

**TITLE: APPLICATION 2005/652
ERECTION OF 16 HOUSES, WITH ASSOCIATED CAR PARKING,
ACCESSED FROM RIVER STREET
FORMER ROCKCLIFFE CLUB & PLAYGROUND, ROCKCLIFFE ROAD,
BACUP**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 10 JANUARY 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT : ASPIRE HOMEBUILDERS LTD

DETERMINATION EXPIRY DATE : 9 FEBRUARY 2006

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.

Background

In June 2004 permission was granted for the erection of seven pairs of semi-detached houses on land situated on the corner of Rockcliffe Road/River Street (2004/169). Having an area of approx 0.35ha in area, the site was then (and continues to be) occupied by the burnt-out remains of the building once used by a social club and an equipped play area.

Proposal

Ownership of the site has since changed and, rather than implement the above scheme, permission is now sought to erect two pairs of semi-detached houses and two terraces, each to contain 6 houses.

The number of dwellings to be erected on the site will thereby be increased from 14 to 16. However, the road-layout will remain the same, and semi-detached houses will continue to front to River Street. The scheme differs in that towards the rear of

the site there will be 3-storey terraced-houses (with integral garages) instead of a line of 2-storey semi-detached houses (lacking garaging facilities).

Consultation Responses

The Environment Agency previously raised no objection subject to a condition to ensure any contamination of the land resulting from its previous uses is identified and appropriately dealt with; a condition to this effect is once again proposed.

Notification Responses

No comments have been received as a result of advertisement of the application in the local newspaper and by way of site notices.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- DC1 - Development Control
- DC2 - Landscaping
- DC4 - Materials

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking
- Policy 12 - Housing Provision

Other Material Planning Considerations

- PPS1 - Sustainable Development
- PPG3 - Housing

RSS for the North West

LCC Parking Standards

Rossendale BC Housing Position Statement

Bacup, Stacksteads & Britannia AAP (Review of Sites)

PLANNING ISSUES

As there is a permission for the erection of 14 dwellings on the site, which will remain valid until 3 June 2009, the main issues to consider in dealing with this application are :

- 1) the principle of permitting an additional 2 dwellings; &
- 2) impact on neighbour amenity and street-scene.

PRINCIPLE

The site is bounded to the south and east by housing and I have no reason to doubt that it can be developed safely for residential purposes, and in a manner that will provide its occupiers with the amenities they could reasonably expect to enjoy.

The principal issue which needs to be considered is in relation to Housing Policy. Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Having regard to the number of dwellings which have been built since 2001, and to the number for which

permission exists, LCC (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units. The Council's Housing Position Statement accepts the contention that the Council will over-shoot its housing allocation unless the circumstances in which permissions are now granted are limited to those set out in its Housing Position Statement :

"Applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:

- a) In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or*
- b) The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and*
- c) The proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and*
- d) The proposal will assist the regeneration of the site; and*
- e) The proposal meets an identified local housing need."*

This application :

- Will result in the erection of new dwelling units.
- Does lie within the boundaries of the emerging Bacup, Stacksteads & Britannia Action Area Plan.
- Will not harm the character of any Listed Building or Conservation Area.
- The Applicant has not shown how the proposal meets an identified local housing need and is not proposing that they be provided/retained in perpetuity as affordable housing.

Thus, the proposal does not fully accord with the Council's approved Housing Position Statement. However, in favour of the proposal it can be said that : This application will increase the number of dwellings on the site by only two - from 14 to 16.

The burnt-out remains of the club-building not only detract from the appearance of the site, but the area surrounding it.

Not only does the site lie within the boundaries of the emerging Bacup, Stacksteads & Britannia Action Area Plan, the Review of Sites document published in July 2005 identifies this site as being within an area in particular need of attention.

Whilst the existing permission for the site does not require that construction commence until 2009, the applicant has indicated that they would wish to proceed with the re-development of the site far sooner than this and has no objection to a condition requiring commencement by 31 December 2006.

Accordingly, I consider that the early re-development of this site will bring with it sufficient regeneration benefits for the site and surrounding area to warrant a permission.

NEIGHBOUR AMENITY/STREET-SCENE

The pairs of semi-detached houses now being proposed on the frontage to River Street differ so little from those previously permitted that their impact on neighbours and the street-scene will not be materially different.

The terraced houses will have a gutter-height of 6.1m and a ridge-height of 9.4m, whereas the semi-detached houses previously permitted in this location would have had a gutter-height of 5.2m and a ridge-height of 7.8m. As Rockcliffe Road and the residential properties to the east of the site occupy land which is approximately 4m higher I do not consider the additional floor of accommodation proposed in the terraced houses will result in unacceptable detriment for these neighbours or the street-scene. The most southerly of the terraced blocks will impinge to a greater extent on the light to/ outlook from the rear windows of terraced houses fronting Bold Street, by reason of the greater height/bulk of the gable they will face. However, this will be mitigated to a degree by the gable having been pushed a further 0.6m from the site boundary.

Subject to use of the appropriate facing materials, I am satisfied that the proposed development will improve the appearance of the area, without undue detriment for any neighbour.

Recommendation

That permission be granted subject to the following conditions :

1. The development hereby permitted shall be begun before 31 December 2006.

Reason : To ensure the early regeneration of a site which is detrimental to the character and appearance of the area in a manner consistent with the aims and objectives of the emerging Bacup, Stacksteads & Britannia Area Action Plan, and to accord with Section 51 of the Planning and Compulsory Purchase Act 2004 .

2. Prior to the development commencing:

- a. A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
- b. 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 LPA
- c. Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with approved details. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by the LPA prior to the first use or occupation of any part of the development hereby approved.

Reason : To ensure the site is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development, to accord with Policy E7 of the adopted Rossendale District Local Plan.

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved Site Plan, or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
4. Notwithstanding any indication on the approved plans or application forms, no development shall be commenced until full details of the external materials to be used on the roof and the walls of the development have been submitted to and first approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason : To ensure a satisfactory appearance to the development, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
5. None of the dwellings hereby permitted shall be brought into use until the means of access serving it (including the provision of a footway to River Street to adoptable standard) has been constructed and surfaced in accordance with the plans hereby approved.
Reason : To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policy DC1 of the Rossendale District Local Plan.
6. None of the dwellings hereby permitted shall be brought into use until the driveway serving it has been paved in permanent construction, in accordance with details to be first approved in writing by the Local Planning Authority.
Reason: To prevent loose surface material from being carried on to the public highway, thus causing a potential source of danger to other road users, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
7. 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 all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; 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 &/or the site; 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 Policy DC1 of the adopted Rossendale District Local Plan.
8. 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 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 Policy DC1 of the adopted Rossendale District Local Plan.

9. 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 residents, in accordance with the criteria of Policy DC.1 of the adopted Rossendale District Local Plan.

10. The garages hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse to which they relate, including the parking of cars, and shall not be converted to living accommodation garage shall or used for any trade or business purposes.

Reason: In order to maintain adequate off-street parking facilities and safeguard the residential amenity and character of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan .

Please Note : This permission requires works within the public highway. Under the Highways Act 1980 Section 184, the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority, or a contractor approved by the Highway Authority, can carry out these works. Therefore before any such works can start you must contact the LCC Environment Directorate, quoting the planning application number.

