

Application Number:	2011/556	Application Type:	Full
Proposal:	Erection of 5 houses with Amenity Area to side	Location:	Land off Lawson Street, Crawshawbooth,
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	16 October 2012
Applicant:	Mr F Birt	Determination Expiry Date:	19 September 2012
Agent:	Mr D Somers		

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

1. RECOMMENDATION

That the application be approved for the reasons set out in Section 10 of the Report

2. SITE

The application relates to an area of land of approximately 0.16 hectares to the south side of Lawson Street. It is faced by 1-11 Lawson Street, a terrace of houses on the north side of this unadopted street, and is to the rear of terraced houses at 704 – 722 Burnley Road.

In part a former garage site, the land is now of poor appearance, with large areas overgrown and most of the garages now gone, only their bases remaining. Although most of the land is relatively level it falls away towards the south west, meeting an area of hardstanding accessed from Turton Hollow Road. To the west are fields with commercial premises to the other side of Stoneholme Road (including those of Killelea).

Lawson Street is not properly surfaced and possesses a proper footway only in front of 1-11 Lawson Street. As the houses in the vicinity lack off-street parking of their own Lawson Street is commonly congested with parked cars along its length; residents have taken to parking on part of the application site.

The area is predominately residential, consisting of mainly two storey stone and slate dwellings, although the rear elevations of the properties along Burnley Road facing the application site have been rendered. Crawshawbooth Primary School is located on the opposite side of the main road to 704 – 722 Burnley Road. A pedestrian-crossing is located to the front of these houses and there are bus stops in the immediate vicinity.

The site lies within the Urban Boundary of Crawshawbooth.

3. RELEVANT PLANNING HISTORY

1989/825 Erection of 3 Dwellings accessed from Turton Hollow Road (Outline)
Approved. Its site included part of the current application site.

4. THE PROPOSAL

Having received objection from the Highway Authority and conveyed my own concerns about the originally submitted layout to the Agent they agreed to amend it.

As amended, the application now seeks permission for the erection of a terrace of five 3-bedroomed houses, with their fronts facing east, towards the rear elevations of houses fronting Burnley Road. The properties would be 3-storey, constructed in reconstituted stone under tile roofs. The ground floor of each would contain an integral garage, with a parking space in front.

The properties would be accessed from Lawson Street by means of a private drive running adjacent to the rear boundary of 714-722 Burnley Road and terminating behind 708-712 Burnley Road with a turning facility. Lawson Street itself would be provided with a new tarmac surface, with a new footway formed to the north side of 722 Burnley Road.

The north gable of the proposed terrace would be 17m from the existing houses on the opposite side of Lawson Street. This setback is to enable provision of 6 off-street parking spaces for use by the existing residents of Lawson Street and a communal area for bin storage. The proposed houses would have their fronts just over 20m from the rear elevations of houses on Burnley Road.

As part of the scheme the applicants also propose a landscaped amenity area to the south side of the proposed houses.

The application is accompanied by a contaminated land report and a transport assessment, and the applicant has advised that the houses would be constructed to BREEAM requirement 'good' and would have grey water systems and solar pre heating for hot water.

5. POLICY CONTEXT

National Planning Guidance

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 11 Conserving and Enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

- Policy DP1-9 Spatial Principles
- Policy RDF1 Spatial Priorities
- Policy L4 Regional Housing Provision
- Policy RT2 Managing Travel Demand
- Policy RT4 Management of the Highway Network
- Policy EM1 Environmental Assets
- Policy EM5 Integrated Water Management

Rossendale Core Strategy DPD (2011)

- AVP 4 Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- 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 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

6. CONSULTATION RESPONSES

RBC (Env Health)

No objection subject to a Contaminated Land condition.

RBC (Property Services)

Notice has been served on the Council in relation to a rectangular strip of land within the submitted red edge. Property services have no objection to the scheme.

LCC (Highways)

In respect of the originally submitted scheme it had objection on highway grounds unless the following problems could be addressed :

- The turning area is insufficient for a large vehicle to turn around and exit in forward gear and requires amendment.
- The garages should be 3m x 6m internally and the driveways need extending to be 6 metres in length.
- The visibility from the new access road onto Lawson Street is below the recommended standard and requires the vegetation within the rear garden of number 722 Burnley Road removing and the boundary fence lowering to 900mm in height (maximum).

As a result of amendment of the scheme it has commented as follows :

- Lawson Street and the access road to the properties should be made up to an adoptable standard.
- It should be investigated whether the landowner of Lawson Street would enter into a Section 38 Agreement to dedicate the land as highway and subsequently it could be maintained in the future by the Highway Authority. This would be preferable for the potential buyers of the new properties and the current owners.
- There is a high demand for parking on Lawson Street and it will be necessary for the applicant to enter into a 106 agreement to fund the investigation into the possibility of a parking restriction at the junction of Lawson Street and Manchester Road to ensure highway safety is maintained. The estimated cost is £1,500.

LCC (Ecology)

No objection. It seems reasonably unlikely that the application holds any significant biodiversity value, or that proposals would result in any significant impacts on biodiversity. However, the presence of protected species or priority species cannot be ruled out entirely. The applicant should be made aware of the regulations and the area checked prior to commencement of development or site clearance.

7. REPRESENTATIONS

To accord with the General Development Procedure Order 3 site notices were posted on the 24/11/11 and 45 neighbours were consulted by letter on the 17/11/11 in respect of the originally submitted proposal.

