

Application Number:	2013/0065	Application Type:	Full
Proposal:	Erection of a pair of semi-detached houses, with one detached garage and associated hardstanding	Location:	Land adj 101 Bankside Lane, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	19 March 2013
Applicant:	Mr R Schofield	Determination Expiry Date:	11 April 2013
Agent:	T D Jagger Ltd		

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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 checked="" type="checkbox"/> 3 objections received
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 10.

2. SITE

The application site is to the south side of Bankside Lane, measures approximately 20m x 30m in area, and is vacant and overgrown with vegetation. The site slopes down from the road and has evidence of a number of 'routes' through the vegetation, although there are no designated footpaths. It was until recently owned by the Council.

The site is bounded to the North side by residential properties and to the South side by a garage court. To the opposite side of Bankside Lane are residential properties elevated above the level of the road and the site, whilst to the rear the site bounds in part with the grounds of The Coach House (with mature trees near boundary) and in part with an open field. There are two public sewers that run underneath the site.

The site and land surrounding it lie within the Urban Boundary of Bacup, the open field to the rear designated as Greenlands.

3. RELEVANT PLANNING HISTORY

1982/0249 Outline – erection of 3 dwellings
Withdrawn

2009/0440 Outline – erection of 8 lock-up garages and landscaping
Approved

2009/0623 Outline - residential development
Withdrawn

2011/0016 Outline - residential development
Withdrawn

2012/0480 Erection of one pair of semi-detached three bedroom dwellings each with detached garage and associated hardstanding
Withdrawn

4. PROPOSAL

The applicant seeks permission for the erection of a pair of semi-detached 3-bedroomed dwellings, one with a detached garage to its side and the other with a drive extending to its side.

The building would be located 10m from Bankside Lane and would be 9m from the party-boundary with the house at 101 Bankside Lane. It would have a footprint of 9m x 9.4m, with an eaves height of 5m and ridge height of 8.25m, and be constructed of brick under a concrete tile roof with rooflights.

The garage would be on that side nearest the garage court, measure 3m x 6m x 3.6m to the ridge, and be of similar facing materials.

As the site slopes down from Bankside Lane it is intended to built-up a level platform on which to accommodate the buildings and parking areas. There would be a 1.5m high retaining wall 1.5m from the rear of the building. From this retaining wall the land would descend to the rear boundary of the site, 10+m away, at its existing level.

The applicant has provided a plan showing the diversion route for the two public sewers running beneath the site.

The application is accompanied by a Badger Report, neighbours/ consultees in respect of earlier applications having expressed the need for proper survey and assessment of the site and its surroundings for badger activity. It indicates surveys found no badger setts on the site and concludes no mitigation measures are necessary other than formation/retention of a suitable commuting route for badgers through the site between Bankside Lane and the land to the rear.

5. POLICY CONTEXT

National

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 10 Climate Change

Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles

Policy RDF 1 Spatial Priorities

Policy L 2 Understanding Housing Markets

Policy L 3 Existing Housing Stock and Housing Renewal

Policy L 4 Regional Housing Provision

Policy RT 2 Managing Travel Demand

Policy RT4 Management of the Highway Network

Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

Policy EM 2 Remediating Contaminated Land

Rossendale Core Strategy DPD (2011)

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

Policy 3 Distribution of Additional Housing

Policy 8 Transport

Policy 9 Accessibility

Policy 10 Provision for Employment

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

AVP2 Strategy for Bacup, Stacksteads, Britannia and Weir

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

Natural England Standing Advice Species Sheet : Badgers

6. CONSULTATION RESPONSES

LCC (Highways)

No objection subject to the following conditions :

- To ensure the new footway is formed across the site frontage which is to adoptable standards.
- The plot without a garage should have a secure cycle store.

LCC Ecology (submitted in respect of 2012/480)

The concerns of the Lancashire Badger Group need to be addressed before the application is determined as DEFRA Circular 01/2005 states that it is essential the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

It should be demonstrated that the development has been designed to avoid impacts on badgers and their setts. If badgers would be unavoidably affected then a mitigation method statement will need to be submitted.

Lancashire Badger Group (submitted in respect of earlier applications)

There is known to be a badger population in the area surrounding the site. Its own walkover survey revealed no setts, indications of foraging or badger latrines on the site. Consideration should be given to how badgers can continue to move through the site.

United Utilities

No objection to the proposal provided that the following conditions are met: -

- No surface water from this development is discharged either directly or indirectly to the combined sewer network. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a soakaway as stated on the planning application.
- Two public sewer cross this site and we will not permit building over it. We will require an access strip width of 6 metres (3m either side of the centre line of each sewer). Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order two site notices were posted on 20/02/13 and 23 letters were sent to neighbours on 18/02/13.

Three neighbour letters have been received raising the following concerns:

- Reduction in light received to rear garden
- Invasion of privacy
- Increase parking issues
- Increase in noise
- New sewer route would cause drainage issues
- Trees near to the site are not noted - we would not want them impacted in any way.
- Concern that the badger report is inaccurate

8. ASSESSMENT

The main considerations of the application are :

1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; 5) Access/Parking; 6) Ecology.

Principle

The site is within the Urban Boundary and is located within a relatively sustainable location. The scheme is considered acceptable in principle.

Housing Policy

The application relates to a previously undeveloped site on a residential street.

