

<b>Application No:</b> 2009/262	<b>Application Type:</b> Full
<b>Proposal:</b> Erection Of 10 Two/Three Bed Houses with New Access Road & Associated External Works	<b>Location:</b> Site of St Josephs Church, Huttock End Lane, Bacup.
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 7 September 2009
<b>Applicant:</b> St Vincents Housing Association	<b>Determination Expiry Date:</b> 11 September 2009
<b>Agent:</b> Howard & Seddon	

**REASON FOR REPORTING** Tick Box  
**Outside Officer Scheme of Delegation** X

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

**More than 3 objections received**

**Other** (please state) ..... **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.

## **APPLICATION DETAILS**

### **1. SITE**

This application relates to a site located on the east side of Huttock End Lane which was formerly occupied by St Josephs Church.

The site is of irregular shape and of 0.4 hectares in area. The church was elevated above the level of Huttock End Lane, access to it is gained via steps or a ramp from this road or from the rear by steps. The rubble arising from demolition of this building has been removed from the site, leaving a level platform of poor appearance, with trees of varying species, size and age on the southern boundary and a wedge-shaped area of woodland on higher land rising to the northern boundary.

Although the site is located within a residential area, the houses on the opposite side of Huttock End Lane do not have their front elevations facing towards the site. To the north of the site is a house that faces Huttock End Lane and St Joseph's Primary School; neither have significant views over the application site, despite their greater elevation, by reason of the woodland. The houses to the south and east are at a lower level than the application site, having gable ends or rear elevations (at varying distances) facing towards perimeter trees and steeply rising embankments within the site.

### **2. RELEVANT PLANNING HISTORY**

None

### **3. THE PROPOSAL**

The Housing Association is proposing the erection of 10 dwellings on the site (3 pairs of semi-detached houses and a terrace of 4 houses), with an improved access to Huttock End Lane. One of the units would possess 2 bedrooms and the others would have 3 bedrooms.

The principal elements of the scheme are as follows:

- As viewed from Huttock End Lane, where there is presently a flight of steps into the site, a private roadway would be formed approximately 30m, with a footway to its south side. In order to form this site access to an appropriate width/gradient, and with suitable visibility to/from Huttock End Lane, it is intended to alter the frontage wall/ground levels/remove a small number of trees.
- To each side of this roadway, and along its eastern end, are to be provided a total of 15 parking spaces, for the cars of residents and their visitors. Formation of the row of spaces on the north side of the roadway will necessitate removal of the embankment between the platform formerly occupied by the church and the area of woodland extending up to the northern boundary of the site. The small number of trees on the

embankment and along its top are to be removed and a retaining wall of up to 1.8m in height constructed to retain the wooded area extending up to northern boundary.

- The terrace of 4 houses is to be sited on the south side of the private road, with the 3 pairs of semi-detached houses arranged to close off the eastern end of the roadway, possessing dormers on the front roof plane. The dwellings are to be built in stone with grey slate pitched roofs. Each dwelling would have a level area of garden to the rear. The embankment beyond the level area of gardens and the southern and eastern boundaries of the site would remain unaltered in terms of levels. However, a significant proportion of the trees along the top edge of this embankment would be removed.
- The large wedge-shaped area of woodland on the higher land to the north side of the proposed houses is being retained, and is to be managed and made available by the Housing Association for use by residents for informal recreation. The applicant has indicated their willingness to plant additional trees in this area of woodland, and near to the other boundaries of the site, in order to compensate for those trees to be removed.

#### **4. CONSULTATION RESPONSES**

##### LCC (Highways)

The Highway Authority expressed objection/concern about the access/parking/turning facility for the proposed development as originally submitted. It proposed only 1 off-street parking space per dwelling and an access-point it considered sub-standard in terms of its width/gradient/visibility. Following discussion with the Applicant the scheme has been amended to provide an access-point which accords with its wishes and increase the number of parking spaces to 1.5 spaces per dwelling. Subject to conditions to ensure construction of the development in accordance with the amended drawings, and completion of a S.106 Agreement to ensure an RSL continues to manage and maintain the properties, it now has no objection to the proposal.

##### RBC (Environmental Health)

Comments awaited

#### **5. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order site notices were posted on 26 May 2009 and the relevant neighbours notified by letter on 21 May 2009.

