

Application Number:	2014/0401	Application Type:	Full
Proposal:	Erection of four houses	Location:	Land at 112 Booth Road, Stacksteads, Bacup
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	11 November 2014
Applicant:	Mr B Bibby	Determination Expiry Date:	21 November 2014
Agent:	Mr P Shaw		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	YES
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 applicant resides in a large detached house, of stone/slate construction, situated to the south side of Booth Road, just to the east of its junction with Four Lane Ends Road.

Access to its attached double-garage is gained through a gated entrance to the west side, which has good visibility in each direction. It has an extensive rear garden - of approximately 35m in width and 55m in length - which slopes down from the house to the southern boundary, with trees within it and trees/hedges of 4+m in height to each side.

To the east side of the applicant's property is a semi-detached house which fronts Booth Road and has a rear garden of equal length. To the west side is a bungalow that faces Booth Road and 3 bungalows that front Four Lane Ends Road. Beyond the rear boundary of the applicant's garden is woodland.

The site and land that bounds it lie within the Urban Boundary of Stacksteads. The open land to the opposite side of Booth Road to No 112 is Countryside designated as Green Belt.

3. RELEVANT PLANNING HISTORY

1989/0713 Erection of 4-bedroomed house to rear, with double garage served by new access formed to west side of existing house (Outline)
Approved.

1993/0214 Renewal of Outline Permission 1989/713
Approved. New access constructed, but house un-built.

2014/0259 Erection of 3-bedroomed house to rear, entailing extension of existing access to west side of house
Approved 12/8/14. Unimplemented.

4. PROPOSAL

Although the recent permission granted for erection of a house towards the SE corner of the rear garden remains valid, permission is now sought to erect a line of four houses each with its rear elevation to face the southern boundary of the applicants property, to be served by a drive which is an extension of the existing access to the west side of the house.

As first submitted the application was accompanied by a Layout Plan proposing 2 detached houses and 2 semi-detached houses, each of 3 bedrooms, the most easterly of the houses only 1m from the party-boundary with 110 Booth Road and with its proposed parking spaces requiring part of the 5+m high conifer hedge on the party-boundary.

At my request, an amended Layout Plan has been submitted that proposes erection of 2 detached houses and 2 semi-detached houses, each of 3 bedrooms, the most easterly of the houses now to be 5m from the party-boundary with 110 Booth Road, its proposed parking spaces requiring no part of the 5+m high conifer hedge on the party-boundary to be removed.

The amended Layout also takes on-board the Highway Authority's wish for the access-point to be widened to enable two cars to pass each other and for removal of the existing gate.

The proposed houses are to have stone walls and slate roofs, each with 2 allocated parking spaces and with further space for the cars of visitors available on the communal drive.

5. POLICY CONTEXT

National

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 11 Conserving & Enhancing the Natural Environment

Development Plan

RBC Core Strategy DPD (2011)

AVP2	Area Vision for Bacup, Stacksteads, Britannia & Weir
Policy 1	General Development Locations & Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 18	Biodiversity, Geodiversity & Landscape Conservation
Policy 24	Planning Application Requirements

6. CONSULTATION RESPONSES

LCC Highways

No objection.

The access-point should be widened as indicated on the amended Layout, and un-gated, to allow a right turning vehicle to clear Booth Road whilst a vehicle is exiting the site. The widened area will also more adequately accommodate the wheelie bins which will need to be placed in this location by the residents on collection days as the refuse wagon will not negotiate the private drive.

The shared access driveway should be surfaced in a bound porous material, to avoid loose material being deposited onto Booth Road and to minimise surface water run-off. In addition a bound smooth material will allow the residents to move the wheelie bins more easily along the driveway to Booth Road.

Each property will require a secure cycle store.

RBC Drainage

From Four Lane Ends Lane a culverted watercourse passes between the bungalows at No 3 and No 5 before passing under the SW corner of the site and thence towards Rook Hill Road.

The proposed houses will stand well clear of this culvert. Accordingly, there is no objection in principle to the proposed development. However, a condition is recommended to ensure the opportunities for disposal of surface-water associated with the development by sustainable means are maximised rather than simply discharging to this culvert.

