

**TITLE: APPLICATION 2005/602
REVISED PLOT LAYOUT AND SUBSTITUTION OF HOUSE TYPES &
ASSOCIATED GARAGES ON PLOTS 62-116
LAND BETWEEN DOUGLAS ROAD & TONG LANE, BACUP**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 8 MARCH 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT : MCDERMOTT DEVELOPMENTS LTD

DETERMINATION EXPIRY DATE : 22/1/06

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.

Introduction

This application was first reported to Committee on 10 January 2006, with the comments of 9 local residents appearing on the Late Items Up-Date Report, having been received after the report appearing on the main agenda had been prepared. Committee resolved to defer decision in order that further consultation could take place on this application.

I have since re-advertised the application for 21-days on the basis of an amended description by way of five site notices. Since 10 January I have received a letter from the Forest of Rossendale Bridleway Association, 8 from local residents (some of whom had previously commented) and one on behalf of Irwell Residents Association.

The report appearing below has been amended accordingly.

Background

Development has begun on the largest site in Bacup allocated in the Rossendale District Local Plan for residential development, Reserved Matters Approval having been granted in May 2005 for the erection of 194 houses on a site approaching 9 hectares in area and located between Douglas Road and Tong Lane (2004/401).

Proposal

Rather than complete the approved scheme in full a further Reserved Matters Approval is sought to vary the house types on a part of the site having an area of approximately 1.5 hectares and bounding existing houses fronting Ronaldsway Close and Onchan Drive.

This proposal will result in no increase in the number of dwellings on the site, nor change the previously approved highway layout or the play space/ public open space to be provided. It is now intended that this part of the site be occupied by 28 3-bedroomed houses and 27 4-bedroomed houses, 3 of the latter to be of 3-storeys in height.

Consultation Responses

None.

Notification Responses

A letter has been received from the occupiers of a house on Onchan Drive. It seeks clarification of various matters, most particularly:

- 1) whether there will be access to the proposed development from Onchan Drive and, if not, how this is to be prevented; and
- 2) what type of trees are to be planted on the boundary between the application site and houses fronting Ronaldsway Close.

A Statement of Objection has been received from Irwell Residents Association and letters of objection from residents of 15 properties on Ronaldsway Close. They indicate that this application proposes development that will cause them significantly greater detriment than would implementation of the previously-permitted scheme.

They say that:

- the previously-permitted scheme would result in low-density development behind their houses (appearing open and unobtrusive by virtue of having just a few house gables and the sides of gardens close to the party boundary).
- the current proposal is objectionable as it will result in an unbroken line of houses with their rear elevations facing their own properties. As a consequence, the development will appear of higher density, the elevated and unbroken line of buildings restricting light to/outlook from their own properties and is likely to result in greater loss of privacy/noise disturbance for them.

A number of these residents also seek an assurance that there will be a footpath-link from the end of Onchan Drive out to Tong Lane.

The Forest of Rossendale Bridleway Association advises that prior to the commencement of development of the site there was a path extending from the end of Onchan Drive that was used by pedestrians, cyclists and horse-riders to get to Tong Lane. It indicates that it has evidence of horse use of this route for more than

26 years (sufficient to claim it as a bridleway), and wishes the submitted scheme to be amended so horses can continue to pass between Onchan Drive and Tong Lane.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

Most notably, the application site is located within the Urban Boundary of Bacup and is specifically allocated for residential development.

- DS1 - Urban Boundary
- E13 - Noise Sources
- DC1 - Development Control
- DC2 - Landscaping
- DC3 - Public Open Space
- DC4 - Materials
- T6 - Pedestrians

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes

Other Material Planning Considerations

- PPS1 - Sustainable Development
- PPG3 - Housing
- PPG13 - Transport
- PPG17 - Sport & Recreation
- PPG 24 - Noise

LCC Parking Standards

Rossendale BC Housing Position Statement

Bacup, Stacksteads & Britannia Area Action Plan (Review of Sites)

Planning Issues

Since permission exists for the erection of 55 houses on this part of the site, and the current application proposes no more than this, there is no objection to the proposal in terms of principle/housing policy.

