

Application Number:	2012/231	Application Type:	Full
Proposal:	Erection of 38 Affordable Family Houses and associated works	Location:	Acre Mill, Mill View, Stacksteads
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	17 July 2012
Applicant:	Countryside Properties UK Ltd / B & E Boys Ltd / Calico Homes	Determination Expiry Date:	17 August 2012
Agent:			

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input type="checkbox"/>
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.

1. RECOMMENDATION

That Permission be granted subject to the Conditions set out in Section 11.

2. SITE

This application relates to an irregularly shaped site, of approximately 1ha in area, situated to the south side of Acre Avenue. The western half of the site has a frontage to this adopted residential road, with bungalows opposite, whilst the eastern half runs behind houses that front to it or the more recently-constructed/unadopted Acre View.

To the south and west of the site are houses, those fronting Cutler Lane/Cutler Avenue at a higher level than the application site, but screened from it to a significant extent by boundary trees/shrubs. Likewise, trees/shrubs that have grown near the eastern boundary of the site screen it to a significant extent from the open land beyond.

The site and the surrounding housing are located within the Urban Boundary, whilst the open land to the east is designated as Countryside.

3. RELEVANT PLANNING HISTORY

1993/541 Erection of 52 No 2-storey dwellings, comprising 11 No 3-bedroomed dwellings & 41 No 2-bedroomed dwellings

On 17/1/94 planning permission was granted for erection of 52 houses on a site then occupied by a builders yard that fronted Acre Avenue and also embraced land extending to the rear of houses at 5-23 Acre Avenue.

In short, the permitted scheme provided for :

- a) demolition of the existing buildings occupied as part of the builders yard;
- b) formation of a new vehicular/pedestrian access to the side of 5 Acre Avenue, a cul-de-sac extending to its west and another to its east (behind 5-23 Acre Avenue); &
- c) erection of houses fronting Acre Avenue, the access road and around each of the proposed cul-de-sac.

When this site is now visited it will be seen that :

- a) demolition of the existing buildings has taken place
- b) formation of a new vehicular/pedestrian access to the side of 5 Acre Avenue and a cul-de-sac extending to its east has occurred;
- c) only 8 of the permitted houses have been constructed (behind 5-13 Acre Avenue).

2008/296 Certificate of Lawfulness for commencement of the erection of 52 no 2-storey dwellings granted by Planning Permission 1993/541

By way of this application the owner of the site (B & E Boys) sought to establish that commencement of construction of 8 houses and the access road to serve them had kept alive the permission to complete the other 44 houses permitted by Planning Permission 1993/541.

On the basis of the information and affidavits that accompanied this application it was concluded that the Certificate of Lawfulness sought should be issued, thereby confirming that the remaining 44 houses permitted by Planning Permission 1993/541 could be completed without the need to apply for and obtain permission to do so.

4. THE PROPOSAL

Rather than erect the remaining 44 houses in accordance with Planning Permission 1993/541 permission is now sought to erect 38 houses, all of which are to pass to Calico Homes for occupation as Affordable Housing.

The scheme proposes erection on the site of 8 2-bed houses and 30 3-bed houses, arranged around a road layout differing little from that previously permitted. These detached, semi-detached

and terraced houses would be constructed of brick - those dwellings fronting Acre Avenue of buff brick and the rest of buff or red brick - with grey tiled roofs. Whilst 32 of the houses will each have 2 off-street parking spaces, the 6 with only 1 space are 2-bedroomed and located well away from Acre Avenue.

To accommodate the proposed development the applicant intends to remove most of the tree/shrub cover that has grown on the boundaries and within the site, comprising largely of self-seeded sycamores and willows. In order that those dwellings proposed towards the southern boundary of the site have rear gardens that are level it is intended to cut back the embankment and retain the land with gabion walls of 1m-2m in height between 2m and 4m from the boundary. Likewise, it is intended to provide the houses proposed to the rear of 15-23 Acre Avenue with level rear gardens by raising of the existing ground level and erection of gabion walls of 1m in height on the boundary. The retaining wall would be topped by 2m high timber fencing, some of the houses proposed here to have also a timber shed near to the party-boundary.

