, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
4. No development approved by this permission shall be commenced until an assessment of the risk potential for pollution of surface & groundwater and harm to human health by reason of on-site contamination and past mineworkings, together with a scheme of remediation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and a completion report submitted to the Local Planning Authority prior to first occupation of any dwelling, unless otherwise first agreed in writing by the Local Planning Authority. *Reason : To ensure a safe and satisfactory form of development, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
5. All external facing materials shall match in colour, form and texture those approved in respect of Planning Permission 2005/142, unless otherwise first agreed in writing by the Local Planning Authority. *Reason: In the interests of visual amenity in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
6. No development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate the types and numbers of trees and

shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped, together with details of walls/fences to be erected to bound gardens; and detail any changes of ground level or landform. *Reason: In the interests of the amenity of the area, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*

7. All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the dwelling to which they relate/are nearest, unless otherwise first agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building to which they relate/are nearest. Any trees or plants in the approved scheme of landscaping which within a period of 5 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, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interests of the amenity of the area, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*

8. None of the dwellings hereby permitted shall be occupied until its drive has been paved in permanent construction and that part of the service road which provides access to it from the public highway has been constructed in accordance with the approved plans and to a standard adoptable by Lancashire County Council (the Highway Authority), unless otherwise first agreed in writing by the Local Planning Authority. *Reason: In the interests of highway safety, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local plan.*

9. Prior to the construction of the dwellings hereby permitted the first 20m of the estate road to serve them (as measured from the carriageway of Rochdale Road) shall be constructed to at least base-course. *Reason: To prevent mud/loose surface material from being carried on to the public highway, and causing a potential source of danger to other highway users, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*

10. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. *Reason: To safeguard the amenities of nearby residential properties, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*

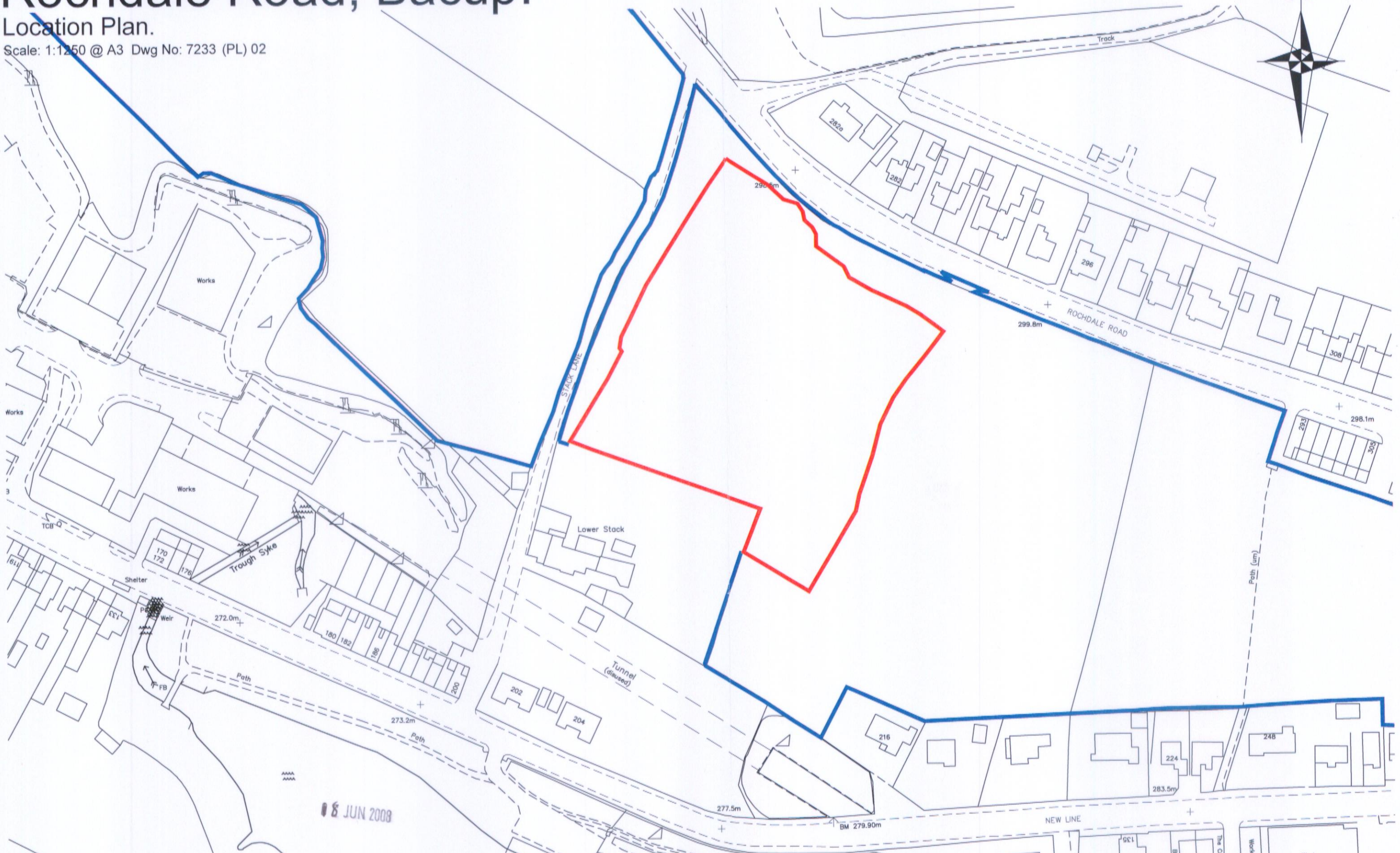
Contact Officer	
Name	N Birtles
Position	Principal Planning Officer
Service / Team	Development Control
Telephone	01706-238642

