

Application Number:	2015/0190	Application Type:	Full
Proposal:	Erection of 4 dwellings	Location:	Land opposite 44-60 Lee Road, Stacksteads, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21 July 2015
Applicant:	Mr A Sharples	Determination Expiry Date:	15 July 2015
Agent:	Gary Hoerty Associates		

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REASON FOR REPORTING	Tick Box
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 11.

2. SITE

The application relates to a broadly D-shaped site of approximately 0.1 ha in area, which is situated at the southern end of Lee Road. It is to the east side of Lee Road, which at this point is unmade/unadopted.

The site is fronted by a stone wall of between 1.8m and 4m in height. To the east of the relatively level site which lies behind the frontage wall is steeply-rising ground that is wooded (principally with Silver Birch).

Where the site narrows towards its southern boundary a hole has been punched through the thick stone wall, the land ramping down to Lee Road. There are overhead telephone lines that over-fly the front of the site, serving the terraced houses on the opposite side of Lee Road, which are of traditional design/materials, one with a front-dormer.

3. RELEVANT PLANNING HISTORY

2005/0678

In January 2006 DC Committee considered and approved an Application seeking Outline Permission for the erection of 4 dwellings on the land immediately to the north of the site of the current application.

In September 2007 Reserved Matters Application 2007/0422 was considered and approved, thereby enabling implementation of a scheme 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. This permission has not been implemented.

2009/0340

In March 2013 DC Committee considered and approved an application seeking Outline Permission for the erection on this site of four dwellings, together with details of their Access, Layout, Scale and Appearance; only the matter of Landscaping was reserved for later consideration.

Each of the proposed dwellings was to possess 4 bedrooms within a building having an L-shaped footprint and providing accommodation over 2 floors. The dwellings were to 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 was to have a gable facing towards Lee Road, with a first-floor window visible in the pike and roof-lights in one roof-plane. It was intended that they have concrete tiled roofs and external walls of stone, except for side elevations, which were to be rendered.

The high stone wall fronting the site was to be retained except for a short length towards the northern end, removal of which was proposed in order to form a new private drive to serve the new dwellings. The submitted drawings indicated that two lengths of retaining wall were to be constructed (that to the north side of approximately 1.5m in height and that to the rear of approximately 1.8m in height), with a thinning of the trees remaining on the bank.

The application was accompanied by Ground Condition reports that indicated that the front portion of the site was formerly a reservoir and had been in-filled largely with 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.

Notwithstanding receipt of an objection from the occupier of one of the houses on the opposite side of Lee Road, Outline Permission was granted. Its implementation has not begun but remains capable of implementation until March 2016.

4. PROPOSAL

Rather than implement Planning Permission 2009/0340 permission is sought for a scheme which varies the House Type and Layout as follows :

House Type :

To create greater usable first-floor space permission is sought to raise the eaves height of each dwelling by 0.4m (to 3m) and the ridge height by 0.9m (to 7m); the dwellings would continue to have concrete tiled roofs and front elevations of stone (the rear elevations now to be rendered as well as the side elevations).

Layout : The private drive to be formed to serve the 4 dwellings is to be narrowed from 6m to 4m and is now to join Lee Road at a point opposite No 44 rather than No 46. The positions of the dwellings and boundaries between plots is also being varied, the dwelling at each end of the row now to be provided with a garage of tile/stone construction and to measure 4m x6m x 2.2m to eaves & 3.8m to ridge.

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 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

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

6. **CONSULTATION RESPONSES**

LCC Highways

No objection subject to conditions.

Lee Road from outside number 42a in a southerly direction to its termination is a lowly trafficked, privately maintained lane. I would recommend the following conditions to minimise disruption to the residents during the construction period and to ensure that if the road is damaged during the construction period that the developer is liable for the cost of repair.

Off-site highway works have not previously been asked for in relation to this site and it is not anticipated that any are required under this application which is relatively unchanged.