The application is also accompanied by :

A Design & Access Statement

It states that the scheme has been designed to comply with the Homes & Communities Agency's Design & Quality Standards, Code for Sustainable Homes Standards Level 3 and to meet Secured by Design requirements.

A Transport Assessment

It concludes that there are no existing highway safety issues in the vicinity of the site upon which the proposal will impact. Indeed, the local road network is more appropriate for use by cars than the commercial vehicles associated with the previous uses of the site and the proposed development is for less dwellings than the consented scheme.

Whilst the site is outside the traditional 400m walk distance to bus routes along Newchurch Road, and there are no dedicated cycling provisions in the vicinity of the site, there are lit footways linking the site to the wider pedestrian network that appear well used by residents of the surrounding area and Bacup town Centre is within 5km cycling distance.

Where possible, in-curtilage parking for 2 cars is to be provided with each dwelling. In a few instances this has not been possible. However, it is proposed that an existing (but incomplete) parking area for 8 cars which is situated between Acre View and 2 Acre View will be completed. With these 8 spaces taken into account there will be 200% parking provision across the site. In addition each dwelling is to be provided with a shed in its garden, thereby providing secure cycle parking.

A Flood Risk Assessment

It concludes the site to be suitable for the proposed development from a flood risk point of view, lying within an area designated by the Environment Agency as Flood Zone 1 (ie land having a low probability of sea or river flooding). United Utilities has confirmed it holds no record of sewer flooding in the vicinity of the site and the proposed development can incorporate sustainable drainage arrangements to ensure the rate of surface-water run-off from the site is not materially altered.

A Ground Condition Assessment

The site was developed in the mid 19th century, with Acre Mill occupying the western portion of the site and with a reservoir occupying the eastern portion. Whilst the site is not considered to be located near to any major off-site sources of landfill gas, such gas could be generated from material used to infill the reservoir. Ground contamination could also be present in other areas of

made ground, in particular that underlying the former Acre Mill, or relating to historical processes carried on there, etc. Retaining walls left on the western boundary of the site may need to be assessed for stability and treatment of Japanese Knotweed undertaken.

It concludes that prior to construction of the proposed houses there is a need for further intrusive investigations to be undertaken to more thoroughly define the works of ground remediation/stabilisation necessary and finalise foundation design.

A Tree Report

It indicates the site to contain 5 individual trees, 10 groups of trees and a hedge on the eastern boundary. It states that the trees comprise largely of Goat Willow, Sycamore & Ash and the majority of them are self-seeded and have grown due to the site's disuse, a substantial number growing out of areas of rubble, through fences or on banks within areas of made ground.

The condition of 1 tree and 2 groups is such that their removal is recommended irrespective of development of the site, whilst the others trees & groups are said to be of such low quality and value they should not be considered a constraint to development. The hedge on the eastern boundary is said to comprise largely of hawthorns and could/should be retained or removed in accordance with ground work requirements. They conclude that new tree planting can be provided within the site which would mitigate for the projected losses.

An Ecological Assessment

It states that there are no significant ecological constraints on residential development of the site - it is not statutorily designated, nor were protected species found to be present (eg bat roosts, badger setts). However, with respect to the tree/shrub cover, it does indicate that it would be desirable to retain & protect the semi-mature trees on/overhanging the site and retain & enhance the hedgerow on the eastern boundary. Any clearance of trees and scrub should be undertaken outside the bird nesting season and the opportunities taken for proposed landscaping to enhance the ecological value of the site through use of native species planting, roosting features for bats, nesting and foraging opportunities for birds, etc.

5. POLICY CONTEXT

National Planning Policy Framework (2012)

- Section 4 - Promoting Sustainable Transport
- Section 6 - Delivering a Wide Choice of High Quality Homes
- Section 7 - Requiring Good Design
- Section 8 - Promoting Healthy Communities
- Section 10 - Meeting the challenges of climate change, flooding & coastal change
- Section 11 - Conserving & enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

- Policy DP1 Spatial Principles
- Policy RDF1 Spatial Priorities
- Policy L1 Health, Sport, Recreation, Cultural & Education Services Provision
- Policy L4 Regional Housing Provision
- Policy L5 Affordable Housing
- Policy RT2 Managing Travel Demand
- Policy RT4 Managing the Highway Network
- Policy EM1 Integrated Enhancement & Protection of the Region's Environmental Assets
- Policy EM2 Remediating Contaminated Land
- Policy EM5 Integrated Water Management