Eleven letters including a petition signed by 34 persons, raising objection to the proposal, have been received. The comments made are:

- Cannot see the benefit of this development - there are houses in Stacksteads that have stood empty for years.
- The increase in population and vehicles will result in increase of air and noise pollution - as senior citizens, we are worried about the noise levels likely to be generated by the families living in the new dwellings.
- The site is unsuitable for the size and scope of the proposed development.
- The site is located in an elevated position and the proposed dwellings would block light to / overlook from the bedroom windows and gardens of the houses on Lilac Terrace/Brearily Street/Greenbank/etc.
- The entrance to the properties would be from Huttock End Lane, which is already subject to far too much traffic for its size and leads to the primary and junior schools of St Josephs and other properties in the area. The additional traffic from the new development would make the situation intolerable. The safety of the children attending St Joseph's school is of paramount importance - they would have to cross the access road to the site to get to school.
- The loss of trees will impact upon the ecology and wildlife of the area - since the demolition of the church a colony of bats has made its home in the trees on the site, as too have many wild birds and animals.

## 6. POLICY CONTEXT

### **National**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG13 – Transport

PPG 24 – Planning and Noise

### **Development Plan**

#### Regional Spatial Strategy for the NW (2008)

DP 1 Spatial Principles

DP 2 Promote Sustainable Communities

DP 3 Promote Sustainable Economic Development

DP 4 Make the Best Use of Existing Resources and Infrastructure

DP 5 Manage Travel Demand; Reduce the Need to Travel & Increase Accessibility

DP 6 Marry Opportunity and Need

DP 7 Promote Environmental Quality

DP 8 Mainstreaming Rural Issues

DP 9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

L3 Existing Housing Stock and Housing Renewal

L4 Regional housing Provision

RT4 Management of the Highway Network

EM1 Environmental Assets

EM2 Remediating Contaminated Land

EM3 Green Infrastructure  
EM16 Energy Conservation & Efficiency

Rossendale District Local Plan (1995)

DS1 Urban Boundary  
DC1 Development Criteria  
DC4 Materials  
E4 Tree Preservation  
E6 Ground Instability  
E7 Contaminated Land

**Other Material Planning Considerations**

4NW Draft NW Plan Partial Review (July 2009)  
LCC Parking Standards  
RBC Core Strategy  
RBC Interim Housing Policy Statement (July 2008)  
RBC Strategic Housing Land Availability Assessment (2009)  
RBC Strategic Housing Market Assessment (2009)  
RBC Emerging Bacup, Stacksteads & Britannia AAP

**7. Planning Issues**

The main issues to consider are : 1) Principle; 2) Housing Policy; 3) Design/Appearance; 4) Neighbour Amenity; & 5) Access/Parking.

Principle

In the adopted Local Plan the application site lies within the Urban Boundary. It is therefore considered that the proposal accords with Policy DS1 and is acceptable in principle.

As the site is near to a 'quality' bus route no financial contribution is required to provide improvement to public transport.

Likewise, although the Council's Open Space & Play Equipment Contributions SPD indicates that a financial contribution will be sought in respect of proposals for 10 or more dwellings, I do not consider such a contribution should be required in this instance. I say this because the applicants have expressed their willingness to accept a long-term management /maintenance of the large woodland area within the site and its use for informal recreation, to be secured through S106 Agreement. Furthermore, the site is within the Bacup, Stacksteads & Britannia AAP boundary and the scheme will assist its regeneration and provide 100% affordable housing to meet a recognised local need.

Housing Policy

The application site is located within the main development location of Bacup and of the emerging Bacup, Stacksteads & Britannia AAP. According to the Interim Housing Policy Statement (July 2008), within the regeneration priority areas and main development locations, new residential development will be encouraged provided that it accords with the following criteria:

1. It uses existing buildings/previously developed land or is for replacement dwellings; and
2. It makes an essential contribution to affordable housing; and
3. It is built at a density between 30 and 50 dwellings per hectare (where appropriate the higher density of 50 dwellings per ha will be expected); or
4. Proposals are for solely affordable and/or special needs housing.

It is therefore appropriate to consider the application site in relation to these criteria:

1. The application site was previously occupied by a church building and is therefore considered to be previously developed land.
2. The proposed development will provide affordable housing which will be secured by way of a S106 Agreement. As such, the proposal makes an essential contribution to affordable housing.
3. The proposal is not considered to be of inappropriate density.
4. The proposal is for solely affordable housing.

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

#### Design/Appearance

In terms of their size/design/facing materials, the proposed dwellings would be similar to the existing dwellings surrounding the site. The dwellings would have slated pitched roofs and external walls of natural stone/rendering. The proposed dwellings and the car parking area would be located on the relatively level part of the site and the proposed development would therefore result in building/hardstandings better related to existing levels. The car parking area would be located on the north-westerly part of the site adjacent the proposed retaining wall supporting the woodland to the north and the access road from Huttock End Lane. The retaining wall would be constructed in stone and would be 1m high with timber fencing on top. The dwellings would be located facing the parking area to the north and west. Each dwelling would have a reasonable sized rear garden, bin storage and cycle facilities.