The Council's Core Strategy states that housing development within the Urban Boundary of Bacup is not inappropriate. Priority, however, should be given to development on previously developed land. However, development of un-allocated previously developed land will be permitted where:

- i. It is for 100% affordable and/or supported housing schemes; or
- ii. It forms a minor part (up to 15% of the overall site size) of a larger mixed use scheme or a major housing proposal (10+ dwellings) on previously developed land or
- iii. It delivers a significant social, economic, or environmental benefit, or
- iv. The application is for a barn conversion and it can be demonstrated that the site has been marketed for economic uses for 12 months, to the satisfaction of the Council, and is not viable for these purposes

The application does not strictly conform with the above criteria. However, as discussed below, it is considered that the development would not be unduly harmful to the general character and appearance of the area. It is not considered that the creation of a couple of houses in this sustainable location within the Urban Boundary would undermine the overall aims and objectives of the Council's Housing Strategy to minimise loss of greenfield land to residential development.

Visual Amenity

The proposed building would be set back from Bankside Lane roughly in line with the neighbouring semi at 101 Bankside Lane and would be read as a continuation of the existing row of semi-detached properties. The proposed height of the building would also be similar to the neighbouring property.

The houses on Bankside Lane have been built with a mix of facing material. The intended facing materials - brick under a concrete tile roof - are similar to those of the houses at No 101 and to its north side. It is considered appropriate to condition that samples of facing materials are submitted for approval prior to commencement in respect of the buildings and retaining wall, to ensure they are in-keeping with the surrounding properties.

It is considered the scheme would not be unduly harmful to the character and appearance of the street-scene or area in general, subject to a condition also about landscaping/boundary treatments.

Neighbour Amenity

The proposed houses would not be raised above the level of the house at 101 Bankside Lane and would be 17m from its gable. There is to be a 27m+ separation from the front elevation of the houses on the opposite side of the road. Accordingly, it is considered that the proposed development will not result in significant loss of light outlook or privacy for any neighbour.

Overall the scheme is considered acceptable in terms of neighbour amenity.

Access / Parking

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The proposed development will not add significantly to the traffic using Bankside Lane and LCC Highways is satisfied with the off-street parking/garaging facilities being proposed.

Ecology

Having regard to the advice of LCC Ecology and Lancashire Badger Group, and the reports of the Applicant's ecologist, I am satisfied that the proposed development will not result in unacceptable harm to ecology subject to construction proceeding in accordance with the recommendations they have provided, most particularly retention/formation of a suitable commuting route for badgers through the site between Bankside Lane and the land to the rear. The conditions reflect this.

9. SUMMARY REASON FOR APPROVAL

The development would not be unduly harmful to the general character and appearance of the area. The proposed development is appropriate in principle in the Urban Boundary and, notwithstanding that it is not previously developed land, would not unduly detract from visual and neighbour amenity, biodiversity or highway safety. It is considered that the development is in accordance with Sections 6 and 7 of the National Planning Policy Framework, Policies RT2/RT4/EM1/EM5 of the Regional Spatial Strategy and Policies 1/2/8/18/24 of the Council's adopted Core Strategy DPD.

10. RECOMMENDATION

Approve

CONDITIONS/REASONS

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 drawing numbered 1537-12-02 Rev C date stamped 14/02/13, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policy 24 of the adopted Core Strategy DPD 2011
3. Prior to the commencement of development samples of the external facing materials to be used for the proposed buildings and retaining wall shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken with the approved facing materials and shall not be varied unless otherwise first agreed in writing by the local planning authority.
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the adopted Core Strategy DPD 2011
4. No development approved by this permission (including the clearance of vegetation) shall take place until a method statement to show how the needs of badgers will be safeguarded during and subsequent to construction (including details of the stages of construction a qualified ecologist will be present on site and for the retention/formation of a suitable commuting route for badgers through the site between Bankside Lane and the land to the rear) has been submitted to and agreed in writing by the Local Planning Authority.

Reason: For the avoidance of harm to a protected species, in accordance with the recommendations of the submitted badger report, National legislation, Policy EM1 of the Regional Spatial Strategy and Policy 18 of the Council's adopted Core Strategy DPD.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order amending or revoking and re-enacting that Order, the garage hereby permitted shall thereafter be kept freely available for the parking of vehicles. Each driveway shall be completed prior to first occupation of the dwelling they serve, surfaced in a bound permeable material and thereafter be kept freely available for parking of vehicles. The new footway to be formed across the site frontage shall be up to Lancashire County Council adoptable standards and the plot without a garage shall provide a secure cycle store.

Reason: In the interests of highway safety, in accordance with Policy 8 of the adopted Core Strategy DPD.

6. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of hard and soft landscaping, shall be submitted to and approved in writing by the Local Planning Authority, to include details of boundary treatments and the route for badgers to cross the site. Any fences/walls/gates forming part of the approved scheme shall be completed prior to first occupation of the dwelling hereby permitted. Any new planting shall be undertaken in the first planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any plants which are removed, die or becomes seriously damaged or diseased within 5 years shall be replaced by others of the same siting/size/species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : To protect visual and neighbour amenity, in accordance with Policies 1/ 18 / 24 of the adopted Core Strategy DPD 2011 and to preserve the character of the Countryside.

7. No surface water from this development shall be discharged either directly or indirectly to the foul or combined sewer network, with only foul drainage connected into the foul sewer. Surface water should discharge to a soakaway as stated on the planning application.

Reason: To prevent flood risk in accordance with comments received from United Utilities and Policy 24 of the adopted Core Strategy DPD (2011).

8. 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 buildings, 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 Policy 24 of the adopted 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 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 adopted Core Strategy DPD.

