

<b>Application No:</b> 2008/475	<b>Application Type:</b> Outline
<b>Proposal:</b> Erection of 1 no. detached dwelling	<b>Location:</b> Oaklands, Rochdale Road, Britannia
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 6 October 2008
<b>Applicant:</b> Mr. D Pulman	<b>Determination Expiry Date:</b> 26 August 2008
<b>Agent:</b> Hartley Planning & Development Associates	

REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b>	<input type="checkbox"/>
Name of Member: Reason for Call-In:	
<b>More than 3 objections received</b>	<b>X</b>
Other (please state) .....	

**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 SITE**

The applicant occupies one of the handful of dwellings which share use of a short private cul-de-sac to the north side of Rochdale Road (A681). The application relates

to part of the front/side garden of the applicants property. The site is an open area of grass land with some trees/bushes on the northern and western boundaries.

The site is within a residential are within the Urban Boundary of Britannia.

## **2. RELEVANT PLANNING HISTORY**

Outline permission for erection of a dwelling on this site has been sought and granted on several occasions. Outline Permission 2005/456 expired on 27/9/08.

## **3. THE PROPOSAL**

This application was submitted prior to expiry of Outline Permission 2005/456 and seeks its renewal. All matters other than the means of access are reserved for later consideration. However, the application is again accompanied by an illustrative Site Plan showing how the site can accommodate a dwelling (with hipped-roof) and with a detached single-garage and drive enabling 2+ cars to park and turn clear of the highway. It is also indicated that the proposed dwelling would be constructed of natural stone and slate.

## **4. POLICY CONTEXT**

### **National**

PPS1 - Sustainable Development

PPS3 - Housing

PPG13 - Transport

### **Development Plan**

RPG13

### Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 5 – Development Outside of Principal Urban Areas etc.

Policy 7 - Parking

Policy 12 - Housing Provision

### Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary

DC1 - Development Control

DC4 - Materials

### **Other Material Planning Considerations**

LCC Parking Standards

RBC Core Strategy

RBC Interim Housing Policy Statement (July 2008)

Emerging Bacup, Stacksteads & Britannia AAP

## **5. CONSULTATION RESPONSES**

### **LCC (Highways)**

No comments

## 6. REPRESENTATIONS

A site notice was posted on 22 July 2008 and the relevant neighbours were notified by letter on 11 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.

Six letters raising objection to the proposal have been received from residents of the area. The points raised are:

- The last building on the adjacent plot took 18 months to complete. The area was in a mess and the road damaged by heavy lorries delivering materials to the site.
- We are responsible for the maintenance of the private road and if the house is built on this plot, the vendor should undertake all repairs.
- The proposed dwelling would create access/parking problems and would overlook the adjacent properties resulting in loss of privacy for existing residents.

In response to the objections received, the applicant has made the following comments:

- The site has received planning approval for erection of a dwelling on some six occasions when all the same issues (potential noise, parking, disturbance, damage to road) will have been assessed.
- The access road is owned by the applicants and the other residents in the cul-de-sac make contribution to its maintenance.
- There is an ample space to provide for car parking within the application boundary and will have been deemed to be acceptable for the past six approval.

## 7. ASSESSMENT

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

1. Principle
2. Housing Policy
3. Neighbour Amenity
4. Design/Appearance
5. Highway Safety

### Principle

The application site lies within the Urban Boundary and one of the Council's Regeneration Priority Areas, and is close to a quality bus route. It is therefore considered that the proposal accords with Policy DS1 of the Local Plan and is acceptable in principle.

### Housing Policy

The Council's latest Interim Housing Policy Statement that new residential development within a Regeneration Priority Area will be encouraged where the proposed development uses existing buildings/previously-developed land or is a replacement dwelling(s), makes an essential contribution to the supply of affordable housing and is being built at a density of between 30 and 50 dwellings per hectare.

It is considered that the proposal is on a previously-developed land as it is within the curtilage of an existing dwelling. The proposal is not required to make a contribution to affordable housing as it is less than 4 dwellings. To construct one dwelling within this plot is considered appropriate.

It is therefore considered that the application conforms to and is acceptable in terms of the Interim Housing Policy Statement (July 2008).

#### Neighbour amenity

The submitted illustration shows the proposed dwelling approximately 13m to 15m away from the two dwellings on the south side (which will face towards its gable) and to have a rear garden of 7m in length extending to the west.

It is considered that this site can accommodate a dwelling with broadly the siting/footprint indicated without undue detriment to neighbours by reason of loss of light/outlook/privacy/overbearing so long as that dwelling is of single-storey construction. A condition to this effect is recommended.

#### Design/Appearance

A condition requiring that the dwelling is of single-storey construction will also ensure it is in-keeping with the level and form of the surrounding development.

#### Highway Safety

The Highway Authority is satisfied that the local highway network is capable of taking the additional traffic generated by one dwelling and that the site can accommodate adequate off-street parking facilities.

## **8. SUMMARY REASON FOR APPROVAL**

The site is located within the Urban Boundary and one of the Council's Regeneration Priority Areas and development of the site with a dwelling of single-storey construction is not considered likely to result in unacceptable detriment to visual and neighbour amenity or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1 & PPS3, saved Policies 1, 5, 7 & 12 of the adopted Joint Lancashire Structure Plan, and saved Policy DS1 and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan, and the Council's Interim Housing Policy Statement (July 2008).