The elevated part of the site to the north and north-east containing mature trees and shrubs would be maintained as amenity space for use by the residents of the new dwellings. It is proposed that the existing tree planting on the periphery would be reinforced with additional planting and the area maintained by the developer. Although some of the trees on the periphery of the site would be felled, additional planting has been proposed to protect the amenity of the area.

#### Neighbours Amenity

The proposed dwellings would be located with their fronts facing north and west and the rears facing south and east. The proposed dwellings would be located at a much higher level compared with the surrounding dwellings on Lilac Terrace, Green Bank, and . In view of their position, separation distance (20m to the nearest property) and orientation, it is considered that the proposed dwellings would not have an unacceptable adverse impact on the amenities of the residents of the surrounding dwellings.

### Access/Parking

The original scheme for the access/parking has been revised to accord with the advice given by the Highway Authority. The revised scheme includes the provision of a 4.5m wide access with 6.0m radii, a rumble strip, 2.7m wide pedestrian drop kerbs at the vehicular entrance and 15 car parking spaces 10 spaces for the residents and 5 spaces for visitors . The Highway Authority is satisfied that the revised scheme would help improve visibility and the movements of vehicles to and from the site would not be to the detriment of highway safety. The Highway Authority is also satisfied that given the nature of the proposed dwellings, the proposed parking provision is satisfactory and acceptable.

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

The site is located within the Urban Boundary of Bacup and within the Bacup, Stacksteads & Britannia AAP boundary. It is considered that the proposed development would not undermine the Council's housing strategy, or result in unacceptable detriment to visual & neighbour amenity or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/ PPS3/PPG13, Policies DP 1-9 / L4 / RT4 / EM1 of the Regional Spatial Strategy, saved Policies DS1 / DC1 of the Rossendale District Local Plan, and the Council's Interim Housing Policy Statement (July 2008).

## **9. RECOMMENDATION**

That Permission be granted, subject to completion of S 106 Agreement and the following Conditions.

## **10. Conditions/Reasons**

- 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 The development shall be carried out in accordance with the Amended plans numbered 01 –E, 03-B, 05-A, 04-C, 02-D, received on 12 August 2009 and plans numbered SSL:12019:200:1:1, 9.08.01B, 09.08.02 (Amended), received on 6 May 2009.  
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
- 3 Prior to the commencement of development samples of the facing materials to be used in the elevations and roof of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall not be varied without the prior written permission of the Local

Planning Authority. Reason: To ensure a satisfactory appearance to the development, to accord with Policy DC1 of the Rossendale District Local Plan.