Rossendale Core Strategy DPD (2011)

AVP2	Area Vision for Bacup, Stacksteads, Britannia & Weir
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable and Supported Housing
Policy 19	Climate Change & Low Carbon & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

RBC Open Spaces & Play Equipment Contributions SPD

6. CONSULTATION RESPONSES

RBC (Strategic Housing)

The scheme supports the objectives and priorities within the Pennine Lancashire Housing Strategy by meeting :-

Objective 1: To ensure a sufficient quantity, quality, and appropriate type of housing supply, to meet the economic growth aspirations and social needs of Pennine Lancashire: &

Objective 2: To develop sustainable neighbourhoods that can retain and attract successful households reducing disparities between neighbourhoods and providing linkages to economic growth and employment opportunities; improving the economic performance of the sub-region.

RBC Environmental Health

No objection in principle to the residential redevelopment of the site. However, as recommended in the submitted Ground Condition Report, there is need for further intrusive investigation to establish the appropriate form of foundation design/remediation.

LCC Highways

Do not object to the above planning application on highway grounds.

LCC parking standards have been satisfied by the provision of 2 off-street parking spaces per dwelling, with the exception of 6 plots that have 1 space. These 6 plots are within the development and any additional vehicles that are parked on the highway will not cause any highway safety concerns as they are away from road junctions and other existing properties.

The road layout could be amended outside Plot 17, thereby increasing the size of its front garden and improving the desire line for pedestrians.

United Utilities - Water

It initially objected to the application on the grounds of flood risk as the sewer to which the development proposed to take its surface water had not been demonstrated to be adequate.

Following discussion, and having regard to the extant permission for erection of more houses on the site than now proposed, it has now withdrawn its objection. It is now satisfied that drainage arrangements can be provided to adequately mitigate the risk of flooding.

Accordingly, it now has no objection to the grant of permission subject to conditions to ensure that the development is provided with adequate drainage arrangements.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published on 1/6/12, site notices were posted on 30/5/12 and neighbours were notified by letter on 24/5/12.

Two objections have been received from local residents.

The resident of a house on Acre Avenue, and bounding the site, objects on the grounds that the proposed development will :

- Reduce privacy within their house and garden, decrease natural light to the property and restrict view of the landscape.
- Change a very quiet area into a noisy one, with many families / low cost housing.
- Force the wildlife out of the area.

The other objection raises concern about the density of dwellings in the area, states that the junction of Acre Mill Road / Acre Avenue is already dangerous and hopes additional highway safety measures will be taken in view of the increased construction and domestic traffic resulting from the development.

8. ASSESSMENT

In dealing with this application the main issues which need to be considered are :

- 1) Principle
- 2) Housing Policy
- 3) Contamination & Ground Stability
- 4) Design & Appearance
- 5) Neighbour Amenity
- 6) Access/Parking

Principle

The site lies within the Urban Boundary of Stacksteads and the proposal is for erection of a slightly smaller number of dwellings than is the extant permission.

Accordingly, the proposed development is considered appropriate in principle.

Housing Policy

The proposal will result in all the units on the site being provided as 'affordable housing' and will provide accommodation for occupiers of the proposed dwellings with the amenities they could reasonably expect to enjoy.

Contamination & Ground Stability

The Ground Condition Report accompanying the application considers the site to be capable of development for residential purposes but recommends further intrusive Site Investigation be carried out to determine the status of contamination and to determine the geo-technical properties of the ground for foundation design. The Council's Environmental Health Unit concurs with the need for further ground investigation before construction proceeds. A Condition to this effect is recommended.

Design & Appearance

The scale and layout of the proposed development is considered appropriate, 2-storey buildings arranged around cul-de-sac in-keeping with the surrounding residential development.

Construction of the dwellings with stone, or a good artificial substitute, would be preferable to the use of the intended buff and red brick (particularly for the houses fronting Acre Avenue). However, the applicant has indicated that for cost reasons this is not possible and, such is the mix of house types and facing materials in the local area, the resulting dwellings will not appear unduly prominent and incongruous.