This being the case, the main issues which need to be considered are : 1) The mix of dwellings; 2) The design and appearance of the development; 3) Neighbour amenity; & 4) Access Arrangements.

Mix of Dwellings

In comparison with the permitted scheme, the current proposal will somewhat increase the proportion of 4-bedroomed dwellings; implementation of the earlier permission would result in 36 houses with 3-bedrooms and 19 with 4-bedrooms. The current application will result in a more equal split between these two house sizes on this part of the site. Nevertheless, I am satisfied a suitable mix of dwelling sizes/types will be maintained, 60% of the houses on the site as a whole to be of 3 or less bedrooms.

Design and Appearance

The proposed dwellings are of satisfactory design, and the use of brick and concrete roof-tiles for their construction will ensure that they are in-keeping with the adjacent houses (existing and proposed).

Neighbour Amenity

The proposed houses will provide their occupiers with the amenities they could reasonably expect to enjoy, without causing unacceptable detriment for any neighbours.

Contrary to the understanding of many of the objectors, I would advise that implementation of the previously permitted scheme would result in newly-built dwellings having their rear elevations facing towards the backs of existing dwellings on Ronaldsway Close. The scheme does differ in that it will result in five houses with their rear elevations facing towards 14-24 Ronaldsway Close, rather than have the gables of two houses stand 4.5m from the party boundary. The rear gardens belonging to the houses of these objectors are 17.5+m in length and the gap between their houses and those now proposed will be 29+m. This being the case, I am satisfied that the current proposal will not cause the objectors an unacceptable loss of privacy/noise disturbance, subject to appropriate landscaping/boundary treatment (Conditions 4 & 5 are intended to secure this). Whilst the outlook for these neighbours will be somewhat changed by this proposal I do not consider that they will experience an unacceptable loss of light or outlook.

ACCESS ARRANGEMENTS

As stated above, the applicant has not proposed any change to the previously-permitted road layout. Most particularly, the previously-permitted road layout did not provide for Onchan Drive to serve as vehicular access to any of the new houses and this is not now proposed.

There is not a definitive public footpath or bridleway extending from the end of Onchan Drive out to Tong Lane, nor did the previously-permitted scheme provide for this. Nevertheless, I consider it desirable and appropriate that a footpath-link be provided and the applicant is willing to provide it. Accordingly, a condition to this effect is recommended. I am not persuaded that the case can be made for requiring the applicant to provide this 'link' in the form of a bridleway. However, if the Forest of Rossendale Bridleway Association (on application to Lancashire County Council) is able to substantiate the existence of a bridleway here, or the applicant wishes to provide it, the footpath-link I envisage could be readily adapted without significant detriment for any neighbours or vehicular-use being possible.

Recommendation

That reserved matters approval be granted subject to the following conditions :

1. The development shall be carried out in accordance with the amended Site Layout Plan (Drwg No 3211/10A rev G), received on 16/12/05, and the slab levels shown on Drwg No 3211/100, received on 24/10/05, unless otherwise first agreed 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 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 residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

3. No development shall not be commenced until full details, including representative samples, of the external construction to be used on the roof and walls of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

4. 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.

5. 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.

6. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the local planning authority. The scheme shall be completed in accordance with approved plans.

Reason: To reduce the risk of flooding, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

8. The traffic calming features shown within the site shall be designed and implemented to be conducive to the implementation of a 20 mph zone covering the whole of the development site, with the developer funding all costs associated with the appropriate legal processes and signing.

Reason : In the interests of highway and pedestrian safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

9. None of the dwellings hereby approved shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local plan.

10. That part of each drive extending from the kerb line/edge of carriageway for a minimum distance of 7.5 metres into the site shall be paved in permanent construction, in accordance with details to be first approved in writing by the Local Planning Authority, prior to first occupation of the dwelling to which it relates.

