

UPDATE REPORT

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 30 AUGUST 2016

B1. 2016/0129 – Land Off A682, Swanney Lodge Road, Rawtenstall

Following publication of the report further discussions have taken place with the Council's retail planning adviser GL Hearn over the proposed planning conditions.

Within the Retail Impact Assessment (RIA) the applicant has assessed Unit B3 based on the sale of non-food items only (this means comparison goods including fashion and electrical items), as they intend for it to be occupied by a 'discount' retailer such as Poundland. Given that the RIA has not considered the impact that the sale of food items from this unit would have on the vitality and viability of neighbouring town centres, GL Hearn recommend that the unit should be restricted to the sale of comparison goods only.

Officer response:

Accordingly officers recommend the following additional condition:

“Unit B3 as identified on Proposed Site Layout Plan (listed at Condition 2) shall be restricted to the sales of comparison goods only.

Reason: To reflect the Retail Impact Assessment submitted with the application, and to ensure the proposal does not adversely affect the vitality and viability of neighbouring town centres.”

GL Hearn also recommended that Condition 4, which currently restricts the occupation of the smallest unit (Unit B1), be amended to remove permitted development rights to ensure that the unit cannot trade as an open A1 use. If the unit does trade as an A1 use it must only be for food items and not comparison goods such as clothing. Officers are now satisfied that the amendment below will provide the necessary control.

Officer response:

Accordingly officers recommend that Condition 4 is amended to state:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Unit B1 as identified on the Proposed Site Layout Plan (listed at Condition 2) shall be permitted to operate

within Use Classes A1, A3 or A5, and no other use. Where the unit operates within Class A1, it shall not be used for the sale of comparison goods.

Reason: to ensure it maintains its ancillary refreshment role having regard to the vitality and viability of neighbouring town centres.”

During the Member site visit on 24th August, queries were raised in relation to:

- 1) the north - east corner of the site where the staff / overflow parking is shown and how vehicles would turn around to leave if the spaces are occupied without the provision of a turning area; and
- 2) whether the proposed internal road is wider than that at M&S / TK Maxx - it was noted that after the units started to trade it became apparent that the road was too narrow for two vehicles to pass, and so the layout has now been amended from the approved plans to a one-way system.

The points above were discussed with the applicant's agent and the following response has been received from their transport consultant:

- *Private motor cars only require a 6m aisle width to undertake a u-turn manoeuvre;*
- *Conventional parking guidance such as that prepared by IStructE identifies that aisle widths should be a minimum of 6m in order to facilitate manoeuvring in and out of spaces and turning in dead end aisles.*
- *Two vehicles can pass each at a width of 4.2m but this is no good for car parks as this does not account for the bow end manoeuvring into and out of spaces.*
- *The 7m aisle width is an Aldi standard that they wish to achieve wherever possible, to allow their customers a greater area of manoeuvring space.*
- *A reduction down to 6.5m or 6.0m does not prohibit manoeuvring in any way, it should be noted that the Council's own parking stock will have aisle widths of 6.0m.*

In relation to the latter point, officers have checked the measurements of the M&S car park which is between 5.5m and 6m wide, compared to 7m at the planning application site, and so officers are satisfied with this.

Accordingly no amendments to the recommendation are required.

Rosendale Civic Trust

The Civic Trust has informed officers today that their concerns in relation to the safety of the New Hall Hey roundabout, and whether any re-modelling will take place (after serious accidents) have not been noted in the committee report.

Officers apologise for this omission. LCC Highways has been contacted with regards to this matter and have clarified that they have considered the influence of the development on the New Hall Hey roundabout and confirm that they are not unduly concerned that the roundabout cannot accommodate the impacts of the development and that it does not require further changes.

Accordingly no amendments to the recommendation are required.

B2. 2016/0278 - Oakenshaw House, Oakenshaw View, Whitworth

Following publication of the report the Applicant has responded to objections to the application as follows:

“The previous refusal was mainly due to access to the proposed development not being acceptable to Highway Development Control, the close proximity to various trees and the proposed property being slightly too big.

All the above issues have been resolved in the new application.

- *Highway Development Control suggested amendments to the entrance, visibility splay and a reduction in the current wall height...All recommended amendments have been incorporated in this new application...If the proposed Development was to go ahead the current established entrance would be made safer due to the recommendations made by Highway Development Control.*
- *The proposed Dwelling has been slightly moved to afford more protection to trees that are subject to TPO and the size of the proposed property reduced so it fits better in its planned location.*

Dr Jillian McCarthy's letter :

- *...the proposed reduced height of the wall and hedge may well be an improvement to her current view...The tree report prepared by John Grayson suggests that the well cared for Cypress hedge that Dr McCarthy would have me cut down should be retained to continue as an attractive feature of the area.*

Mr and Mrs Hill's letter :

- *Property distance and the position of the window openings have been designed in accordance with planning guidance...Oakenshaw House currently overlooks Mr and Mrs Hills property and the proposed dwelling may well afford them more privacy.*

Whitworth Town Council :

- *Th(e) design suggested by Highway Development Control will make the existing established entrance much safer and therefore meet planning requirements in relation to safety.*

To conclude, it is my belief that this application conforms to planning guidelines and addresses all previous issues that resulted in the refusal on 1st application.”