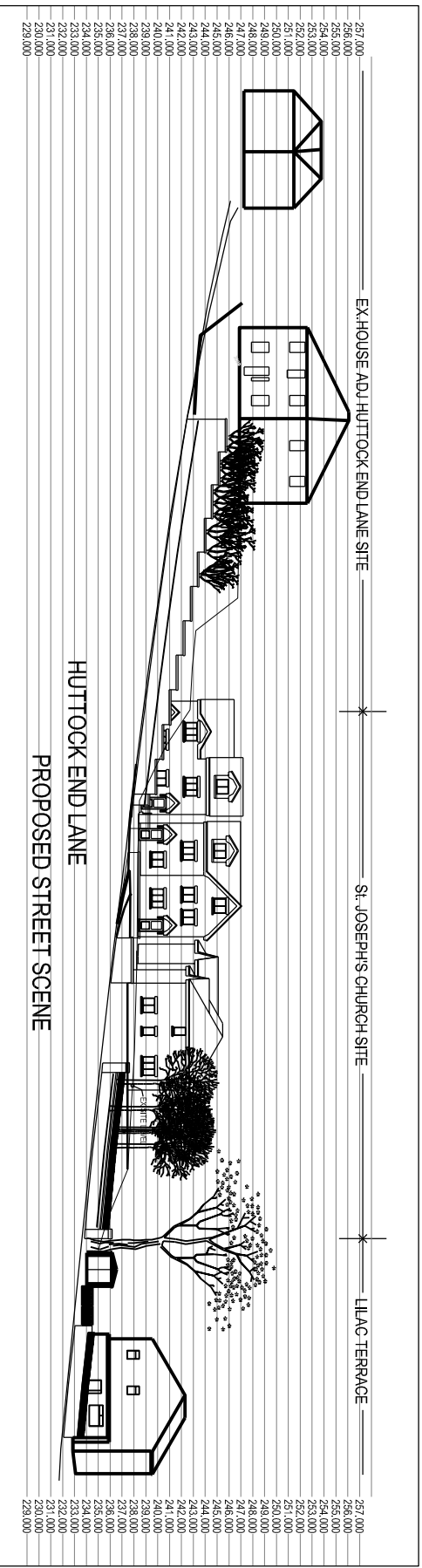
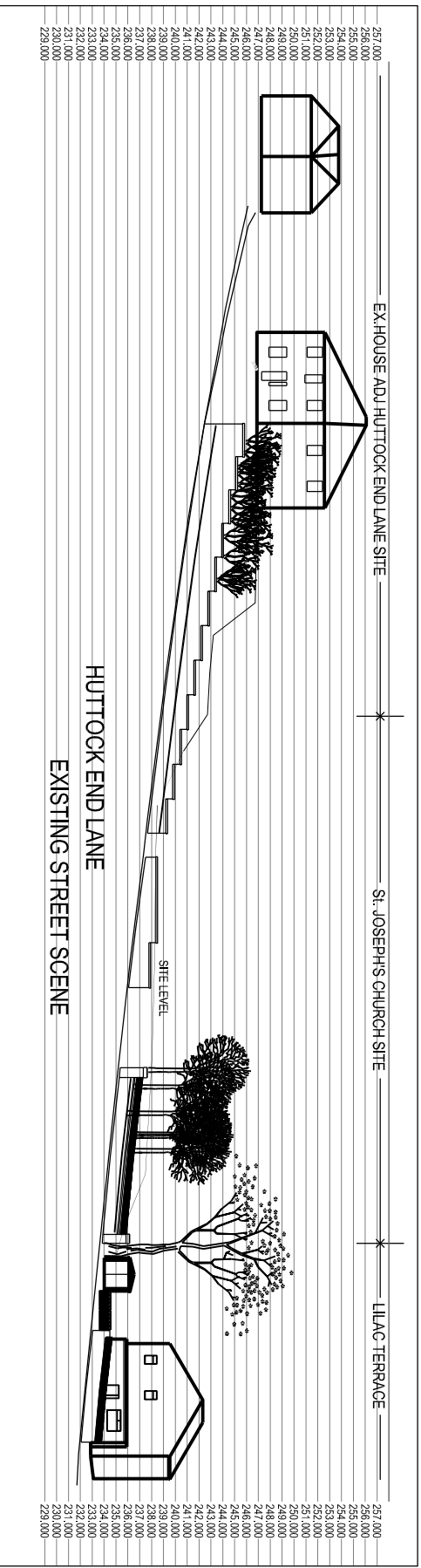
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any order amending or revoking and re-enacting that Order, no development contained within Classes A-E of Part One, Schedule Two of that Order shall be carried out without the prior written approval of the Local Planning Authority.  
Reason: To avoid additions to the building or the erection of outbuildings that will detract to an unacceptable extent from visual or neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
5. Notwithstanding the details shown on the submitted drawings or the application forms, prior to the commencement of development a scheme of landscaping/ boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before development commences. The submitted details shall include the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and the measures to be taken to protect them during construction of the development; the planting proposed; the areas to be hard-surfaced; the fences/walls/gates to be erected and any changes of ground-level proposed. Reason: In the interests of visual & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 6 All hard-landscaping/gates/walls/fences in the approved scheme of landscaping/boundary treatment shall be implemented prior to the first occupation of the dwellings, unless the Local Planning Authority gives written consent to any variation. All planting in the approved scheme of landscaping/boundary treatment shall be implemented in accordance with the approved timetable, and any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation. Reason: In the interests of visual & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 7 No development shall be commenced until details of the finished floor levels of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete and full accordance with the approved details.  
Reason: To ensure the satisfactory development of the site and in the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 8 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 nearby residential properties in accordance with Policy DC1 of the Rossendale District Local Plan.