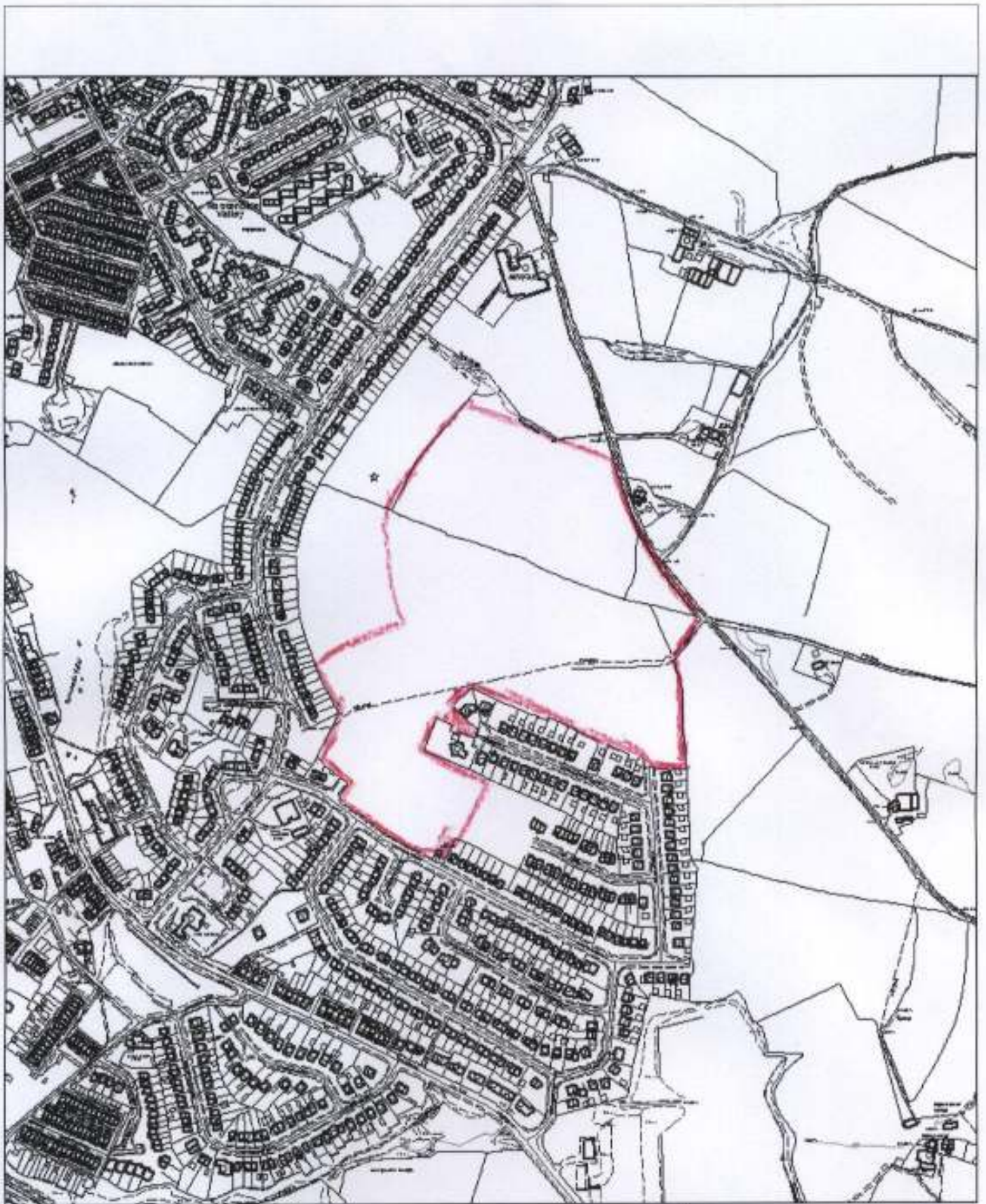
Reason: To prevent mud/loose surface material from being carried on to the public highway, and causing a potential source of danger to other highway users, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

11. Prior to first occupation of any of the dwellings on Plots 67-75 a footpath shall be provided between the accessway serving them and Onchan Drive, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of pedestrian access, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

Notes for Applicant

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath No. 445 affects the site.
2. Under the Highways Act 1980 Section 184, the County Council as Highway Authority must specify the works to be carried out within the highway. 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.



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Scale 1:5000 Date: 27/02/2006

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