

<b>Application No:</b> 2008/797	<b>Application Type:</b> Full
<b>Proposal:</b> Revised plot layout & substitution of house types	<b>Location:</b> Land off Rochdale Road/ East of Stack Lane Bacup
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 16 February 2009
<b>Applicant:</b> Wainhomes Developments	<b>Determination Expiry Date:</b> 12 March 2009
<b>Agent:</b> MP SL Planning & Design Ltd	

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In** **YES**

Name of Member: Cllr Peter Steen

Reason for Call-In: The revised plans appear to show land is to be raised by at least 2.5m above its current level and this would cause a loss of light/privacy/visual amenity for existing residents and could cause drainage and flooding concerns.

**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 shaped. Of approximately 7.7 hectares in area, it lies on the southern side of Rochdale Road, and is dissected by Stack Lane. This poorly-surfaced/sloping track connects Rochdale Road with New Line and also serves Lower Stack Farm.

## **2. Relevant Planning History**

### **1975/605 - Erection of 190 dwellings at Stack Lane, Rochdale Road, Bacup**

This permission remains valid by reason of an accepted commencement of development within the original life of the permission following a legal challenge by Melham Holdings Limited. 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 at land off Rochdale Road, Bacup**

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.

Despite the Local Plan designation of the land as Countryside/the issue of housing over-supply, 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 has begun to the east side of the lane.

### **2008/114 - Revised plot layout & substitution of house-types Land east of Stack Lane**

This application proposed no change in the number of dwellings to be built to the east side of Stack Lane permitted by Planning Permission 2005/124 (totalling 100). Likewise, the layout of this part of the site was to remain fundamentally the same; the highways and footpath links were to remain unchanged and the general orientation of

the dwellings were to remain unchanged. The proposed house types had, for the most part, already been used to the west side of Stack Lane.

However, in accordance with the Officer recommendation, this application was refused for three reasons. The proposal would have resulted in a small number of dwellings (and their gardens) spreading upon land which Planning Permission 2005/142 required be provided/retained as part of the landscaped areas. Firstly, this would have contravened Countryside policy. Secondly, this change would have served to erode the green/soft edge between built-development permitted by Planning Permission 2005/142 and the adjacent Countryside Area.

The application also proposed that a number of the dwellings towards the south-eastern corner of the site be split-level. The third reason for refusal refers to the detriment that would be caused to residents of properties fronting New Line and Cobden Street by reason of the siting/size/level/design/appearance of these split-level units.

#### 2008/404 - Revised plot layout & substitution of house-types NW corner of land east of Stack Lane

To provide continuity of work this application proposed changes of plot layout and house type for only 30 of the plots permitted by Planning Permission 2005/142 to the east side of Stack Lane.

This application proposed no increase in the number of dwellings for this parcel of land, kept the previously-permitted road-layout, and avoided encroachment of houses and their gardens on to land required by Planning Permission 2005/142 as part of its ornamental/open space. A suitable mix of dwelling sizes/types was to be maintained. Subject to construction at appropriate ground levels this development was not considered likely to cause greater harm to visual or neighbour amenity than the previously-permitted scheme.

In accordance with the Officer recommendation, this application was permitted by Committee at its meeting in September 2008, subject to a number of conditions. One of the conditions indicated that, notwithstanding the details submitted, before the development being permitted could commence full details of existing and proposed ground levels and slab levels had to be submitted to and approved by the Council.

### **3. The Proposal**

This application is a re-submission of Application 2008/114, relating to all of the land within Wainhomes ownership which is to the east of Stack Lane. The application proposes no more houses for this site than the 100 Planning Permission 2005/142 permits for it.

The applicant advises that, whilst the previously-permitted road layout is being retained, it wishes to change the mix of house types then permitted in response to marketing feedback. It further advises that the current scheme differs from that in Application 2008/114. To address the reasons for refusal of that application the current scheme :

1. Ensures the houses and their gardens do not encroach upon land fringing the site which Planning Permission 2005/142 required be provided/retained as ornamental/open space; &

2. Deletes the split-level units in favour of conventional house types which are sited no nearer to the site boundaries than permitted by Planning Permission 2005/142.

