

Application Number:	2009/340	Application Type:	Outline
Proposal:	Erection of 4 dwellings	Location:	Land opposite 44-60 Lee Road, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	19 March 2013
Applicant:	Boundary Edge Developments Ltd	Determination Expiry Date:	15 February 2010
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):	

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 9.

2. The Site

This application relates to a broadly D-shaped piece of land situated at the bottom end of Lee Road, to the east side of the road. At this point of Lee Road the carriageway is poorly surfaced and lacks proper footways, the front of the site crossed by overhead wires belonging to BT.

The site has a frontage to this road of approx 70m in length, and depth of approx 30m (at its maximum). Whilst there are 3 dilapidated garages at its north end, A high stone wall running

for the greater part of the site frontage screens it to a significant degree from the road and houses, although it open to view through the mouth to it at the northern end. The land immediately behind the wall is fairly level and of unkempt/overgrown appearance, but towards the back of/behind the site rises up steeply and is occupied by trees.

3. RELEVANT PLANNING HISTORY

2005/678

In January 2006 DC Committee considered an application seeking Outline Permission for the erection of 4 dwellings on the land immediately to the north of the site. In September 2007 Reserved Matters approval was granted, the permitted scheme providing for erection of houses of 3-storeys in height and stone/slate construction, with a layout providing additional hardstanding at the southern end in lieu of the garages to be demolished (2007/422). This permission has not been implemented and is now time-expired.

2007/762

This application proposed erection of 8 bungalows on the site of the current application but was withdrawn by the Applicant.

2008/765

This application proposed erection of 4 houses on the site of the current application but was withdrawn by the Applicant.

4. PROPOSAL

This application seeks Outline Permission for the erection on the site of four dwellings, together with details of the Access, Layout, Scale and Appearance of the development; only the matter of Landscaping is reserved for later consideration.

Each of the proposed dwellings is to possess 4 bedrooms within a building having an L-shaped footprint and providing accommodation over 2 floors. The dwellings will have an eaves height of 2.6m and a ridge height of 6.1m, with the first-floor space accommodated within the roof-void. Each will have a gable facing towards Lee Road, with a first-floor window visible in the pike and roof-lights in one roof-plane. It is intended that they have concrete tiled roofs and external walls of stone, except for rear elevations, which are to be rendered.

The high stone wall fronting the site is to be retained and a new drive to be formed behind it allowing 3 cars to park within the curtilage having access the site through the existing opening at its northern end.

To create a level platform for the dwellings there has already been a degree of excavation into the bank rising towards the rear of the site. The submitted drawings indicate that it is intended to construct two lengths of retaining wall (that to the north side of approximately 1.5m in height and that to the rear of approximately 1.8m in height) and thinning of the trees remaining on the bank.

The application was accompanied by a Ground Condition report that indicate that the front portion of the site was formerly a reservoir and it is likely that there is contamination in the materials used to infill the reservoir that needs to be dealt with prior to erection of the dwellings. Furthermore, it identified that there is a landfill site and other areas of infilled ground within 250m, making for a potential for landfill gas to be generated.

A follow-up report has now been received, after completion of further intrusive investigations and assessment of the risks posed by the materials used to infill the reservoir and from the presence of gas. It has concluded that the material used to infill the reservoir is largely quarry waste, making it unnecessary to remove/provide particularly stringent gas protection measures but necessary to use piled foundations/import soil to give a suitable depth of cover within gardens of the proposed dwellings.

5. POLICY CONTEXT

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- 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 challenge of climate change, flooding & coastal change
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Regional Spatial Strategy for the NW (2008)

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- L1 Health, Sport, Recreation, Cultural & Education Services Provision
- L4 Regional Housing Provision
- L5 Affordable Housing
- RT2 Managing Travel Demand
- RT4 Management of the Highway Network
- RT9 Walking and Cycling
- EM1 Environmental Assets
- EM2 Remediating Contaminated Land
- EM3 Green Infrastructure
- EM5 Integrated Water Management

Rossendale Core Strategy DPD (2011)

- AVP2 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 & Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- LCC Planning Obligations in Lancashire (2008)
- RBC Open Spaces & Play Equipment Contributions SPD (2008)

6. CONSULTATION RESPONSES

RBC Environmental Health

Having taken the advice of Urban Vision, and reviewed the follow-up report of the Applicant, in respect of ground conditions it is satisfied that the site is capable of accommodating the proposed development without undue risk to public health, subject to Conditions.

LCC (Highways)

No objection to the amended Site Layout, subject to :

- the reduction/retention of boundary walls adjacent to the access-point at a height of 0.9m; &
- the private drive/parking spaces being suitably surfaced/drained and thereafter kept available for use as such.

United Utilities

No objection.