- 9 The bin storage facilities hereby approved shall be provided to the satisfaction of the Local Planning Authority prior to the dwellings being first occupied.  
Reason: In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 10 Not to commence development on the site (pursuant to Section 56(4) of the Town and Country Planning Act 1990) unless and until a Section 106 agreement has been entered into in the form attached, unless otherwise first agreed in writing by the Local Planning Authority. Reason: To ensure the residential accommodation hereby permitted is provided/retained as affordable housing to meet a recognised local need and the area of woodland/trees within the site are suitably managed/maintained for the visual amenity and as an informal recreational amenity for residents of the development, in accordance with PPS1 / PPS3 / PPG13, Policies EM1 / RT2 / RT4 of the Regional Spatial Strategy, and Policies DC1 / E4 of the Rossendale District Local Plan

<b>Contact Officer</b>	
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Service / Team	Development Control
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PRELIMINARY  
subject to  
LA approval

NO	DATE	DESCRIPTION
01	21 JANUARY 2019	PROPOSED RESIDENTIAL DEVELOPMENT ST JOSEPH'S HUTTOCK END LANE BACUP

Client  
ST VINCENT'S HOUSING ASSOC

Subject  
EXISTING & PROPOSED STREET SCENE

Drawn  
B L WORTHINGTON

Checked  
[Signature]

Approved  
[Signature]

Date  
21 JANUARY 2019

Scale  
1 in 200 @ A1

**HOWARD K. SLEDDON A R T I S T A**  
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WWW.HKSLEDDONARTISA.COM

258 No. 9470

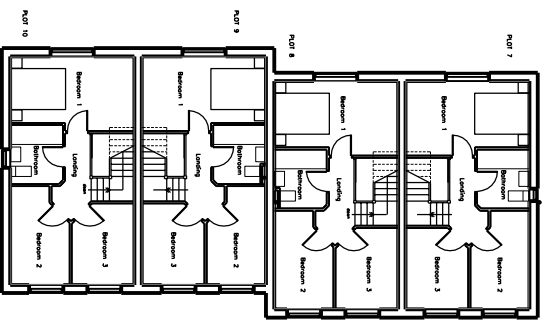
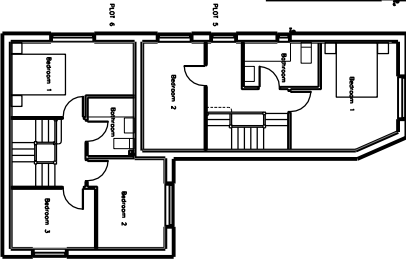
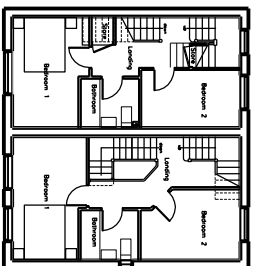
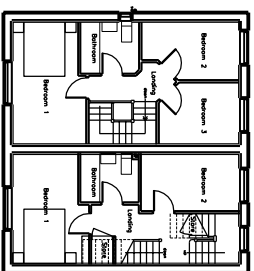
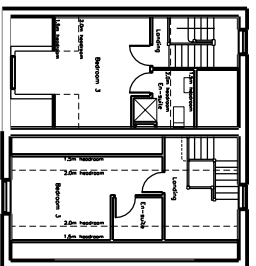
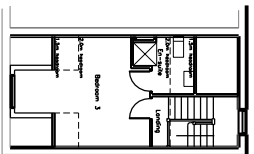
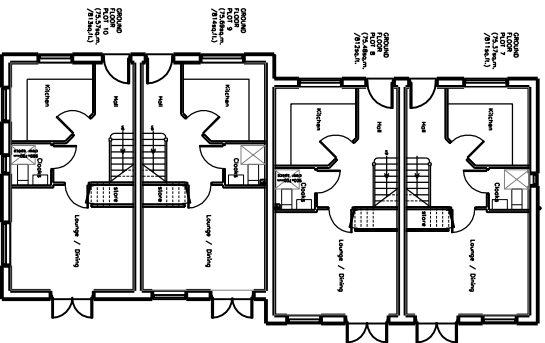
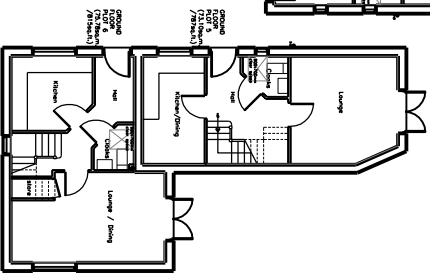
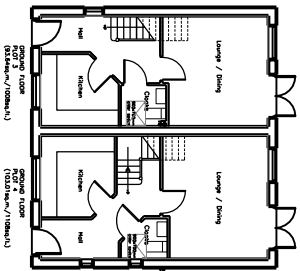
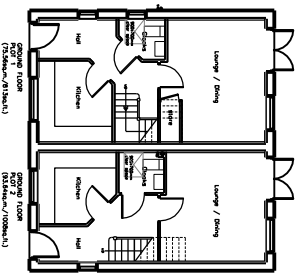
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SUBJECT TO  
LA APPROVAL

