

Application No: 2009/0458	Application Type: Full Application
Proposal: Alterations and Extension to Building Converted to 4 Dwellings; Part Retrospective and Part Proposed	Location: Commercial Street Loveclough Lancashire
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 8 th February 2010
Applicant: Dwell Developments Limited	Determination Expiry Date: 15 th February 2010
Agent: CA Planning	

REASON FOR REPORTING **Tick Box**

- Outside Officer Scheme of Delegation**
- Member Call-In**
- Name of Member:
- Reason for Call-In:
- More than 3 objections received**

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. SITE

- 1.1 The application site lies to the north of Commercial Street where it meets Penny Lodge Lane, Loveclough. The site is occupied by two stone buildings which have been partially converted owing to the developer going into administration. Work having ceased on site the development remains uncompleted.
- 1.2 The application site lies within the Countryside as designated in the Rossendale District Local Plan and forms the setting for Loveclough Conservation Area.

2. RELEVANT PLANNING HISTORY

- 2.1 2000/498 – Erection of 57 Dwellings and Conversion of Existing Buildings into 6 dwellings – Approved
- 2.2 2002/500 – Erection of 52 Dwellings – Approved
- 2.3 2006/697 – Conversion of Building into 2 Dwellings and Raising Roof – Approved.
- 2.4 2009/0217 – Alterations to Residential Units Approved under: 2000/0498 – Withdrawn.

This application was submitted by the current applicant who purchased the site from the administrators for Hurstwoods. When comparing the approved plans for 2000/498 it was found that despite several sets of amended plans being approved what had been constructed on site does not conform to any of the amended plans. As such, the applicant chose to regularise the situation by the submission of a retrospective application. However, application 2009/217 was withdrawn following a number of Highways considerations.

3. THE PROPOSAL

- 3.1 The application site formed part of the original development granted approval under 2000/498. However, the site was split with the majority of the site being sold off and developed out under 2002/500. The remaining conversion element of the scheme was being implemented until mid-2008 when work ceased on site.
- 3.2 The applicant who now owns the site is, in essence, applying for retrospective consent for a number of unauthorised alterations together with some other minor works to improve the scheme.

- 3.3 Thus the scheme to be considered by the Council represents a 3.8 metre increase in height in relation to the parapets, 3.5 metre increase in the ridge height and variation in the size, number and design of window openings. There would not be a significant increase in the amount of floor space on the first floor as this was originally created by dormer windows and rooflights. The creation of a full height first floor has the effect of providing headroom rather than increasing the number of rooms. However, the roof space is proposed to create an additional bedroom in each of the properties creating two 4 and two 5 bedroom properties. The previously approved chimneys have been deleted and significantly larger rooflights and two balconies have been introduced to the scheme as well as glazed Juliette balcony details.
- 3.4 The initial round of consultation undertaken due to an administrative error related to incorrect plans, forms and design and access statement which stated the scheme would be for 5 dwellings. Therefore, the scheme has been reconsulted on with the correct plans, forms and design and access statement and the earlier objection letters carried forward.

4. POLICY CONTEXT

4.1 National Planning Guidance

PPS1 – Delivering Sustainable Development
 PPG2 – Green Belts
 PPS3 – Housing
 PPG13 – Transport
 PPG15 – Planning and the Historic Environment
 PPS 23 – Planning and Pollution Control
 PPS 25 – Flood Risk

4.2 Regional Spatial Strategy Policies

Policy DP 1 Spatial Principles
 Policy DP 2 Promote Sustainable Communities
 Policy DP 3 Promote Sustainable Economic Development
 Policy DP 4 Make the Best Use of Existing Resources and Infrastructure
 Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
 Policy DP 6 Marry Opportunity and Need
 Policy DP 7 Promote Environmental Quality

Policy L 4 Regional Housing Provision

Policy RT 2 Managing Travel Demand
 Policy RT 4 Managing the Highway Network

Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

4.3 Saved Policies of the Rossendale District Local Plan

DS1 – Urban Boundary
DC1 – Development Criteria
DC4 – Materials
HP1 – Conservation Areas

4.4 Other Material Planning Considerations

RBC – Interim Housing Policy Statement – July 2008

5. INTERNAL CONSULTATIONS

- 5.1 **RBC – Conservation Officer** – an undesirable design but given the site history there is little potential to negotiate an appropriate design.
- 5.2 **RBC – Environmental Health** – no comments on the proposal in relation to noise, dust, fumes or contaminated land.

6. EXTERNAL CONSULTATIONS

6.1 Lancashire County Council

Archaeology – No objections.

Highways – maximum parking provision for this development would be 13 spaces and due to its fairly remote location I believe that this is required. Only eight spaces are indicated on the drawing which could lead to unwanted on-street parking adjacent to the site. Subject to the recommended number of spaces being provided there would be no further objection to the scheme.

- 6.2 **Environment Agency** – comments awaited.

7. REPRESENTATIONS

7.1 A press notice was published on 29/01/2010. A site notice was posted on 08/01/2010 as shown on the site plan. 67 neighbours were notified by letter on 07/01/2010 to accord with the General Development Procedure Order.

7.2 5 letters of objection received to the scheme raising the following objections:

- Existing issues with parking on Penny lodge Lane
- The development does not make adequate parking provision for the number of properties
- The need for visitor parking within the development
- Problems of visibility leaving the site when cars parked in association with Social Club.