As first submitted the application did result in the proposed houses and their gardens encroaching upon land Planning Permission 2005/142 required to be provided/ retained as part of the landscaped strip through which the Public Footpath extending through the site (from the side of 293 Rochdale Road to the side of 248 New Line) runs. At my request the Applicant has amended the layout to ensure there is no encroachment of houses and their gardens upon the previously-permitted landscaped strip.

#### **4. Policy Context**

##### **National Planning Guidance**

- PPS1 - Sustainable Development
- PPS3 - Housing
- PPS7 - Rural Areas
- PPS9 - Biodiversity & Geological Conservation
- PPG13 - Transport
- PPG17 - Sport & Recreation
- PPS23 - Pollution Control
- PPS25 - Flood Risk

##### **Development Plan**

###### **Regional Spatial strategy for the NW of England (2008)**

- DP1-9
- RDF1
- RDF2
- L2-5
- RT2
- RT4
- RT9
- EM1-3

###### **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**

- LPOS Planning Obligations Paper
- LCC Landscape Strategy for Lancashire
- LCC Parking Standards
- RBC Core Strategy
- RBC Bacup, Stacksteads & Britannia Emerging AAP
- RBC Interim Housing Policy Statement (July 2008)
- RBC Draft Open Space & Play Equipment Contributions SPD
- RBC Draft Open Spaces Strategy

## **5. CONSULTATIONS**

### **LCC(Highways)**

No objection in principle. However, properties with 4 or more bedrooms should have three off-road parking spaces, and those with 3 bedrooms should have two such spaces.

### **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.

### **RBC (Drainage)**

No objection in principle. Recommends conditions to : 1) preclude disruption of any culverted watercourses/land drains within the site; 2) prevent surface-water runoff onto adjoining land and property; & 3) regulate the rate of surface-water discharge from the site.

## **6. 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 two local residents.

A resident of a property on the opposite side of Rochdale Road objects to the proposal for the following reasons :

- This application replicates the previous submission and should be refused again.
- The original permission clearly set out the design and appearance of the housing estate and the revision now proposed will impact more on surrounding houses and landscape.
- In the original scheme Public Footpath No 489 was properly accounted for. However, the revised layout does not do so.

A resident of a property that bounds the site and fronts New Line objects to the proposal for the following reasons :

- The houses proposed to the rear of 252/254 New Line are to be built more than 2m above existing ground levels, as a result of which their ground floors will be level with the roof-top of 254 New Line, adversely affecting light/privacy.
- Concerned about the drainage of the site as it is so high above New Line properties.

## **7. ASSESSMENT**

This application proposes no increase in the total number of dwellings proposed on this parcel of land, it keeps the previously-permitted road layout, and would not result in houses (or their gardens) encroaching on to land required by Planning Permission 2005/142 as part of its ornamental/open space. Accordingly, there is no objection 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) Neighbour Amenity / Design & Appearance; & 3) Drainage.

#### Mix of Dwellings

Planning Permission 2005/142 provides for the erection of 100 detached houses on this parcel of land, of which just over a third were to be 3-bedroomed and the rest 4-bedroomed. The current application is proposing the erection of 100 detached houses of 9 different house-types, of which 24 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.

#### Neighbour Amenity / 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 built-out to appropriate ground-levels.

The application site slopes generally down from Rochdale Road towards New Line (ie north to south). Such is the slope on the site, of necessity some degree of cut &/or fill is required to create a level platform for each dwelling. However, the submitted scheme shows the part of the site towards the southern boundary is to be the subject of a general ground-raising with the result that the dwellings are to be constructed with slab-levels elevated above the existing ground-levels on both their northern and southern sides. Commonly this results in the slab-levels of these houses being elevated above the existing ground-level on their north side by 1m and on their south side by 2.5m. However, there are instances where it is intended that the slab-level be elevated to a greater extent. The greatest variation from existing ground-level nearest to existing dwellings is proposed to the rear of 216 New Line. The existing dwelling is set well below the level of the application site, and screened from it by a very high hedge.