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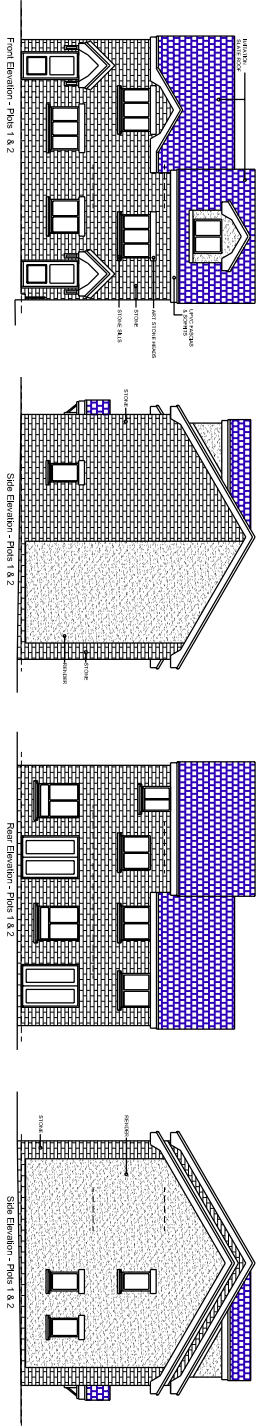
PROPOSED RESIDENTIAL  
DEVELOPMENT  
ST JOSEPH'S  
HUTTOCK END LANE  
BACUP

ST VINCENT'S HOUSING ASSOC.  
SUBJECT  
PROPOSED FLOOR PLANS

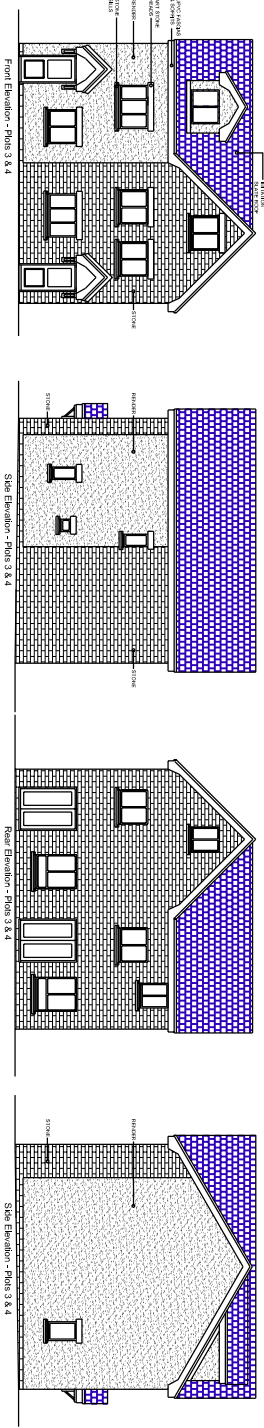
DATE 15 MAY 2009  
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CHECKED [Signature]  
APPROVED [Signature]  
HOWARD K. SLEDDON A.R.T.E.A.  
REGISTERED ARCHITECT  
111, NEW BATHS, NEWCASTLE  
TEL: 01642 526200  
FAX: 01642 526201  
WWW.HKSLEDDON.CO.UK