United Utilities

No objection.

Attention is drawn to the following as a means to facilitate sustainable development :

Drainage Comments

The site should be drained on a separate system, with foul water draining to the public sewer and surface water draining in the most sustainable way. Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority : an adequate soak away or some other adequate infiltration system; or, where that is not reasonably practical a watercourse; or, where that is not reasonably practicable, a sewer.

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

Water Comments

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Other Comments

The level of cover to the water mains and sewers must not be compromised either during or after construction.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 16/10/14 and letters were sent to neighbours on 26/9/14 and again on 15/10/14.

The following comments have been received from immediate neighbours :

110 Booth Road

I am aware of a large variety of wildlife in the area, including badgers and bats; in the case of the latter, in an evening they are clearly visible and their flight patterns are such that it is quite possible that their roost is in or around the grounds of 112 Booth Road.

In addition the trees in the area provide homes for many varied bird life and again I would hope that this is assessed before any planning is granted to ensure no species are harmed, owls etc. I would also hope that the potential impact of new houses on the long-standing rookery that borders the development and Rook Hill Road is investigated.

Booth Road is used as through-fare and despite residents continued requests no traffic calming measures, speed cameras or such like have been installed. The plans clearly show the access to be located at a point which is very dangerous to oncoming traffic, (a blind hill if coming from Waterfoot) combined with the number of vehicles which would need to access the site both during development and when the properties are occupied. There have been several accidents in and around the access. I would hope this is considered or if granted then speed cameras and traffic calming measures should be installed in and around the access.

What is the demand for these properties? To grant permission to build houses which would be accessed from a currently dangerous road and in a location surrounded by trees and hence with poor light without thought of who would purchase them seems odd. The size of the properties seem aimed towards young families, would they want to live in such a location? Is there a demand? I doubt they will fall under the new build help to buy scheme and will not be social housing so serve no purpose in that regard and there are numerous properties in the area with 3 bedrooms and more substantial gardens with better access which are for sale and have been for some time. Householders may also suffer in regards to insuring their properties and arboreal reports will likely be required for any mortgage finance.

I am unclear how the drainage arrangements would work.

If it can be shown that all the above has been taken in to consideration and specific measures are put in place to ensure the access does not become hazardous then I do not have an overriding objection.

116 Booth Road

"As the neighbour living next door to this application and the one it could affect the most, I wish to put on record that this development will not have any detriment to the environment or my standard of living."

1 Four Lane Ends Road

3 Four Lane Ends Road

Object.

Whilst permission has previously been granted for one house, this does not provide the precedent for more houses - the garden should not be looked upon as under-utilised, it is an important environment for the abundant wildlife in the area, with badgers, foxes & bats visiting gardens and a rookery nearby.

The proposed housing is speculative rather than being of any benefit to the community - similar types of houses have/are being built on other sites and not utilised.

This part of Booth Road is of low density, the properties have substantial gardens that are a haven for wildlife and the proposed development threatens established habitat for birds and animals.

The proposed layout will place the traffic from the houses intended on a drive within 10m of bedrooms of 1& 3 Four Lane Ends Road, detracting from the privacy and tranquillity of gardens that is currently enjoyed. The tall conifers on the boundary are not a good screen as they have been topped/stripped of foliage by the applicant and could be removed completely.

As the application site forms part of a steep valley slope it follows that any disturbance to natural or man-made drainage on/beneath the site could affect properties below on Newchurch Road. Furthermore, the ground behind the proposed development accessed from Rook Hill is at a much lower level and is unstable.

We have concerns about utilising the existing access-point to serve more dwellings as it is currently gated and too narrow to allow vehicles to pass, which could mean there is standing traffic waiting to enter where visibility is restricted and several accidents have happened, including 2 write-offs and 1 vehicle flipping over. At weekends especially view is restricted by vehicles parking on Booth Road on the approach from west to east. This section of Booth Road is notorious for speeding and in winter black ice forms on the bend directly opposite the access-point. Crossing of the footway by construction vehicles and then more cars is a risk to children from Fearn's High School.

5 Four Lane Ends Road

There are inconsistencies in the documentation accompanying the planning application I would like clarifying before I submit my further comments and objections.

