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| Application Number: | 2015/0470 | Application Type: | Full |
| Proposal: | Erection of 3 detached dwellings | Location: | Land adjacent to 7 Lynns Court, Weir |
| Report of: | Planning Unit Manager | Status: | For Publication |
| Report to: | Development Control Committee | Date: | 8 November 2016 |
| Applicant: | Woodstream | Determination Expiry Date: | 11 November 2016 |
| Agent: | Tony Deakin Architects | | |

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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 full planning permission be granted subject to the conditions set out in Section 10.

2. SITE

The application relates to an irregularly-shaped site, of 0.15ha in area, to the southern end of Lynns Court.

This short un-adopted cul-de-sac extends from Beaufort Road and presently serves 7 large detached houses. Beyond the turning-head at its southern end is a plot of land that has

been cleared and levelled in preparation for erection of a further dwelling. This piece of land has extant consent for a dwelling.

To the west side this plot is bounded by 7 Lynns Court, a detached house which has a floor level approx. 1.2m higher than the part of the application site adjacent to it and with a blank artificial-stone gable 2m from the 1.7m high fence on the party-boundary. To the north side the plot is bounded by 6 Lynns Court, a detached house which has a floor level approx. 1.2m higher than the part of the application site adjacent to it and with a blank artificial-stone gable 1m from the 1.7m high fence on the party-boundary; its rear garden is only 6m long, the land then sloping steeply down to a high retaining wall bounding a public footpath running alongside the River Irwell. To the south-east side the site itself slopes steeply down to this public footpath (that is part of the Irwell Sculpture Trail) and allows people to walk from Beaufort Road to Weir Lane alongside the river or to cross a footbridge over the river.

Whilst the portion of the application site nearest to the turning-head at the southern end of the cul-de-sac and all of the houses served by Lynns Court except for that at No 6, are located within the Urban Boundary of Weir, the greater part of the application site, the house and rear garden of No 6 and the rear garden of No 4 lie within Greenlands outside of the Urban Boundary.

3. RELEVANT PLANNING HISTORY

- 2005/106 Erection of 8 detached dwellings
Approved 12/5/05 and largely implemented.
- 2007/626 Erection of detached dwelling (revised House Type for Plot 5)
Approved 3/12/07 and not implemented.
- 2008/0733 Creation of revised access to existing residential development.
Approved
- 2010/0374 Discharge of conditions 3,4,7,8 & 9 on planning permission 2007/626
Part discharged
- 2013/0446 Discharge of Condition 6 (stone filled Gabion Basket Retaining wall) from
planning approval 2005 /106
Withdrawn

Accordingly, it remains the case that the house permitted on Plot 5 by Permission 2005/106 could still be implemented. This would result in construction of a 5-bedroomed house with an L-shaped footprint and incorporate a double-garage.

Permission 2007/626 provided for construction on Plot 5 of a house with a greater footprint and volume, again to possess 5 bedrooms but with a triple garage and swimming pool. However, this permission became time-expired without implementation.

4. PROPOSAL

Rather than construct on Plot 5 the house permitted by Planning Permission 2005/106 permission is sought for a scheme which would result in the construction of three 4-bedroomed houses on a site which has been somewhat increased in size by the inclusion of land extending up to Weir Lane.

The proposed dwellings would be set further back from the cul-de-sac head than the house permitted by Permission 2005/106, each incorporating a garage or double-garage, and of 2-storeys in height and natural slate/coursed-stone construction, consistent with the houses

on the adjacent plots. Each of the garages will be fronted by a drive capable of accommodating 2 or more cars, with a patio formed to the rear of each house.

The embankment down to the public footpath is to be re-graded and stabilised in such a way that it can then be grassed or over-planted with shrubs, terminating immediately adjacent to the public footpath with large stone boulders maintaining the ground at a level 1.2m higher than the path.

5. POLICY CONTEXT

National

National Planning Policy Framework

- 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 (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 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 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

6. CONSULTATION RESPONSES

LCC Highways

No objection.

It will be necessary for :

- Lynns Court to be completed to LCC specifications for adoption, entailing provision of a top-coat of tarmacadam and 3 street-lighting columns;
- Beaufort Road to be planed-off and re-surfaced to LCC specifications for adoption at the junction with Rochester Close, where it is badly deteriorated.
- A full detailed design of the means of stabilizing/retaining the embankment adjacent to the public footpath needs to be submitted and approved prior to the commencement of the works.
- These works to be complete prior to the first occupation of the new houses.

It further advises that Lynns Court itself cannot be adopted as Beaufort Road is not adopted, but the new street-lighting can be adopted if completed to LCC specification. It has

investigated the potential to adopt Beaufort Road but due to very many different landowners it is not possible.