Seven objections were received, (one of which is also made on behalf of two other residents) raising the following points:

- Height of houses
- Refuse area would be unsightly and cause smells, the houses should have room for their own waste
- Loss of light, privacy and outlook to rear of No.714 Burnley Road and light to No.7 Lawson Street
- Noise from increase in traffic and development
- The area is now regularly used by local children as a play area and has been tidied up since the application information was compiled
- Parking is already restricted on Lawson Street, and gets worse during school opening/closing hours
- Increase traffic will cause greater problems when exiting on to Burnley Road
- Impact on ecology
- The land may be contaminated

- Existing problems with sewage, the development would require a full inspection/upgrade of existing system

On 20/09/2012 neighbours and previous objectors were re-consulted in respect of the amended drawings.

The following additional comments have been received:

- There has been no change to the height of the houses, the positioning of the houses or the road that is planned to run beside the back gate of No. 720 Burnley Road
- The occupier of 4 Church Street has submitted land registry plans and title, claiming that he owns a garage on the land.

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; and 5) Access/Parking.

Principle

The site is in a sustainable location within the Urban Boundary and would make good use of vacant/derelict land. The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as a Category 1 site and has had a previous outline permission granted for residential development. Accordingly, the proposed use is considered acceptable in principle.

Housing Policy

Policy 3 of the Core Strategy identifies that some housing is permissible in the ward of Goodshaw. It is considered that an additional 5 houses on this site would not have a negative impact on the infrastructure/services of the community. Having regard to the number of dwellings proposed there is no need for any of them to be provided as Affordable Housing. Accordingly, the scheme is therefore considered acceptable in terms of Housing Policy.

Visual Amenity

The terraced form of the houses would be consistent with that in the area. Although three storeys, the ridge-height of the proposed terrace would be less than 1 metre higher than of the terraces of 2-storey houses on Burnley Road and Lawson Street. The design of the proposed townhouses does not mimic the surrounding houses, possessing integral garages, but will not appear unduly prominent or incongruous in the street-scene. The proposed amenity space, subject to being appropriately landscaped and maintained as specified would provide a well configured and accessible area of open space.

Overall it is considered that the scheme would enhance the appearance of the area.

Neighbour Amenity

Separation distances from neighbouring properties are considered acceptable so as to avoid undue loss of outlook, light and privacy. As the properties are of similar heights to those surrounding it is considered that they would not appear unduly overbearing. Furthermore, residents of the existing houses on Lawson Street will benefit from its surfacing and provision of off-street parking spaces. The scheme is considered acceptable in terms of neighbour amenity.

Access/Parking

Having regard to the amended plans LCC Highways is now satisfied that the proposed dwellings would be provided with sufficient parking and adequate access to avoid overspill onto Lawson Street.

Additionally, the Highway Authority has sought the making-up of Lawson Street to adoptable standard, although traffic from the proposed development will use only half of its length. The application is not proposing this. The amended drawings propose tarmacing of its full length and provision of a footway to the north side of 722 Burnley Road, with an off-street parking area within their own site for parking of 6 cars by existing residents of Lawson Street. I concur with the view of LCC Highways that the applicant should be required to enter into a S.106 Obligation to secure payment of £1,500 to fund introduction of a parking restriction at the junction of Lawson Street and Manchester Road.

On this basis I do not consider that the scheme would unduly harm access/parking in the area.

9. SUMMARY REASON FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to the accompanying S.106 Obligation and the conditions, it is considered that it will not result in unacceptable detriment to visual & neighbour amenity or highway safety, having regard to the NPPF (March 2012), Policies DP1-9/RDF1/L2/L3/L4/EM1 of the Regional Spatial Strategy for the NW of England (2008) and Policies 1 / 8 / 9 / 16 / 17 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That Permission be granted, subject to:

- a) Completion of a Legal Agreement to ensure payment to the Council of £1,500 to fund a Traffic Regulation Order at the junction of Lawson Street and Manchester Road.
- b) The following Conditions.

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 development shall be carried out in accordance with the drawings numbered 02, 03 and 04 received 17 November 2011 and the amended site plan Rev E and the amended Design and Access Statement dated 14 September 2012 by the LPA, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.
Reason: To accord with the permission sought.
- 3 No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed houses, have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties and to comply with Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).

- 4 Notwithstanding what is stated on the application forms and approved drawings samples of the stone and tiles to be used in the development hereby approved shall be submitted to the Local Planning Authority for their prior approval in writing.
Reason: To ensure a satisfactory appearance to the development and to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).
- 5 All parking spaces shown on the approved drawings shall be made available prior to first use of any of the dwellings hereby permitted, together with the access roads thereto and the footway to be formed to the north side of 722 Burnley Road, and thereafter kept freely available for use as such.
Reason: In the interests of highway safety, and to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).
- 6 No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the houses.
Reason: To provide adequate privacy and an acceptable external appearance and to comply with Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).
- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
Reason: In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990 and to comply with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).
- 8 Prior to the commencement of construction :
- 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; if during any works on site other contamination is found or suspected the Local Planning Authority shall be notified immediately and, where required, a suitable risk assessment and remediation works carried out in accordance with a scheme and timetable agreed with the Local Planning Authority.
 - 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 the buildings 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).

- 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 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 neighbours, in accordance with Policy 24 of the Council's Core Strategy DPD (2011).