

<b>Application Number:</b>	2013/0065	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of a pair of semi-detached houses, with one detached garage and associated hardstandings	<b>Location:</b>	Land adj 101 Bankside Lane, Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	18 June 2013
<b>Applicant:</b>	Mr R Schofield	<b>Determination Expiry Date:</b>	11 April 2013
<b>Agent:</b>	T D Jagger Ltd		

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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input type="checkbox"/>
<b>3 or more objections received</b>	<input checked="" type="checkbox"/> <b>3 objections received</b>
<b>Other (please state):</b>	

## 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 5.

## 2. BACKGROUND

This application was reported to the meeting of Committee held on 19 March 2013 and was recommended by Officers for approval; see the attached report.

The application was deferred by Committee for the following reasons :

1. To ensure all neighbours were properly consulted
2. To address the right of access issue raised by an adjoining neighbour
3. To further look into drainage of surface water

Following the Committee :

- The Agent provided an amended drawing (Drawing No. 1537-12-02 Revision E) which showed a 1.5m right of way for the residents of The Coach House, Spring Mount to access their property.
- The Agent has also confirmed that due to the presence of existing foul and surface water drains on site all new drains required by the proposed development will be connected to the sewer network and soakaways will not be required.
- Neighbours were re-consulted following receipt of the Amended Plan and the Agent's accompanying letter explaining the above matters.

In response to this three further letters of objection have been received raising the following concerns:

- One neighbour is concerned that the reduced re-consultation period was not adequate and, accordingly, wants comments made on previous applications considered - they say "3 applications have been made in the past 30 years and have been rejected".
- The owner of 2 Spring Mount is concerned that the proposed development would compromise the privacy currently enjoyed and reduce light received.
- A further neighbour considers the scheme would result in serious parking problems and more traffic will add to the already congested lane - a hazard to pedestrians and children playing.
- Adverse impact on privacy and views.

In response to the comments made by neighbours of 2 Spring Mount, historic planning applications where development, policy considerations and the applicant differ cannot be material considerations in determining this planning application.

## 3. ASSESSMENT

In respect of neighbour comments regarding the adequacy of public consultation/having regard to concerns expressed in relation to previous applications I would advise that :

It would not be appropriate to give weight in the determination of the current application to 'historic' applications / submitted by different applicants / for different proposals.

The current application was the subject of a 21-day consultation period by way of site notices and letters to neighbours that went beyond the statutory requirement; responses then received in writing are referred to in the earlier Officer Report and Update Report apart from that received from the resident of the Coach House, who spoke at Committee against the proposal. In

accordance with the Committee's wishes, and in light of the Amended Plan, the application has now been the subject of a further round of consultation by way of letters to 29 neighbours; responses to it are referred to above. Accordingly, it is considered that adequate opportunity has been given for those wishing to comment on the application to do so.

In respect of the main considerations of the application I would advise as follows :

- 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity;
- 5) Access/Parking; 6) Ecology; & 7) Drainage.

#### Principle

The site is within the Urban Boundary and is located within a relatively sustainable location. I remain of the view that the scheme is acceptable in principle.

#### Housing Policy

The amendments do not alter the previous assessment in relation to housing policy. In short :

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 relates to land not previously developed and does not strictly conform with the above criteria. However, 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. The site is not protected as Greenlands.

#### Visual Amenity

On the basis of the amendments drawings I remain of the view that the proposed development will not detract to an unacceptable extent from 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

On the basis of the amendments drawings I remain of the view that the proposed development will not detract to an unacceptable extent from the amenities of any neighbour. It should be noted the amendments drawings provide a path to the grounds Coach House, as requested by the speaker at the meeting of Committee in March.

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.

#### Access / Parking

I remain of the view that 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

The assessment of impact on ecology remains the same as previously :

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.

#### Drainage

It is considered that satisfactory drainage arrangements are proposed in relation diversion of the existing sewers and for the proposed houses. The amended drawings show areas of garden to the east of the site, right up to the boundary. This area would remain as a permeable surface continuing to act as a natural soakaway. The development is also leveled so there would not be a slope directing water towards neighbouring properties. The driveways are conditioned so they will be surfaced in a permeable surface.

### **4. 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 and 1/2/8/18/24 of the Council's adopted Core Strategy DPD.

### **5. 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 amended drawing numbered 1537-12-02 Rev E received 22/05/13, 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.