7. NOTIFICATION RESPONSES

The application has been publicised by way of 3 site notices posted on 4/12/15 and neighbours were notified by letter on 20/11/15. As a result 6 representations were received raising the following concerns were received :

- Increased traffic - likelihood is there will be at least 6 more cars passing (with no street lighting).
- Drainage and flooding issues
- The road surface in front of the gated-entrance is a nightmare and myself and local residents recently clubbed together to pay to have fixed. Now another developer is coming along to use it extensively- heavy construction traffic in and out of Lynns Court when building the site created large potholes and in some cases destroyed the road formation completely.
- Consider two dwellings of similar size to all the other houses on Lynns is more appropriate and the limit.
- Will impede view
- Planting trees near to the boundary- concerns because of root growth/damage and shading.
- The developer was meant to finish the wearing-course to the road.
- Will normal working hours apply?
- No need for any more houses
- Emergency services are unable to access certain areas and the gritting wagons have given up trying to keep the roads clear.
- Larger houses are not selling and these so called "luxury" new-build developments have to be rented out, Lynns Court being an example.
- Residents of Lynns Court have to drag their waste bins through the electric gates (which never seem to work properly).
- A gabion wall was constructed as a boundary wall between the housing development and relocated public right of way. As a result of shoddy and dangerous construction the wall started to collapse in 2012. The right of way was closed by LCC's PROW Officer for safety reasons and has been closed ever since.
- Planning Permission should not be granted for further houses until the gabion retaining wall to the site has been made safe.

8. ASSESSMENT

The main considerations of the application are:

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

Principle

Part of the site lies within Countryside and Greenlands, wherein erection of new dwellings is not considered appropriate except in very limited circumstances.

However, the Proposals Map shows a boundary between the settlement of Weir and the Countryside/Greenlands that at this point did not follow features visible on the ground and Planning Permission 2005/106 permitted a development of 8 houses which did not respect it. The houses built at 2 & 4 Lynns Court have rear gardens within Countryside/Greenlands, whilst a significant portion of the house and the entire rear garden of 6 Lynns Court is also within Countryside/Greenlands designation. The 2005 permission remains extant and would

enable erection of a further substantial house (with 5 bedrooms and an attached double-garage) and most of its garden within Countryside/Greenlands.

The current application includes marginally more Countryside/Greenlands to both its south-west and south-eastern sides, thereby including an area of approx. 20m x 25m extending to Weir Lane and strip of land bounding the public footpath of approx. 15m in width. This land reads as part of the same parcel of land as the site of Planning Permission 2005/106, is not accessible to the public or of attractive appearance. Its inclusion takes the application site to a logical feature visible on the ground (a footpath) and would form a logical/defensible boundary for the Countryside/Greenlands as part of any review of Urban Boundaries.

That the Council cannot presently demonstrate that it has a 5 year supply of deliverable housing land also weighs in favour of the proposal.

Accordingly, there is not considered to be an objection in principle to the proposal.

Visual Amenity

The site is presently of poor appearance, having been cleared of vegetation in readiness for building of the large L-shaped house permitted by Permission 2005/106 and which would have completed the development of houses around the cul-de-sac head that has been formed.

The layout now proposed will result in the erection of 3 dwellings, with a greater setback from the cul-de-sac head. They too will enclose the end of the cul-de-sac and, as they are to be of height/design/facing materials broadly similar to the other houses on Lynns Court, will not appear unduly prominent or intrusive in the street-scene.

However, the consequence of there being greater building footprint and greater setback from the highway raised a concern that there would need to be a build-up of the ground towards the south-east boundary. In order to avoid the need to construct a high retaining wall adjacent to the public footpath the applicant is proposing the houses on plots B and C will have level usable garden to the immediate rear of the dwellings including a patio area beyond which the land will bank down to the footpath to be re-graded and stabilised in such a way that it can then be grassed or over-planted with shrubs, terminating immediately adjacent to the public footpath with large stone boulders maintaining the ground at a level 1.2m higher than the path.

As viewed from the Countryside/Greenlands beyond the site boundary the proposed houses will bear sufficient similarities in their design/facing materials not to appear unduly prominent or intrusive in relation the houses at 6 and 7 Lynns Court. As construction of retaining structures that are themselves visually prominent and intrusive when viewed from the public footpath has been avoided, and with scope to soften/screen to a degree the houses and associated domestic paraphernalia/activity on the patios from public view, it is concluded that the development will not have an overbearing or visually intrusive impact.

Neighbour Amenity

Extant Permission 2005/106 provides for erection on this site of a house of the same house-type as that permitted on the plot to its west side (No 7) and with a siting which would have resulted in their gables sitting alongside each other.