Officer Response

The Officer Recommendation remains unchanged.

B3. 2016/0222 - Land rear of 110 Burnley Road, Bacup

The Officer Report refers to 2 objections to the proposal received from neighbours. A further objection has been received.

The occupiers of 102 Burnley Road have commented as follows:

“At present the existing house at 110 Burnley Road has use of the Double garage...If this building is converted into a separate residence, then this will leave 110 Burnley Road without parking... The plans show that the new property has a single integral garage which is unlikely to be sufficient... If cars are parked along Holmes Drive this would cause issues of access for all residents who require access to the other garages along the drive.... for elderly and young residents along the drive...It could also lead to the use of Burnley Road for parking which would compound the problem of visibility for those leaving Holmes Drive as well as interrupting the flow of traffic along Burnley Road with associated safety issues and additional noise for residents.

Our second concern relate to provision of independent clean water and sewage to the garage. At present these do not exist and would require new connections to be created involving works on Holmes Drive which would affect the access the other 6 properties are entitled to and require as their main access.

Our third concern is that the property, for which planning is being requested, backs on to a steep and wooded area. We are concerned that if future residents wish to make themselves any outdoor area then they may remove the trees and thus place all the properties at risk of landslip or flooding.

We also feel that there is a severe risk of loss of privacy for the homes which this property will face.”

Officer Response

Implementation of the proposed scheme will result in residents of the existing house and the proposed dwelling each having the facilities to park and turn 2 cars without obstruction of the access road or other garages.

Works to form the proposed dwelling, including installation of services, may cause some noise/disturbance for neighbours. However, such noise/disturbance is common to many proposals and will be of a temporary nature. A condition is recommended to preclude particularly anti-social hours for the construction works.

The proposal will not require alteration of ground levels to the rear of the building or removal of any significant trees. Land beyond the intended garden, though rising and covered in trees, is not in the applicant's ownership. Accordingly, if a future occupier of the proposed dwelling wished to extend their garden, and do works to alter ground levels/interfere with its drainage, they would first need to acquire ownership of it and seek planning permission.

Most of the windows which will serve the proposed dwelling already exist and face towards the applicant's own house. The existing window which most obviously faces towards a neighbouring property, a first-floor window presently allowing view towards the rear elevation/rear garden of No 108, is to be obscure-glazed as part of the proposed scheme, and Condition 3 requires it remain as such.

Accordingly, the Officer Recommendation remains unchanged.

For clarification in respect of obscure glazing Condition 3 has been amended as follows:

3. The windows serving bedrooms 2 and 3, in the first floor of the east elevation of the dwelling hereby permitted, shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the privacy of occupiers of the neighbouring property.

The concerns of the neighbouring resident at 108 Burnley Road in respect of overlooking and loss of privacy are noted within the Officer's report. Following the Development Control Committee site visit the impact of the proposed lounge window in terms of the neighbours' garden area has been further considered by Officers.

Taking into account the difference in levels (the garden area of 108 Burnley Road drops away from the application site), the lack of screening along the boundary of 108 Burnley Road and how the residents of 108 Burnley Road will realistically

utilise their garden space (the garden immediately adjacent to the application site is the more attractive option as the other garden is fronting the main road) it is considered that the proposed lounge window to replace one of the garage doors would result in an unacceptable loss of amenity to the neighbours' garden area.

The internal arrangement of the proposed conversion involves an open plan lounge and dining room which means that the proposed lounge window can be obscurely glazed without adversely impacting on the living conditions of the future residents whilst still allowing light into the lounge (the dining room window and door will be clear glazed). It is considered that obscurely glazing the lounge window will ensure that there is no overlooking to the neighbours' garden area.

The agent for the application has confirmed that his client is agreeable to such a solution and as such the following additional condition is attached to the recommendation:

7. The proposed ground floor lounge window in the east elevation of the dwelling hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the privacy of occupiers of the neighbouring property.

B4. 2016/0143 - Land off Green Street, Rawtenstall

Following publication of the report officers have noted that the submitted 'Proposed landscaping and boundary treatment' plan identifies a timber fence around the entire perimeter of the site. As the proposal includes a car part and hardstanding, the boundary treatment plan is clearly incorrect. Notwithstanding this, officers do not consider the use of a timber fence around the site where it is visible from public vantage points (front and sides) is acceptable in terms of design. For these reasons officers recommend the following amendments to the conditions:

1. Amend Condition 2 to remove reference to the 'Proposed landscaping and boundary treatment' plan.
2. Condition 4 amended to state: *"Notwithstanding submitted details, prior to commencement of development a Landscaping and Boundary Treatment Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include species and locations of planting along with full details of proposed walls and fencing. During the first planting season following the commencement of development hereby approved the landscaping shall then be carried out. Any trees, plants or shrubs so planted which die or are felled, uprooted, wilfully damaged or destroyed*

within five years of the date of planting shall be replaced by the applicants or their successors in title. The boundary treatment shall be installed in accordance with approved details prior to first occupation of the dwelling.

Reason: The submitted details are not appropriate and are incorrect and to ensure a satisfactory form of development and to enhance the visual amenities of the locality.”

Nicola Hopkins
Planning Manager
30/08/16