The permitted layout was designed to allow existing residents opposite the site to continue parking of their vehicles on both sides of Lee Road. This will remain the case. Therefore the

provision of additional off street parking for visitors is not necessary. There are currently no garages existing on the adjacent site and sufficient on-street parking to accommodate the existing residents.

The following conditions are recommended :

- Pre-commencement and post construction surveys should be completed by the developer and submitted to the LPA for the privately maintained section of Lee Road including photographs. A scheme and timetable to reinstate any damage should be submitted to and agreed by the LPA and subsequently implemented at the cost of the developer.
- No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Details of working hours

7. **NOTIFICATION RESPONSES**

The application has been publicised by way of a site notice posted on 18/6/15 and neighbours were notified by letter on 22/5/15.

The same comments have been received from 5 residents of houses in the vicinity of the site :

- The Planning Permission for erection of 4 houses on the adjacent site was subject to a Condition reading as follows :
“Prior to the commencement of development a scheme/specification shall have been submitted to and approved in writing by the Local Planning Authority for the construction of the footway to be provided to the front of the proposed houses, for the improvement of the carriageway of Lee Road, for the provision of the car parking spaces in lieu of the loss of the garage spaces and for dispensing with the overhead telephone line crossing the site. The approved scheme/specification shall be implemented prior to first occupation of any of the proposed dwellings, unless otherwise first agreed in writing by the Local Planning Authority.”
- The subsequent Permission for erection of 4 dwellings on the site of the current application was granted in the expectation that the above Condition would be acted upon. However, as this Condition has not been satisfied, and may never get satisfied, surely its requirements should pass to this re-application.

The Agent has responded to the above objections as follows :

“Our client has an extant consent under application number 2009/0340 to erect four houses on the current application site which does not contain any offsite highway obligations. Therefore the Council at this point should be considering the difference between that planning consent and the proposed planning consent and only

imposing conditions that are relevant in respect of the changes that are being sought.

There was clearly no reference to any offsite highway works when application 2009/0340 was approved and as the principle of development has not altered, merely matters of detail, I can see no reason why the Council should contemplate imposing additional onerous obligations at this stage.

If the Council does choose to impose onerous obligations then our clients could submit a different application for minor amendments and a separate reserved matters application and therefore I would request that when the application is reported to committee the recommendation does not propose the imposition of a condition which was previously a condition in respect of a different planning consent involving a different landowner and a different development proposal.

I understand that a meeting took place prior to the granting of permission for application 2009/0340 in which matters to do with the condition of the highway and the creation of additional footways were discussed, however the proposals for access as set out in the application number 2009/0340 were ultimately considered acceptable and agreed.

There would appear to have been, as a consequence of application 2007/0422, the loss of garages which was not the case with regard to application 2009/0340. I do not believe it is reasonable to make the statement that simply because the Council were aware of the obligations of planning application 2007/0422 with regard to improvement of the highway that this was essential to them granting planning permission for application 2009/0340 and in any event they did so without also imposing the same obligation on that decision notice, which they could have done if they felt it was necessary to do so.”

8. ASSESSMENT

The main considerations of the application are:

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

Principle

The site is located within the Urban Boundary and planning permission has previously been granted for erection on it of 4 over-sized bungalows. The Planning Permission for this development could still be implemented. The current proposal seeks permission to erect the same number and essentially the same form of dwellings.

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

Visual Amenity

The site is presently of poor appearance. The siting, size and form of the proposed dwellings, and their associated garages, is such that they will not appear unduly prominent or intrusive. To a significant degree the development will be hidden from Lee Road as the high frontage wall is being retained (movement of the access point to opposite No 44 avoids the need to remove part of it) and will be viewed against the backdrop of the steeply rising land to the rear. The proposed dwellings will be only marginally higher than those with permission and are to be constructed with appropriate facing materials. A condition is recommended to ensure the proposed dwellings do not have a slab level elevated above that previously permitted unnecessarily.

Neighbour Amenity

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 retain the high frontage, thereby enabling residents of the existing houses to continue to park their vehicles immediately in front of it (something they asked for previously).