The following comments have been received from other local residents :

79 Booth Road

Object.

The driveway to the site is situated a matter of feet from a blind corner. People speed around the corner. In the 12 years I have resided here my car has been written-off once when parked outside my house, I have been hit several times while waiting to park, have witnessed 6 serious accidents and seen many near-misses when cars are waiting to turn off Booth Road down Four Lane Ends Road. The traffic associated with construction and occupation of the proposed houses will endanger children going to/from school, inconvenience existing residents and be immensely stressful.

109 Booth Road

Object. Will dramatically increase traffic activity in an area which is already a dangerous blackspot - this area has in the past been the subject of various traffic accidents and incidents.

1 Rook Hill Road

Object.

All the windows on the back of the proposed properties will be directly facing my house - although there is some cover during the summer via the trees this is not the case once autumn arrives.

The proposed exit onto Booth road is not the safest & to add cars exiting onto it at this point is a danger.

How is the effluent & surface water to be taken away - are we going to be subject to noise from pumping stations or septic tanks ?

What if the new residents object to the noise & relative closeness of the Rookery - I would strongly object to trees in the wood being removed

If the application is approved I hope that there will be no damage or any rubbish dropped on or near my land.

20 Rook Hill Road

Object.

Booth Road is highly congested with fast-moving vehicles, particularly and commuting and school times.

The access from the site on to Booth Road is almost blind, putting pedestrians at risk.

What assurance has been given that land drains will not be disturbed, causing flooding further down the slope - in July 2006 a flash-flood occurred at the junction of Booth Road/Rook Hill Road.

Are the rear gardens of the proposed houses of adequate length to ensure wildlife in the adjacent wood is not disturbed - it includes rooks, owls, woodpeckers, bats and badgers.

381 Newchurch Road

Object.

Have had problems in the past with flooding. Disturbance of natural watercourses or land drains could cause problems on Newchurch Road.

The development will impact on wildlife - there are badgers and deer living in the area.

383 Newchurch Road

Object.

Disturbance to natural watercourses or land drainage higher up the slope than their property could contribute to flooding and subsidence.

8. ASSESSMENT

The main considerations of the application are:

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

Principle

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The site is located within the Urban Boundary and is reasonably accessible by means of travel other than the private car. Policy 1 and 3 of the adopted Core Strategy are supportive of housing development in Stacksteads.

The proposed development is entirely within the existing curtilage of the applicant's dwelling. Permissions have previously been granted for erection of a house on this plot (the latter still valid).

The occupier of the existing house would continue to have the facility to park 4+ cars clear of the highway and ample rear garden (approximately 30m in width and 20m in length). Erection of 4 houses is not considered disproportionate for an area at the end of the existing garden of No 112 of approximately 35m in width and 35m in length.

Accordingly, I consider there to be no objection in principle to the proposal.

Visual Amenity

The site frontage to Booth Road would be little changed by the proposal - the Highway Authority has requested that the gates across the existing vehicular access be removed and it be slightly widened to enable two cars to pass each other.

The proposed houses will be visible from Booth Road, through the access. However, they will not be unduly prominent or intrusive from any public vantage point, sited more than 50m from Booth Road and framed by mature shrubs/trees to their front and to the rear.

The number of shrubs/trees within the grounds of No 112 which will need to be removed to accommodate the proposed houses and the associated driveway/parking areas is limited; none have the protection of a Tree Preservation Order and their removal will not cause significant harm to public visual amenity.

The proposed houses will provide their occupiers with the amenities they could reasonably expect. Constructed with stone walls and slate roofs, and with rear gardens ranging between 7m and 15m in length, they will be in-keeping with the character and appearance of the area.

Neighbour Amenity

I am satisfied that the proposed development will not detract to an unacceptable extent from the amenities neighbours currently enjoy or could reasonably expect to enjoy.

Whilst widening of the access-point so two cars will be able to pass each other will result in loss of some vegetation near the party-boundary with 116 Booth Road the neighbours drive and bungalow are elevated by 1.5m above the level of the application site, which mitigates any impact. The resident has not objected to the application; they have said "*this development will not have any detriment to the environment or my standard of living*".