Email address	planning@rossendalebc.gov.uk
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Rochdale Road, Bacup.

Location Plan.

Scale: 1:1250 @ A3 Dwg No: 7233 (PL) 02



8 JUN 2008

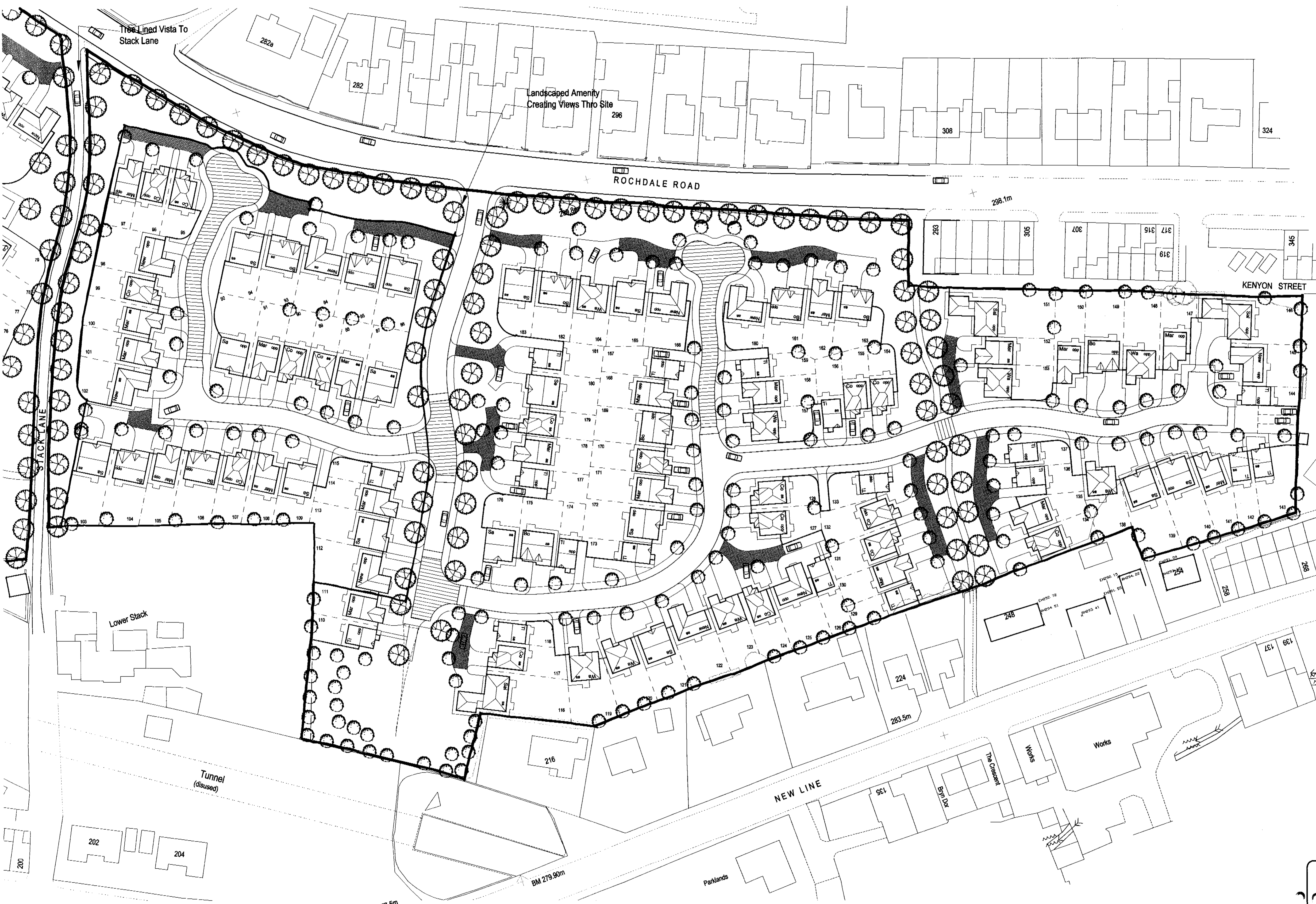
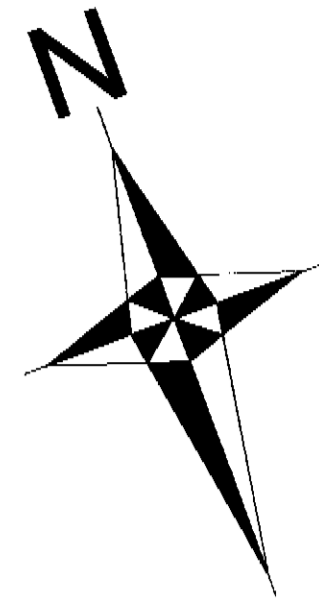
2008/404



MPSL Planning & Design Ltd Commercial House
14 West Point Enterprise Park, Clarence Avenue,
Trafford Park, Manchester. M17 1QS
Tel: 0161 772 1999
Fax: 0161 772 1980
Email: admin@mpsdesign.co.uk
www.mpslgroup.com

Rochdale Road, Bacup.

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- Denotes Contrasting Surface Treatment To Shared Drives
- Denotes 0.9m High Post and Rail Plot Divisional Fencing
- Denotes 1.8m High Close Boarded Screen Fence
- Denotes 1.8m High Brick Screen Wall

House Type Mix		Phase 2
Bowmere	@ 1242	10No.
Conway	@ 871	17No.
Marbury	@ 1014	20No.
Newbury	@ 1225	9No.
Salisbury	@ 1340	3No.
Sandown	@ 1255	15No.
Tilston	@ 816	18No.
Warwick	@ 1082	8No.
Total	104 721 SqFt	100No.

D 04/05/08 Plots 84-109 & 112-115 replanned
 C 23/08/05 Scheme Redesigned with approved parcel incorporated.
 B 01/04/05 Plots 142-144 & 154 substituted & adj. house types repositioned
 A 14/03/05 Garages Removed From Tilston House Type
 Rev: Date Reason
 1: 01/05/05 Revised

MP&S Planning & Design Ltd Commercial House
 14 West Point Enterprise Park, Clarence Avenue,
 Trafford Park, Manchester, M17 1QS
 Tel: 0161 772 1989
 Fax: 0161 772 1980
 Email: admin@mpdesign.co.uk
 www.mpdesign.co.uk

Project: **Planning Layout**
 Title: **Rochdale Road Bacup**

Job No	Draw No	Stage
6124	01	For Approval

Scale	Date	Drawn	Rev
1:500@A1	Feb 05	AC	D