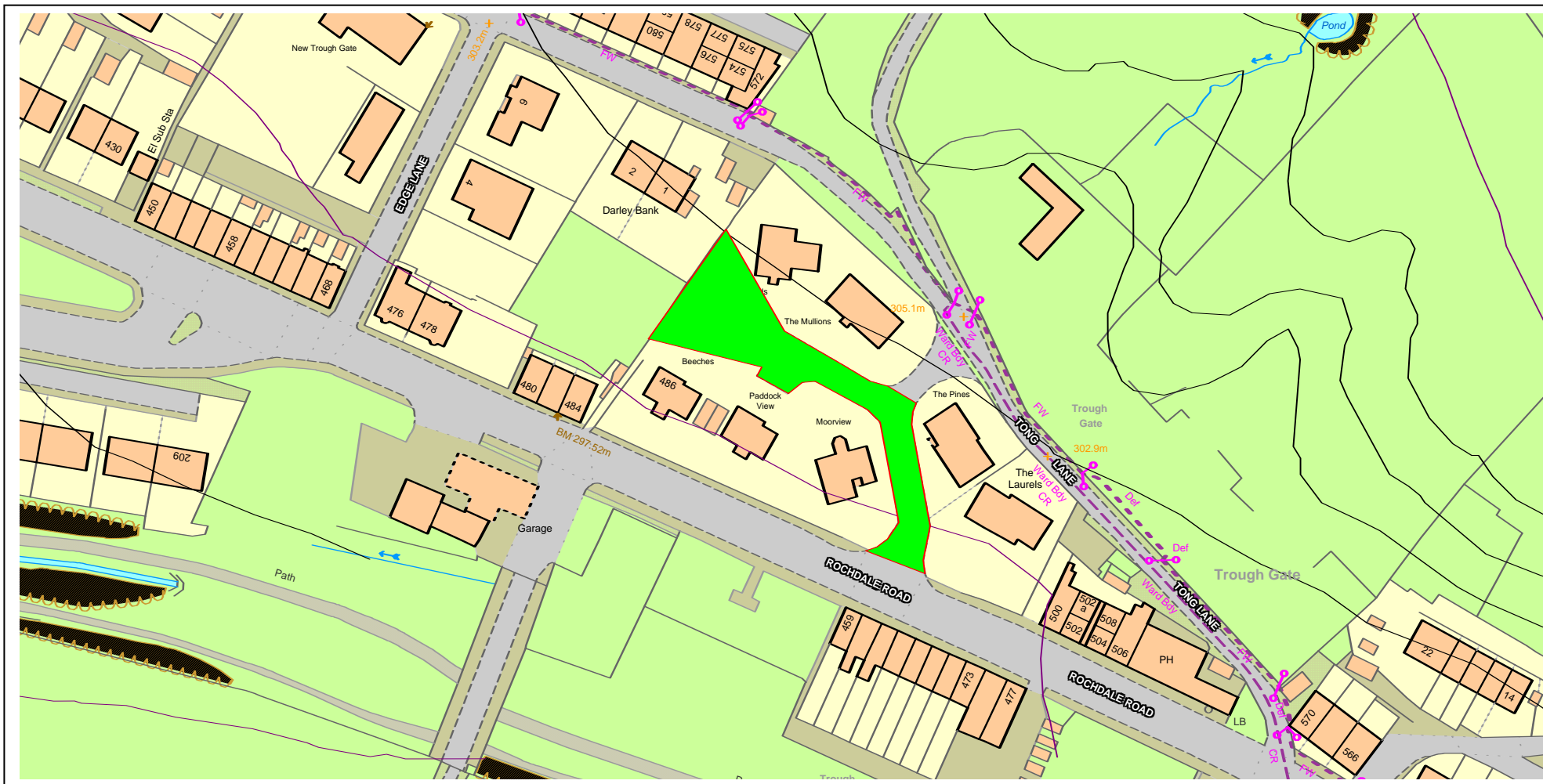
## 9. RECOMMENDATION

That outline permission be granted, subject to the following conditions :

1. Approval of the details of the appearance, layout and scale of the building, thereto and the landscaping of the site (hereinafter called “the reserved matters” shall be obtained from the Local Planning Authority in writing before any development is commenced. *Reason: To ensure the satisfactory development of the site and because this application is in outline only.*
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. *Reason: Required by Section 92 of the Town and Country Planning Act 1990.*
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. *Reason: Required by Section 92 of the Town and Country Planning Act 1990.*
4. The dwelling hereby permitted shall be of single-storey construction. *Reason : To ensure the resulting dwelling does not detract to an unacceptable extent from the character & appearance of the area or the amenities occupiers of neighbouring residential properties could reasonably expect to enjoy, in accordance with PPS1 & PPS3, saved Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
5. The first reserved matters application shall be accompanied by a contaminated land Phase 1 report to assess the actual/potential contamination risks at the site. Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Should the Phase II investigation indicate that remediation is necessary, then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. The remedial scheme in the approved Remediation Statement shall be carried out and a Site Completion Report detailing the conclusion and action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to the first occupation of the dwelling hereby permitted. *Reason: In the interests of public safety and to prevent pollution of surface and groundwaters, to accord with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
6. 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 to 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 neighbours, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*

<b>Contact Officer</b>	
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# Location Plan 2008/0475



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Proposed Dwelling adjacent to  
'Oaklands', Britannia, Bacup.  
Site Plan scale 1:200.

Oaklands

EXISTING Access Road.

Access Road

Illustration

Rochdale Road (A671).

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