The bungalows at 1 / 3 / 5 Four Lane Ends Lane are built at a level the solid 1.5m high timber fence on the party-boundary exceeds their eaves-height and prevents view across the application site from their rear windows and gardens. The driveway to serve the proposed houses will stand away from this fence by 3+m, sufficient to enable retention of the mature shrubs/trees forming a hedge along this boundary of 2+ times the height of the fence. Accordingly, while the proposed drive will intensify the use being made of the area near to the party-boundary with these bungalows, no loss of light/outlook/privacy will result from it, nor significant noise/disturbance for the neighbours.

The house proposed nearest to the western site boundary will have its blank gable 7m from this boundary, suitably off-set from the bungalow at No 3 & No 5 and where the intervening conifer

hedge is 8m high. The house proposed nearest to the eastern site boundary will have its blank gable 5m from the boundary with the bottom end of the rear garden of 110 Booth Road, adequate to ensure that this neighbour will not experience an unacceptable loss of light, outlook or privacy.

Ground Conditions/Drainage

There is no reason to believe that the ground will require remediation or stabilization as a result of contamination or instability.

The Council's Drainage Officer and United Utilities have raised no objection to the proposal, although the Developer will need to be mindful of the culverted watercourse that runs beneath the SW corner of the site. A Condition is recommended to ensure the provision of satisfactory drainage arrangements.

Ecology

The number of shrubs/trees within the grounds of No 112 which will need to be removed to accommodate the proposed houses and the associated driveway/parking areas is limited. Accordingly, I am satisfied that the proposed development will not result in significant harm to the wildlife value of the site or area of woodland that lies to the south (which is not in the applicant's ownership).

Access/Parking

Notwithstanding that several local residents have expressed highway safety concerns, the Highway Authority has no objection to the scheme as amended to ensure the access-point is wide enough to enable two cars to pass each other and for removal of the existing gate.

I concur with its view that the proposed development will not add significantly to the volume of traffic on the local highway network, there is adequate visibility in each direction along Booth Road at the access-point and ample off-street parking is proposed within the site to meet the needs of residents of the existing and proposed houses and their visitors.

9. Summary Reason for Approval

The proposed development is appropriate in principle in the Urban Boundary and is not likely to detract to an unacceptable extent from visual and neighbour amenity, biodiversity or highway safety. It is considered that the development accords with the National Planning Policy Framework (2012) and Policies AVP2 / 1 / 2 / 3 / 8 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

Approve

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 Location Plan Drwg No 1032-14 and amended Drwg No 1032-21, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason : For the avoidance of doubt.
3. Prior to the commencement of development samples of facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved samples.

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

4. Prior to the commencement of development a scheme of surface-water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.

Reason : To ensure the site is drained on a separate system, with foul water draining to the public sewer and surface-water draining in the most sustainable way, in accordance with the advice of United Utilities and Policies 1 / 24 of the Council's adopted Core Strategy.

5. Prior to the commencement of development a scheme landscaping and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of :

- a) The existing tree and shrub planting on the site which is to be retained and the measures to be taken for its protection during construction works;
- b) The walls, fences and gates to be erected and the materials to be used for hard-surfaced areas, including use of permeable paving for all driveways, parking areas and paths;
- c) The proposed planting to be undertaken and the measures to be taken to prepare the ground and for protection of planting until it is established;
- d) Any alteration of ground levels or landform.

The details approved in relation to a) shall be adhered to throughout the construction phase. The fences/walls/gates/approved in relation to b) shall be completed prior to first occupation of the houses hereby permitted and any planting approved in relation to c) shall be undertaken in the first planting season thereafter. Any trees or shrubs that are removed, die or become seriously damaged or diseased within 3 years of planting shall be replaced by others of the same siting/size/species in the next available planting season, unless the Local Planning Authority has first agreed in writing to a variation.

Reason : In the interests of visual and neighbour amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.

6. Prior to first occupation of the houses hereby permitted the car parking and manoeuvring areas shall be provided with a bound porous surface and thereafter kept freely available for use as such.

Reason : In the interests of highway safety, in accordance with Policies 1 / 8 / 24 of the Council's adopted Core Strategy.

7. 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.