In respect of Application 2009/0340 the Officer Report advised that “*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*”. In respect of the current application the Agent has stated the change in Layout “*make the parking and manoeuvring of vehicles easier and safer and the private garden space more equally apportioned*”. A condition is recommended to ensure that the rear gardens do not extend back further than those permitted by Planning Permission 2009/0340 as to do so may result in urbanizing development extending beyond the Urban Boundary into Countryside, give rise to need for retaining structures of greater height and/or cause loss & harm to trees that should be retained as a back-drop to the development and are a landscape feature/wildlife asset in its own right.

Access/Parking

The Highway Authority has considered the objections which have been received and has raised no objection to the proposal, subject to conditions, that are included below.

It did not request off-site highway works in respect of Application 2009/0340 and planning permission was granted without a requirement for them. That permission remains capable of implementation and the development for which permission is now sought will not add to the need for parking within the site or the traffic visiting it. Movement of the point at which the proposed drive will join Lee Road (from opposite No 46 to opposite No 44) will allow a further part of the existing frontage wall to be retained, thereby giving existing residents greater opportunity to park their vehicles in front of it.

The Permission previously granted for erection of 4 dwellings on the land immediately to the north of the site of the current application proposed parking spaces in lieu of the garages to be demolished on that site where the Applicant now proposes to form the access-point. There are currently no garages on the adjacent site and the Highway Authority advises that there is sufficient on-street parking to accommodate the existing residents. Accordingly, it does not have objection to the current proposal although it will preclude provision of parking spaces in lieu of the garages now demolished.

10. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in the Urban Boundary and would not unduly detract from visual and neighbour amenity, biodiversity or highway safety. It is considered that the development is in accordance with Policies AVP2 / 1 / 2 / 3 / 8 / 9 / 18 / 23 / 24 of the Council’s adopted Core Strategy (2011).

11. RECOMMENDATION

That Permission be granted.

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 submitted Topographical Survey Drwg No Sha/182/1856/05, Proposed Site Plan dated 08.05.2015 and House Type Drwg No Sha/182/1856/01 & Drwg No Sha/182/1856/02, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason : For the avoidance of doubt.

3. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development details shall be submitted to and approved in writing of the slab level of the proposed buildings and for external areas. The development shall only be carried out in conformity with the approved levels.

Reason : To ensure the proposed buildings do not have a slab level elevated above that previously permitted for by Planning Permission 2009/0340 unnecessarily, in the interests of visual & neighbour amenity and highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

4. Prior to the commencement of development a further intrusive investigation Contaminated Land Phase II Report to assess the actual/potential contamination risks at the site for approval by the Local Planning Authority shall be undertaken. This should specifically consider gas protection measures.

Should the approved Phase II Report indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

The remediation scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to first occupation of the dwelling hereby permitted.

Reason : To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report, to accord with Policies 1 and 24 of the Council's adopted Core Strategy.

5. 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.

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

6. 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. Notwithstanding any such detail shown on the submitted drawings, rear gardens shall not extend back further than those permitted by Planning Permission 2009/0340. The approved

measures for protection of the trees to be retained shall be implemented prior to the commencement of development and adhered to throughout the construction process. 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 and to avoid urbanizing development extending beyond the Urban Boundary into Countryside , in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

7. 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 (& in a manner 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).

8. Prior to the commencement of development a condition survey (including photographs) shall be undertaken in respect of the privately-maintained section of Lee Road and submitted to the Local Planning Authority. Prior to first occupation of the final dwelling on the site to be completed a post-construction condition survey shall be undertaken in respect of the privately-maintained section of Lee Road and a scheme & timetable to reinstate any damage shall be submitted to and agreed by the LPA and subsequently implemented at the cost of the developer.

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

9. Any 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. Furthermore, 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 the Policy 1 / 24 of the Council's Core Strategy.

10. No development shall take place, including any works of demolition/remediation, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and

construction works.

The approved statement shall be adhered to throughout the construction period.

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