9470 03 B

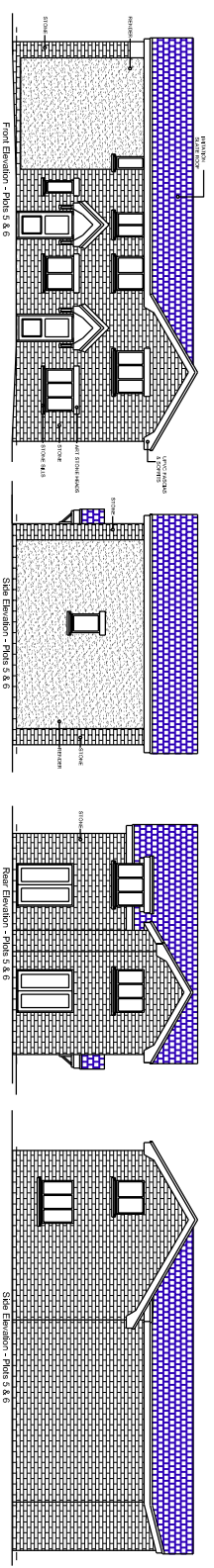
PLOTS 1 & 2



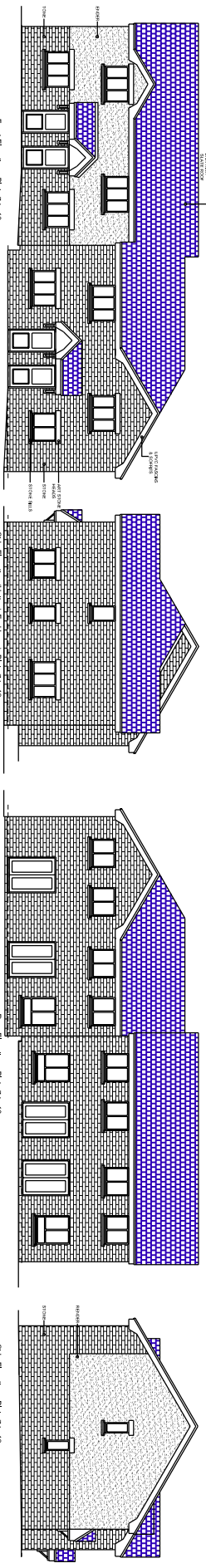
PLOTS 3 & 4



PLOTS 5 & 6



PLOTS 7 TO 10



SUBJECT TO  
LA APPROVAL

NO	REVISIONS	DATE
1		

PROPOSED RESIDENTIAL  
DEVELOPMENT  
ST JOSEPH'S  
HUTTOCK END LANE  
BACUP

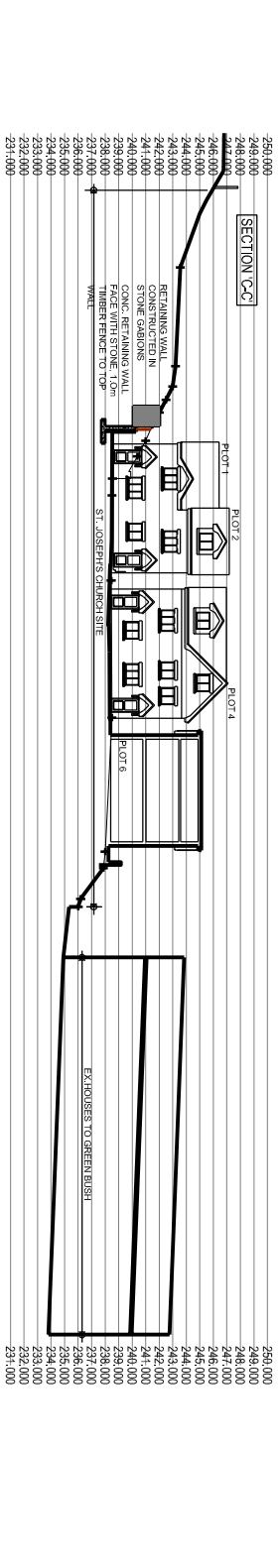
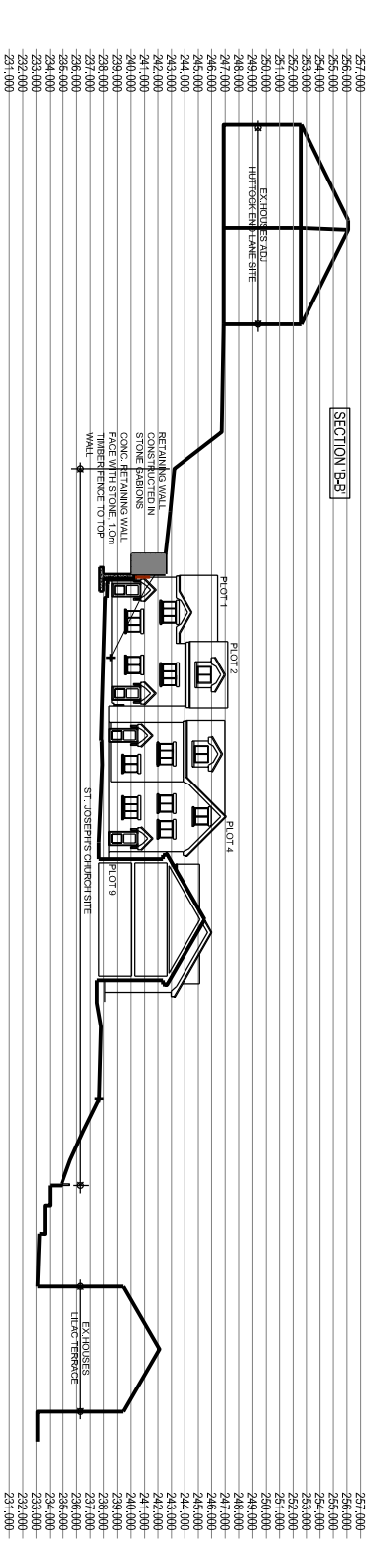
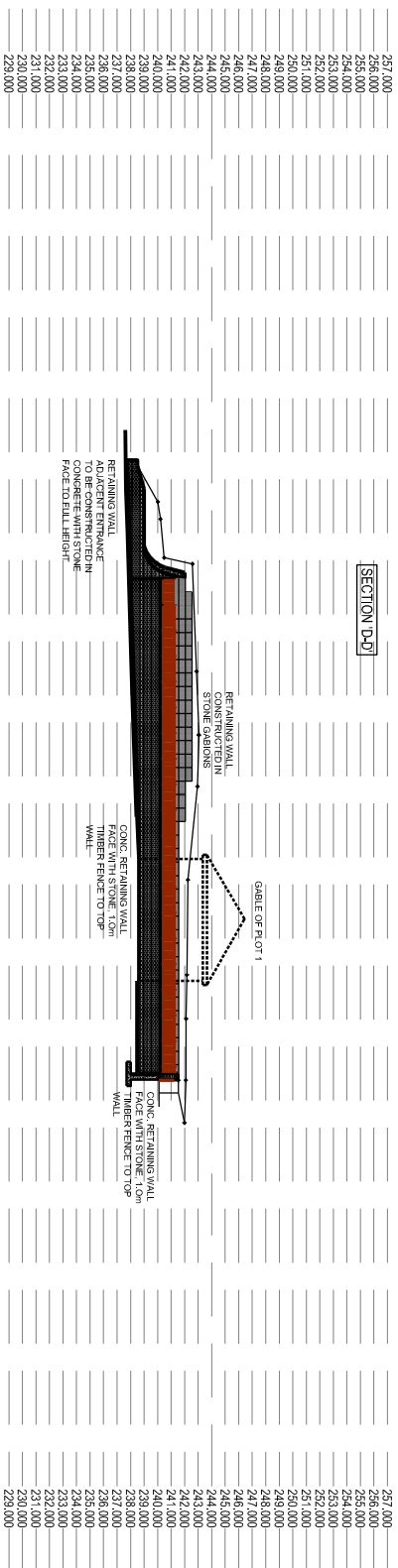
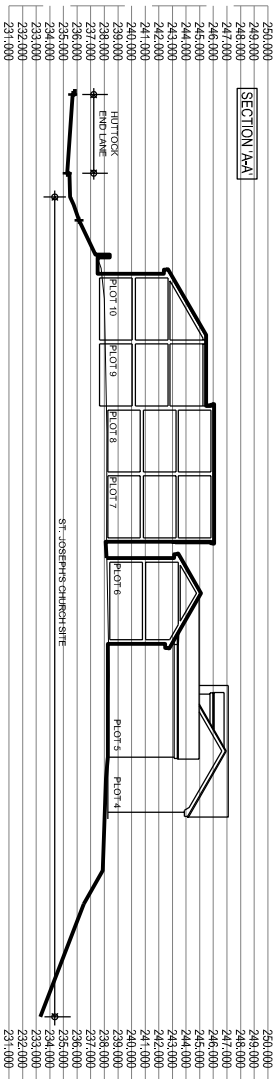
CLIENT  
ST VINCENT'S HOUSING ASSOC.

SUBJECT  
PROPOSED ELEVATIONS

DATE	SCALE
21 JANUARY 2009	1:50

APPROVED  
HOWARD & STEDDON ARCHITECTS  
111, NEW BATHS, 2ND FLOOR  
100-101, LEWIS & CLARK ROAD, BACUP

APP No.	APP No.	APPROVAL
9470	04	C



PRELIMINARY  
subject to  
LA approval

DATE	21 MAY 2009	SCALE	1 @ 200 @ A1	SHEET NO.	05	PROJECT	A
<p><b>PROPOSED SITE SECTIONS</b></p> <p><b>ST VINCENTS HOUSING ASSOC.</b></p> <p><b>DEVELOPMENT</b></p> <p><b>ST JOSEPHS</b></p> <p><b>HUTTOCK END LANE</b></p> <p><b>BACUP</b></p>							
<p><b>HOWARD K. SLEDDON A.R.T.E.A.</b></p> <p>100 GARDEN STREET, SYDNEY NSW 1585</p> <p>TEL: 61 2 9551 2222 FAX: 61 2 9551 2223</p> <p>WWW.HKS.COM.au</p>							