In order that those dwellings proposed towards the southern boundary of the site have rear gardens that are level it is intended to cut back the embankment and retain the land. I am not averse to this, however it would be preferable for the land to be retained by a stone-faced wall rather than the 1m-2m high gabion walls intended. The applicant has indicated that for cost reasons this is not possible and the resulting gabion walls will, for the most part, be hidden from public view behind proposed houses.

To accommodate the proposed development the applicant intends to remove most of the tree/shrub cover that has grown on the boundaries and within the site, as would implementation of the extant permission or any residential development of the site at broadly 30 units per hectare. Whilst comprising largely of self-seeded sycamores and willows, I nevertheless think it desirable that the applicant be required to retain the hedgerow down the eastern boundary of the site and a handful of the trees near to site boundaries for their landscape and ecological value unless the further Ground Condition work they must undertake demonstrates removal is necessary to remediate the site sufficiently to enable residential use.

Neighbour Amenity

The proposed layout will result in dwellings that meet the Council's spacing standards of 20m window-to-window and 12m window-to-gable except in relation to the 3 houses proposed to the rear of the houses at 19, 21 and 23 Acre Avenue. Here the separation distance window-to-window will range between 18m and 19m and, as the existing houses are at a lower level, a separation distance of more than 20m would normally be sought. However, the separation distance now proposed is greater than would result from implementation of the extant permission and cannot be further increase without grubbing-up of part of the already-constructed turning-head. The level at which the cul-de-sac head and its drainage system have been constructed also prevent the level of the proposed houses being lowered any further.

That the applicant wishes to provide the 5 houses they propose to the rear of 15-23 Acre Avenue with level gardens by raising of the existing ground level and erection of gabion walls of 1m in height on the boundary is a concern, particularly as the retaining wall would be topped by 2m high timber fencing, some of the houses proposed here to have also a timber shed near to the party-boundary. I am not persuaded that this raising of levels near to the party-boundary with existing properties is necessary, or the resulting appearance of the works here to adequately mitigate harm to the amenities of the existing residents; accordingly, a condition is proposed to require further approval of the Council of the levels/boundary treatments.

Access/Parking

Do not object to the above planning application on highway grounds.

LCC parking standards have been satisfied by the provision of 2 off-street parking spaces per dwelling, with the exception of 6 plots that have 1 space. These 6 plots are within the development

and any additional vehicles that are parked on the highway will not cause any highway safety concerns as they are away from road junctions and other existing properties.

The road layout could be amended outside Plot 17, thereby increasing the size of its front garden and the desire line for pedestrians.

The highway authority has not objected to the proposed development. It is satisfied that the local highway network can accommodate the traffic generated by the development now proposed and adequate parking provision is to be made available to meet the needs of its residents and visitors. As requested by LCC Highways, the road layout has been amended outside Plot 17, thereby increasing the size of the front garden and improving the desire line for pedestrians.

The objection of a local resident to the proposal because of its highway safety implications for the Acre Mill Road / Acre Avenue junction and generally was forwarded to LCC Highways for comment. In response it has advised :

“There is no history of any injury accidents at this junction in the previous 5 years and the speed limit in the whole residential area will be reduced from 30mph to 20mph in the near future.

“It would not be necessary to introduce any additional features.”

Planning Contributions

To accord with the Council’s approved open space and play equipment contributions SPD would require the developer to contribute £1,366 for each of the 38 dwelling units proposed.

However, the applicant advises that it is unable to make such a contribution for viability reasons if all units are to be Affordable Housing. In this instance, I do not consider it would be appropriate to recommend refusal of the application in the absence of such a payment so long as the dwellings are indeed provided as Affordable Housing. In arriving at this view I am mindful that the implementation of the extant permission requires none of its 44 dwellings to be provided as Affordable Housing and no open space and play equipment contribution.

10. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle for a site within the Urban Boundary of Stacksteads, with extant permission for residential development and will contribute positively to meeting the Borough’s need for Affordable Housing. Furthermore, subject to the Conditions, the scheme will not detract to an unacceptable extent from visual and neighbour amenity, flood risk, ecological value or public and highway safety. The development has been considered most particularly in light of Policies RDF1/L4/L5/RT2/RT4/EM1/EM2/EM5 of the Regional Spatial Strategy and Policies AVP2/1/2/3/4/23/24 of the Rossendale Core Strategy DPD (2011).