The current application proposes the erection of a house with its gable close to the party-boundary with No 216, but not directly to the rear of this neighbour's dwelling. It is intended that the gable nearest to the party-boundary be elevated 4m above existing ground-level. Its construction may result in damage/loss of the high hedge on the party-boundary. In the absence of this screen planting it would impact unacceptably upon the neighbour.

Planning Permission 2005/142 provides for the erection on this plot and the immediately adjacent plots the same sitings and house-types as now proposed. However, with application 2005/142 Wainhomes neither sought or obtained permission to alter ground-levels in order to accommodate the proposed dwellings. The applicant has neither provided an explanation of why they are now proposing these changes in level, nor does their submitted Design and Access Statement assess

how the changes in levels will vary the impact of the development upon neighbours and generally for the character and appearance of the area.

Accordingly, I do not consider a refusal of the application could be substantiated. However, I do not consider it would be appropriate to grant permission on the basis of the levels now proposed. I consider that the appropriate course to take, would be to approve the application subject to a condition requiring the levels to be agreed prior to the commencement of development on site.

### Drainage

Whilst neighbours have raised concerns about drainage/risk of flooding neither the Environment Agency or the Council's own Drainage Engineer has raised objection to the application, considering this matter can be adequately addressed through conditions.

## **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, in accordance with the provisions of PPS1 / PPS3 / PPS7, Policies DP1-9 / RDF2 / EM1 of the Regional Spatial Strategy for the NW of England (2008) 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 permeable 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.*

<b>Contact Officer</b>	
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# Location Plan 2008/0797

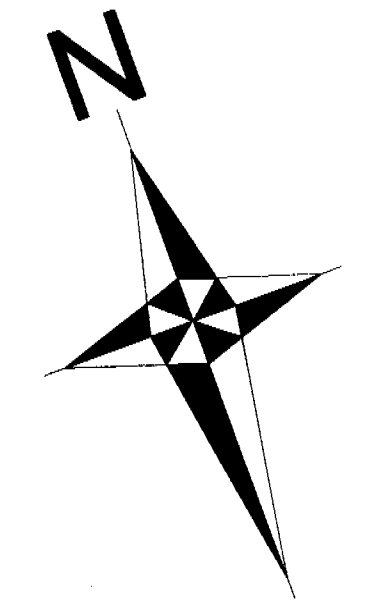


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# Rochdale Road, Bacup.

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 Rossendale CM

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K	05/06/00	Plots 126 & 136-143 revised, removing split level types
J	03/08	Title boundary revised to plots 103-114
H	12/07	Plots revised: 109, 129, 132, 134-137, 147-150, 164, 167-171, 177-181, 183
G	29/10/07	Replan to Phase 2 incorporating Layout Rev E
F	12/02/07	Replan to Phase 2 incorporating split level house types
E	15/02/06	Plot 58 substituted & re located. Plots 116 & 118 rotated. Plot 117 moved adjacent to plot 110. Plots 20-23 accessed via Private Drive instead of Access Way.
D	14/02/06	Turning head shown to the private drives of Plots 57-58 & 129-132. Turning Provision made for plots 134 & 163 as per Highways comments.
C	23/08/05	Schema Redesigned with approved parcel incorporated.
B	01/04/05	Plots 142-144 & 154 substituted & adjacent house types repositioned
A	14/03/05	Garages Removed From Tilston House Type
Rev	Date	Revision



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Project: Rochdale Road, Bacup.

