

Application No: 2009/641	Application Type: Full
Proposal: Revised plot layout & substitution of house-types for 11 plots	Location: Pendle Avenue, Bacup
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 8 February 2010
Applicant: B & E Boys Ltd	Determination Expiry Date: 6 April 2010
Agent: Taylor Young Ltd	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation **X**

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

3 or more objections received **X**

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. BACKGROUND

At its meeting in November 2004 Committee granted permission to application 2004/277. It permits the erection of 20 town-houses on land accessed off Pendle Avenue which is allocated in the Rossendale District Local Plan for residential development.

The broadly rectangular site is bounded to the north by dwellings fronting Pendle Avenue, to the west by Cowtoot Lane, to the south by Thorn County Primary School and to the east by open land. The land slopes down quite steeply from north to south.

The permission granted for its development provides for the extension of Pendle Avenue into the site, with the 20 3-bedroomed houses to be arranged to each side of a T-shaped cul-de-sac head. The development was to comprise of a series of short terraces of two-and-a-half storey in height. Each house was to possess an integral garage, with 2 floors of living accommodation above, the upper floor within the roof-void and illuminated by dormers.

Implementation of Permission 2004/277 has progressed to the stage that :

- the T-shaped cul-de-sac head is complete (except for its top-coat of tarmacadam);
- all 9 of the houses to stand on the north side of the cul-de-sac head have been completed (some are occupied and others still empty); &
- the floor slabs for all 11 of the houses to stand on the south side of the cul-de-sac head have been completed.

2. PROPOSAL

Rather than complete the remaining 11 houses in accordance with Permission 2004/277 a new permission is sought to erect upon the floor slabs now to be seen 11 houses of different design. The applicant has indicated that it intends to construct these houses for sale to Calico Housing Association, its intention being to make them available for rent.

The proposed houses are again to possess 3-bedrooms but, as they will not have integral garages, are to be of 2-storeys in height, with no dormers. The houses are to be constructed with artificial stone and concrete roof tiles matching those of the 9 houses already completed.

As the houses are not to possess integral garages more of their front gardens are to be hard-surfaced in order to provide additional external parking spaces; in total 17 off-street parking spaces are to be made available to meet the needs of residents and visitors of the 11 houses. The treatment of the front gardens differs also because the current scheme proposes stores for refuse bins. A garden shed is proposed in the rear or side garden of each property.

In support of the proposal the Agent states :

- The previous permission has established the siting and numbers of houses.
- The change in house design is at the request of Calico Housing Association and their provision will be of benefit as it will widen the range of house types and mix of tenures.
- The brief from Calico requires the houses accord with the Housing & Communities Agency Design Quality Standards, are adaptable in-line with Lifetime Homes standard, and can attain Secured by Design certification.

- No change to the previously-permitted road layout is proposed and details for the provision of street-lighting and its future adoption have been agreed with LCC Highways.
- The level of off-street parking proposed - averaging 1.5 spaces per dwelling - reflects the slightly lower anticipated parking requirement of rented housing schemes that has been accepted elsewhere in the Borough.

3. POLICY CONTEXT

National

PPS1 Delivering Sustainable Development
 PPS3 Housing
 PPG13 Transport

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
 L 4 Regional Housing Provision
 L 5 Affording Housing
 RT2 Managing Travel Demand
 RT4 Management of the Highway Network
 EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
 DC1 Development Criteria
 DC4 Materials

Other Material Planning Considerations

4NW Draft Partial Review of the RSS
 LCC Parking Standards
 RBC Core Strategy
 RBC Emerging Bacup, Stacksteads & Britannia AAP
 RBC Interim Housing Policy Statement (July 2008)

4. CONSULTATION RESPONSES

LCC (Highways)

The removal of the garages is noted. If possible, it would like to see an increase in parking provision, the target being 2 off-street parking spaces per dwelling (ie an increase in 5 spaces, from 17 to 22 spaces).

In the absence of this it would wish to see the development proceed as an affordable housing scheme, with appropriate controls to ensure it remains as such, in accordance with the submitted Design & Access Statement.

5. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 8/1/10, site notice posted on 14/1/10 and letters sent to the relevant neighbours on 5/1/10.

Two residents of Pendle Avenue and two residents of Coniston Way have objected to the application for the following reasons :

- When buying their house they received a verbal assurance from the Applicant that none of the other houses would be let as rental properties or given over to any housing association.
- This is presently a quiet, safe and well-tended neighbourhood, close to a primary and nursery school, and the change of tenure may result in anti-social behaviour in the area / erode the sense of community / affect house prices.
- Not enough parking spaces for residents and visitors.
- The road running into the site is steep and in the recent bad weather was un-gritted, resulting in residents parking their vehicles on Pendle Avenue near to its junction with Coniston Way, inconveniencing and endangering others.

6. PLANNING ISSUES

As the application proposes no greater number or size of dwellings than would result from completion of the partly-implemented Planning Permission 2004/277, and there is benefit in securing the completion of development on the site, there is no objection in principle to the current proposal.