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Within six weeks of commencement (or such longer period as may be approved in writing by the Local Planning Authority), a scheme for the provision of the development hereby permitted to be delivered as affordable housing shall be submitted to the Local Planning

Authority for their written approval. No dwelling hereby permitted shall be occupied until the affordable housing scheme has been approved by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (March 2012) or any future guidance that replaces it, unless otherwise approved in writing by the Local Planning Authority. The scheme shall include:

- i) Confirmation of the housing tenure with the details of the locations/plots for any mix of tenure;
- ii) The arrangements for the transfer/management of the affordable housing to an affordable housing provider;
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To secure the provision of Affordable Housing, in accordance with the application submission, to contribute to meeting housing needs as identified in the Council's Strategic Housing Market Assessment (2008) and Policy L5 of the Regional Spatial Strategy for the NW of England (2008) and Policy 4 of the Council's adopted Core Strategy DPD (2011).

3. Prior to the commencement of construction of any of the dwellings hereby permitted:
 - a. Details of the Phase II investigation to be carried out shall be agreed with Local Planning Authority and the results submitted and approved in writing by the LPA.
 - b. 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.
 - c. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with approved details.
 - d. Should remediation be required a Verification 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 occupation of that part of the development hereby approved.

Reason : To ensure the site is properly remediated and any risk to human health and controlled waters is minimised, in accordance with the recommendations of the submitted Ground Condition Report and Policy 24 of the RBC Core Strategy DPD (2011).

4. Notwithstanding what is shown on the approved drawings, prior to the commencement of construction of any of the dwellings hereby permitted, details of foul and surface water drainage arrangements to serve the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with United Utilities-Water). The submitted scheme shall provide for :
 - a) The surface water from this site to discharge to the nearby surface water sewer at a rate not exceeding 30l/s; &
 - b) No buildings to be constructed within 3m of an existing sewer.The approved scheme shall be completed prior to first occupation of any of the dwellings, or as otherwise first agreed in writing by the Local Planning Authority.

Reason : To ensure proper drainage arrangements and minimise the risk of flooding, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).

5. Prior to the commencement of construction of any of the dwellings hereby permitted samples of facing materials to be used in the elevations and roofs of the proposed houses,

and any retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved materials.
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

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 submitted scheme shall provide details of : a) walls/fences/gates/hard-paved areas/sheds; b) the planting on and adjacent to the site to be retained and the protection to be afforded it during construction; c) the types and numbers of trees and shrubs to be planted on the site, and their size and distribution; & d) any changes of ground level or landform.

Reason : In the interests of visual and neighbour amenity, wildlife value and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

7. All hard-surfaced areas/walls/fences/gates/sheds 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 approved measures for protection of planting to be retained shall be adhered to. All new planting, seeding or turfing forming part of the approved scheme of landscaping/ boundary treatment shall be carried out in the first planting and seeding seasons following substantial completion of the dwelling to which they relate/are nearest. Any trees or plants in the approved scheme 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 neighbour amenity and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

8. Prior to first occupation of the dwellings hereby permitted their car parking areas shall be provided with a hard permeable surface, with a length of not less than 6m, and thereafter kept freely available for use as such.

Reason: In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

9. Prior to first occupation of any of the dwellings hereby permitted the proposed cul-de-sac shall be made-up to a standard that would enable adoption by LCC (Highways), including street lighting.

Reason: In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

10. Any demolition/remediation/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 24 of the Rossendale Core Strategy DPD (2011).

11. Prior to any demolition works, ground contamination remediation works or construction works associated with the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority providing details of :

a) The siting of the Construction Compound;

- b) The routing to be used by lorries associated with the construction of the development hereby permitted and means by which the wheels of those vehicles will be cleaned before leaving the site.
The approved scheme shall be implemented.

Reason: To protect the amenities of neighbours and avoid the possibility of the public highway being affected by the deposit of mud and/or loose material, in accordance with Policy 24 of the RBC Core Strategy (2011)