- That the increase in height renders the building out of keeping with the surrounding area
- That neighbours have not been consulted by the developer
- Footpath in proximity to the site not shown

8. REPORT

- 8.1 The main considerations of the application are the principle of the development, its impact on the character and setting of the Lovelough Conservation Area, visual and residential amenity and highway safety.
- 8.2 The principle of the development was originally established by the approval of application 2000/498. However, because the development has not been constructed in accordance with either the original or amended approved plans it is technically unauthorised and does not benefit from planning permission. In the light of current housing policy the principle of new housing in the Countryside would not be acceptable. However, the precedent set by the earlier permissions and the need to improve the appearance of a partially complete building detracting from the character of the surrounding area, is considered to render the principle of the development acceptable.
- 8.3 The increase in height of the building and the size of the rooflights (windows in the roof) are considered to differ significantly from those originally approved. Nevertheless, the majority of the increase in height appears to have been approved under the approved amended plans in 2005. Thus it is only a minimal increase that is being sought. The building, including the rooflights, as it currently stands is not out of keeping with the surrounding area, uses appropriate and sympathetic materials and is not dominant within the street-scene. Neither is the building, by reason of its distance from the Limy Water, considered to harm the character and setting of the Lovelough Conservation Area. Even if the building were considered to be out of character with the surrounding area, the earlier approval of amended plans means that it is not expedient to take enforcement action. The proposed elements of the scheme in relation to the balconies at first floor level are not out of keeping with the theme of the development whilst their glazing elements and those of the Juliette Balconies can be controlled by condition. It is considered that the existing and proposed elements of the scheme are/would preserve and enhance the character and setting of the Lovelough Conservation Area and be acceptable in terms of visual amenity.
- 8.4 The development by reason of its size, height and position despite the addition of the first floor balconies and Juliette balconies, together with the obscure glazing of windows in the southern elevation would not cause a loss of light, privacy or outlook and would therefore be acceptable in terms of residential amenity.
- 8.5 The Highway Authority has raised concerns over the number of parking spaces and visibility when egressing/exiting the site. In response, the applicant has submitted amended plans detailing two further parking spaces for visitors and indicated their willingness to provide double yellow lines 10 metres either side

of the access to the scheme, to ensure adequate visibility is maintained when exiting the site. In light of the amended plans, the Highway Authority has no further objection and the scheme is considered acceptable in terms of highway safety. There is adequate bin storage and cycle parking indicated within the scheme although their appearance and provision should be controlled by condition.

- 8.6 In relation to the matters raised by the objections not already addressed by the report, whilst it is best practice for developers to consult with local residents it is not a material consideration in the determination of this application. The Lancashire County Council Definitive Public Rights of Way map, shows no public right of way passing through the application site, however, the objector can contact Lancashire County Council's Public Rights of Way Officer to get it path as a Public Footpath if considered appropriate.

9. CONCLUSION

- 9.1 The scheme is acceptable in principle, would not prejudice the imperative of preserving and enhancing the character and setting of the Loveclough Conservation Area, and would not be detrimental to visual or residential amenity nor highway safety.

10. RECOMMENDATION

- 10.1 Approve subject to condition.

11. SUMMARY REASON FOR APPROVAL

The scheme is acceptable in principle, would not prejudice the imperative of preserving and enhancing the character and setting of the Loveclough Conservation Area, and would not be detrimental to visual or residential amenity nor highway safety and thereby accords with PPS1, PPS3, PPG13, PPG15, Regional Spatial Strategy Policies DP1-7, L4, RT2 & RT4 and EM1 and the following policies of the adopted Rossendale District Local Plan DC1, DC1, DC4 and HP1.

12. CONDITIONS

1. The development shall be carried out in accordance with drawing numbers 17515-L01 Rev C, L02 Rev C, L03 rev C and date stamped 07 Jan 2010 and 7515 L07 Rev E and date stamped 28 Jan 2010, unless subsequently amended and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

2. Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of policy DC1 of the adopted Rossendale District Local Plan.

3. Within 28 days of the date of the decision notice, there shall be submitted to the Local Planning Authority for their approval, details of the bin storage and cycle parking facilities within the development. The bin storage and cycle parking details approved by the Local Planning Authority shall be provided prior to the development first being occupied and thereafter maintained for as long as the use remains in existence.

Reason: To encourage more sustainable modes of transport and to prevent the proliferation and untidy accumulation of bins in the interest of visual amenity pursuant to Policy DC1 – Development Criteria of the Rossendale District Local Plan.

4. Within 28 days of the date of this decision notice, the applicant shall submit to the Local Planning Authority for their approval, a scheme detailing the glazing on the first floor balconies and the Juliette balconies' glazing, fixtures and fittings. The development shall be implemented in accordance with the approved scheme and thereafter maintained as such unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity pursuant to Policy DC1 – Development Criteria of the Rossendale District Local Plan.

5. The car parking spaces as shown on plan 7515 L07 Rev E shall be provided, demarcated and made available for use prior to the development hereby approved first being occupied and shall thereafter be maintained available for use and free of obstruction in perpetuity.

Reason: To ensure adequate off-street parking within the site in the interest of highway safety pursuant to policy DC1 of the Rossendale District Local Plan.

6. The windows in the south-western elevation the development shall be obscure glazed and maintained as such in perpetuity.

Reason: To prevent overlooking to neighbouring properties in the interests of residential amenity

7. Within 28 days of the date of the decision notice, samples of the natural stone to be used in constructing the remainder of the development, details of the materials to be used in the hard-surfaced external areas together with details of boundary treatment shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be constructed in accordance with the approved samples and details and thereafter maintained in perpetuity.

Reason: In the interest of visual amenity to accord with Policy DC 1 of the adopted Rossendale District Local Plan.

8. Within 28 days of the date of the decision notice, a detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Any planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the development hereby approved first being occupied and any trees or shrubs which within a period of 5 years of planting 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 amenity to accord with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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