The site should be drained on separate systems, with foul drainage only connected into the foul sewer and surface water discharging to a soakaway/watercourse/surface water sewer; if surface water is to discharge to a public sewer flow from the site may require attenuation to a discharge rate determined by UU.

A domestic water supply can be made available to the proposed development.

United Utilities (Electricity)

No objection.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a site notice posted on 18/12/09 and letters sent to the relevant neighbours on 21/12/09.

An objection has been received from the resident of one of the terraced houses on the opposite side of Lee Road. They do so for the following reasons :

- Lee Road is already congested with parked cars and traffic - it will be impossible to get a fire engine or ambulance to the properties
- The proposed access-point is unsafe due to lack of visibility
- The site is too small to accommodate for dwellings and their parking
- Loss of privacy due to overlooking from the proposed dwellings
- Badgers/setts in the vicinity of the site and the site itself was of wildlife value until despoiled by the Applicant

8. ASSESSMENT

The main considerations of the application are :

1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; & 5) Access/Parking.

Principle

The site is located within the Urban Boundary and planning permission has previously been granted for residential development of the land immediately to its north.

Accordingly, there is no objection in principle to the proposal.

Housing Policy

The size of the site, and number of dwellings proposed for it, are such that Policy 4 of the Core Strategy does not require any of the units should be provided as Affordable Housing.

Visual Amenity

The site is presently of poor appearance. The proposed dwellings are of a siting, size and form they will not appear unduly prominent or intrusive, to a degree hidden from Lee Road as the high frontage wall is being retained and will be viewed against the backdrop of the steeply rising land to the rear. They are to be constructed with appropriate facing materials, with the external front/side walls of stone and concrete tiled roofs.

Neighbour Amenity

The occupiers of the proposed dwellings will have the amenities they could reasonably expect to enjoy, although the rear garden space associated with certain of the units will be limited due to the steeply rising land to the rear.

The proposed dwellings will not detract to an unacceptable extent from the privacy, light and outlook of occupiers of the houses on the opposite side of Lee Road. The scheme has been devised to avoid interfering with on-street parking by residents of these houses.

Access/Parking

The scheme will not add significantly to the traffic on Lee Road and adequate off-street parking is proposed to meet the needs of residents of the proposed houses. The Highway Authority has raised no objection to the proposal, subject to conditions, that are included below.

9. RECOMMENDATION

That Permission be Granted subject to the Conditions below.

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. The development shall be carried out in accordance with the Site Layout drawing date stamped 22 March 2010 and House Type drawing date stamped 21/12/09, unless first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and to protect visual & neighbour amenity and highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).
3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To ensure the development complies with the approved plans and to protect visual & neighbour amenity and highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

4. The external facing materials detailed on the approved plan(s) shall be used and no others substituted without the prior written approval of the Local Planning Authority, namely natural local coursed stone for front and side elevations of buildings and grey concrete roof tiles.

Reason : In the interests of visual amenity, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

5. Notwithstanding any such detail shown on the submitted drawings, before the development hereby permitted is first commenced full details of landscaping/boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate : the existing trees to be retained and how they are to be protected during construction works; types and numbers of trees and shrubs to be planted, and their distribution on site; those areas to be seeded, paved or hard landscaped, and the materials to be used for this; together with details of walls/retaining walls/fences/gates to be erected; and detail any changes of ground level or landform associated therewith. The approved details of hard surfacing and walls/retaining walls/fences/gates to be erected shall be completed prior to first occupation of the dwellings, unless otherwise first agreed in writing by the Local Planning Authority. The approved details of soft landscaping shall be completed in the first planting season thereafter and any plants or shrubs that are removed, die or become seriously damaged or diseased within 5 years shall be replaced by others of the same siting, species and size in the following planting season, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In the interests of visual and neighbour amenity, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

6. None of the dwellings hereby permitted shall be occupied until its parking facilities have been paved in permanent permeable material, and that part of the service road which provides access to it from Lee Road has been paved in permanent material (& to avoid surface water run-off to Lee Road) and the frontage wall has been reduced to a height of not more than 0.9m within 5m of the access point. The vehicle parking and manoeuvring areas shall thereafter be kept freely available for use as such.

Reason : In the interests of highway safety, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

7. Prior to the commencement of construction of the dwellings hereby permitted the first 20m of the estate road to serve them (as measured from the carriageway of New Line) shall be constructed to at least base-course.

Reason : In the interests of highway safety, in accordance with Policies RT2 / RT4 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (2011).

8. The shell-&-auger method shall be used to form any piled-foundations, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To protect the amenities of neighbours, in accordance with Policies 1 / 24 of the Council's 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 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 the Policy 1 / 24 of the Council's Core Strategy DPD (2011).