The main issues to be considered in the determination of this application are as follows:

- 1) Visual Amenity
- 2) Neighbour Amenity
- 3) Access/Parking

Visual Amenity

The proposed dwellings will have the same siting, and be of the same facing materials, as those previously permitted. By virtue of being true 2-storey houses, rather than two-and-a half storey with dormers, they will be of less height/bulk and of a design more in-keeping with the traditional Victorian terraced housing on Cowtoot Lane, etc. Accordingly, I am satisfied that the proposed development will not unduly detract from the character and appearance of the area.

Neighbour Amenity

Likewise, by virtue of having the same siting/facing materials and being of less height/bulk than those which could be built-out, I am satisfied the proposed buildings will not unduly detract from the amenities any neighbour could reasonably expect to enjoy.

Having regard to the level of parking and the bin-stores to be located in front gardens I consider it important to attach conditions to ensure the appropriate design/materials are used for the bin stores, boundary treatments and for hard & soft-landscaping.

Objectors have raised concerns about the tenure intended for the proposed houses. Planning Permission 2004/277 does not require any of the units as Affordable

Housing. If the houses now proposed are sold to a Housing Association, and made available by it on a rental basis, this is to be welcomed as it will serve to broaden the range of house-types / tenures generally available in the area.

Objectors have also raised concerns about access/parking arrangements; this matter is dealt with in the section below.

Access/Parking

The implementation of Permission 2004/277 would result in 11 houses on this site, each with a garage and a drive capable of accommodating at least one car. Whilst the current proposal entails loss of the integral garages, the applicant has sought to incorporate in the scheme more external parking spaces.

Nevertheless, the scheme does not provide the '2 spaces per dwelling' sought by the Highway Authority. Nor do I consider the scheme capable of accommodating more than the 17 external spaces shown if the proposed house-types are to be built upon the floor slabs which have already been constructed.

The Design & Access Statement accompanying the application states that "All of the houses proposed in this substitution of house type's application are intended for rental through an established RSL [Registered Social Landlord]. Details of the arrangements for this are to be set out in a section 106 agreement which is to accompany the approval".

Residents and visitors to the 11 houses proposed will have available to them 1.5 off-street spaces per dwelling (rather than the 2 sought by the Highway Authority). However, the 9 houses provided to date under Planning Permission have off-street parking slightly in excess of 2 spaces per dwelling. Furthermore, the likelihood of high car ownership/problems arising from on-street parking are less if a Housing Association retains ownership of the properties and control over who occupies them.

Accordingly, subject to the S.106 Agreement (to ensure a Housing Association retains ownership of the 11 properties and control over who occupies them) is entered into prior to issue of the decision notice, the Highway Authority and I are of the view that it would be appropriate to grant the permission but in its absence permission should be refused.

8. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle having regard to extant Planning Permission 2004/277 and, subject to the provisions of the accompanying S.106 Obligation and the Conditions, would not detract to an unacceptable extent from visual and neighbour amenity or highway safety. It is considered that the proposed development is in accordance with PPS1 / PPS3 / PPG13 / PPG15, Policies DP1-9 / L4 / L5 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, and Policies DS1 / DC1 / DC4 of the Rossendale District Local Plan.

9. RECOMMENDATION

That Permission be granted, subject to :

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A) a S.106 Obligation being entered into no later than 31/3/10 that will ensure a Housing Association retains ownership of the 11 properties, and control over who occupies them, in perpetuity.

B) 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. The facing materials to be used for the construction of the dwellings hereby permitted shall match in colour, form and texture those of the houses constructed under Planning Permission 2004/277.

Reason : In the interests of visual amenity, in accordance with Policy EM1 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.

3. Prior to first use of any house hereby permitted the car parking facility to serve it shall be provided with a hard and permeable surface, and this area shall thereafter be kept freely available for use as such.

Reason : In the interests of highway safety and neighbour amenity, in accordance with Policy RT2 / RT4 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.

4. Notwithstanding the details shown on the approved drawings, before the development commences full details shall be submitted to and approved in writing by the Local Planning Authority in respect of :

- i. The proposed bin-stores and cycle-stores;
- ii. The proposed boundary treatments; &
- iii. The proposed scheme of hard and soft-landscaping.

Reason : In the interests of visual and neighbor amenity and highway safety, in accordance with Policies RT2 / RT4 / EM1 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.

5. All bin-stores/cycle-stores/hard-surfaced areas/walls/fences/gates forming part of the approved details in respect of the preceding condition shall be completed prior to first occupation any of the dwellings hereby permitted, unless otherwise first agreed in writing with the Local Planning Authority. All new planting, seeding or turfing forming part of the approved details shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, unless otherwise first agreed in writing with the Local Planning Authority. Any trees or plants forming part of the approved details 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 visual and neighbor amenity and highway safety, in accordance with Policies RT2 / RT4 / EM1 of the Regional Spatial Strategy and Policy DC1 of the 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 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 neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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