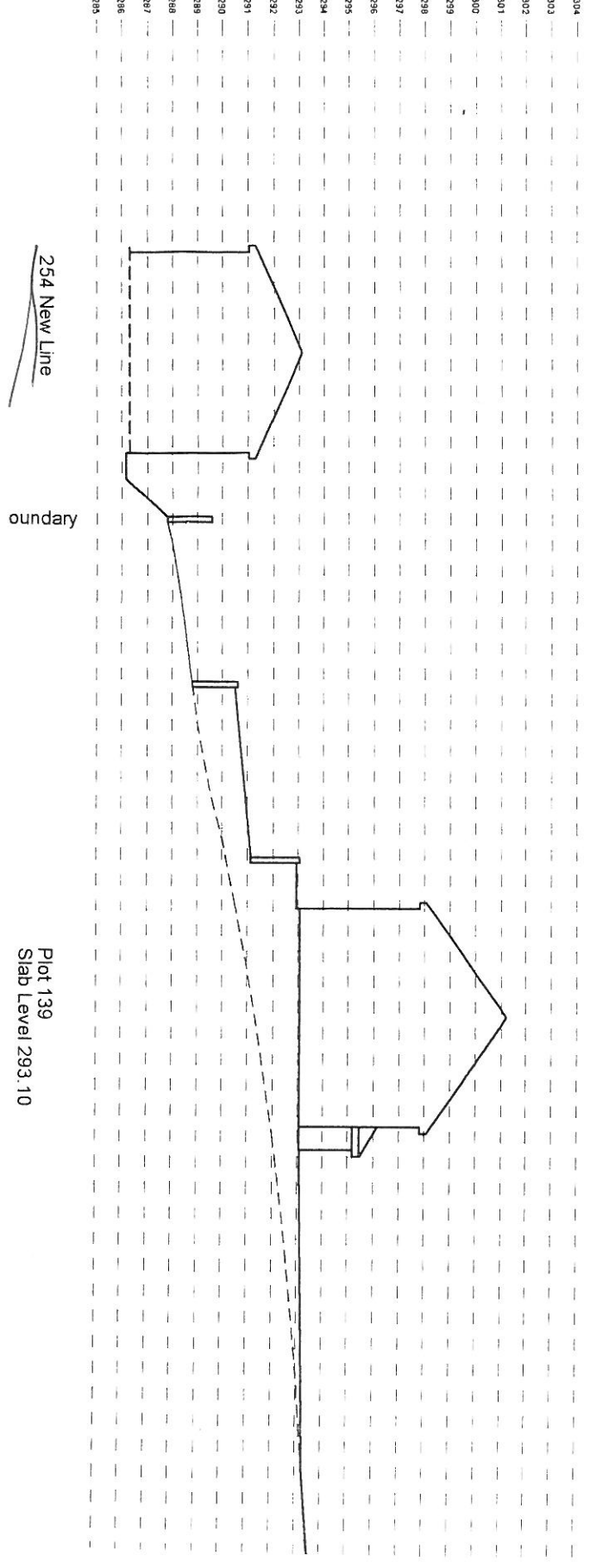
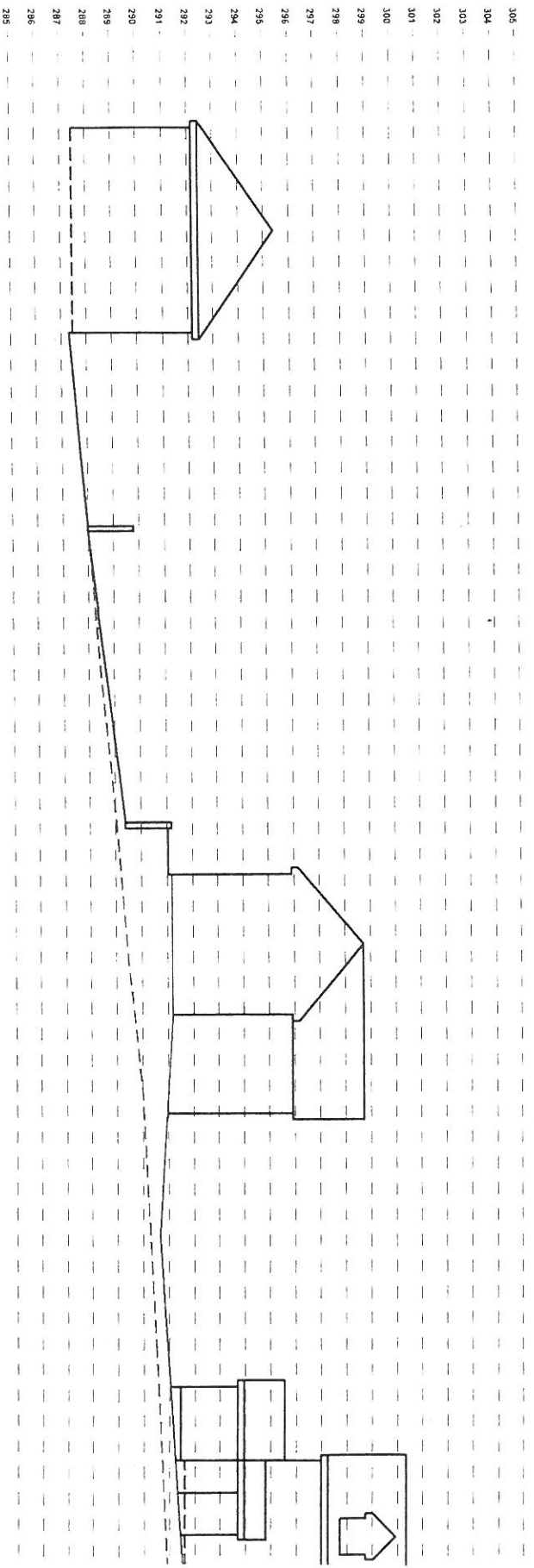
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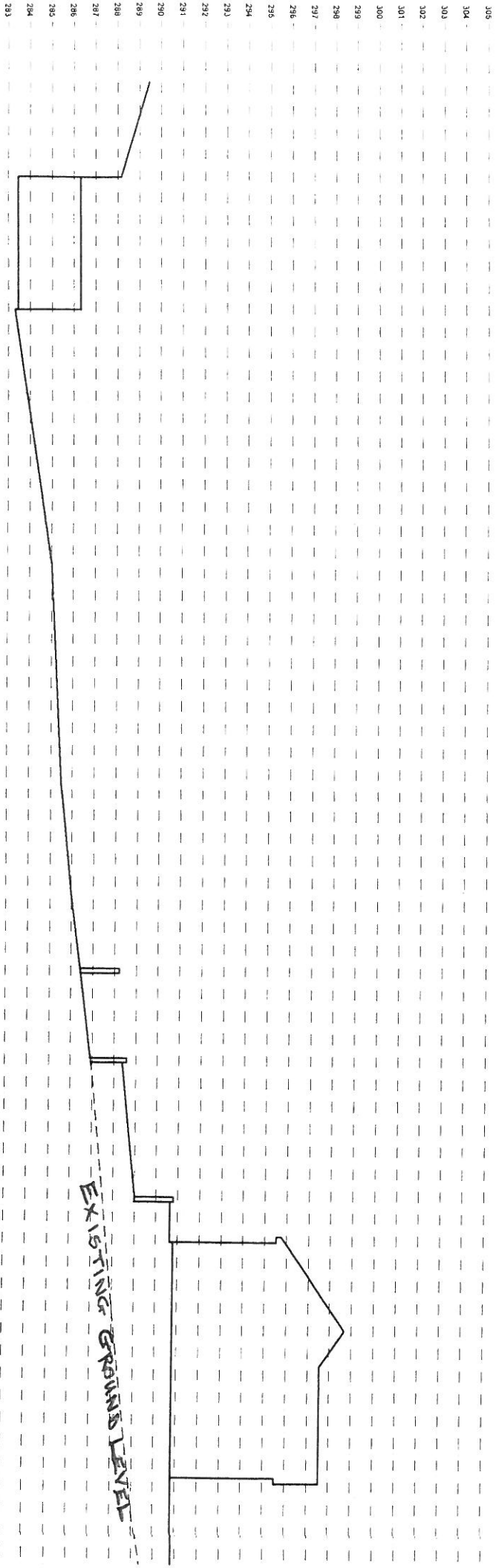
Job No: 7253	Dwg No: 02	Stage: Preliminary
Scale: 1:500 @ A1	Date: February 05	Drawn: ac
		Rev: K

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

House Type Mix	Phase 2
Bowmere @ 1242	10No.
Conway @ 871	18No.
Jenner @ 1099	8No.
Warwick @ 1082	4No.
Marbury @ 1014	18No.
Newbury @ 1225	11No.
Salisbury @ 1340	3No.
Sandown @ 1255	22No.
Tilston @ 816	6No.
<b>Total</b>	<b>109, 471 100No.</b>

11 DEC 2005  
 2008/07 97





Plot 105  
Slab Level 290.80