The layout now proposed will result in the erection of a 2-storey dwelling 2m from the party-boundary with No 7 and 4m from its blank gable. By reason of its greater setback from the highway, the ground floor of the proposed house will project 9m beyond the rear elevation

of the neighbouring house, whilst the first-floor will project beyond it by 6.5m. The ground-floor element will not result in unacceptable detriment for the neighbour as their house is bounded by a 1.8m high fence, and the proposed house is to be constructed with a floor level that is 0.5m lower. The first-floor element will not result in an unacceptable loss of light or outlook for the neighbour as it does not project beyond a 45-degree line from the centre of the rear windows of the neighbouring house nearest to the party-boundary.

It is now proposed to erect a 2-storey dwelling 1m from the party-boundary with 6 Lynns Court and 3m from its blank gable. The 2-storey element of the proposed house will project beyond the rear elevation of the neighbouring house by 1m, with a 1-storey element projecting a further 2m. There will not be unacceptable detriment for the neighbour, their house being bounded to the side by a 1.8m high fence, and the proposed house to be constructed with a floor level that is 0.5m lower.

Access/Parking

The Highway Authority has no objection to the proposal, satisfied that the local highway network can accommodate the additional traffic without causing unacceptable detriment to highway safety or other users. Adequate off-street parking is being proposed for each of the proposed dwellings to accord with adopted parking standards.

Objectors have raised concerns about Lynns Court not yet having received its final top-coat of tarmac and its lack of street-lighting, together with the poor condition of Beaufort Road just beyond the gated-entrance to this development. LCC Highways has given consideration to these matters and having carried out a site inspection with the Agent, has recommended conditions to ensure, prior to first occupation of the new houses :

- Lynns Court is completed to LCC specifications for adoption, entailing provision of a top-coat of tarmac and 3 street-lighting columns; and
- Beaufort Road is planed-off and re-surfaced to LCC specifications for adoption at the junction with Rochester Close, where it is badly deteriorated.

Objectors have also expressed the view that the erection of the proposed houses ought not to be allowed until such time as the Developer has made-good the retaining-wall to the rear of 4 and 6 Lynns Court, the condition of which caused the LCC Rights of Way Officer to close the adjacent public footpath. The applicant is not the owner of 4 and 6 Lynns Court. Accordingly, it is not possible to attach conditions to any positive decision at this site that seek to remedy any outstanding issues in relation to the gabion retaining wall that has been constructed.

The Council's Enforcement and Planning Officers will seek to work with the LCC Rights of Way Officer and the agent for the site to resolve any outstanding issues in relation to this matter, if necessary through Planning Enforcement powers.

Ground Conditions

There is no reason to consider that the ground conditions will not allow construction of the 3 houses with the siting proposed for them. However, it is considered appropriate to attach a condition requiring full design details of the means of stabilizing/retaining the embankment adjacent to the footpath to be submitted and approved prior to the commencement of the development of Plots 5B & 5C.

9. Summary Reason for Approval

Notwithstanding that part of the site lies within Countryside and Greenlands, it is in a sustainable location, at the urban-rural interface and there is an extant permission for residential development of part of it. Furthermore, the proposed development would make a

small but useful contribution towards the Borough's supply of housing and, subject to conditions, will not detract to an unacceptable extent from visual and neighbor amenity or highway/public safety. Consideration has been given most particularly to Paragraph 49 of the National Planning Policy Framework and Policies AVP2 / 1 / 2 / 3 / 8 / 9 /17 / 18 / 19 / 23 / 24 of the Council's Core Strategy.

10. RECOMMENDATION

Approve full planning permission

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 following unless otherwise required by the conditions below :

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| Location Plan | |
| Topographical Survey | Drwg No 6786 |
| Site Layout | Drwg No ws.lc.00A |
| Plot 5A | Drwg No ws/lc.10A |
| Plot 5B | Drwg No ws.lc.11 |
| Plot 5B | Drwg No ws.lc.11B |
| Plot 5C | Drwg No ws.lc.12A |
| Sections 1-5 | |

Reason : For the avoidance of doubt.

3. The facing materials of the dwellings hereby permitted shall match in colour, form and texture those of the house at 6 Lynns Court, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : In the interests of visual amenity.

4. This site must be drained on a separate system, with only foul drainage connected into the foul sewer and the surface water drainage system shall be based on sustainable drainage principles.

Reason : To mitigate flood risk and avoid pollution.

5. Prior to first occupation of any of the dwellings hereby permitted :

- a) Lynns Court shall be completed to LCC specifications for adoption, entailing provision of a top-coat of tarmacadam and 3 street-lighting columns in accordance with the siting indicated on LCC Highways Plan A;
- b) Beaufort Road shall be planed-off and re-surfaced to LCC specifications for adoption at the junction with Rochester Close, in accordance with the hatched area indicated on LCC Highways Plan A; &
- c) The Shared Forecourt shown on Drwg No ws.lc.00A shall be provided with a hard permeable surface that avoids surface-water run-off to the turning-head of Lynns Court.

Reason : In the interests of highway safety and to accord with the comments of LCC Highways.

6. Prior to first occupation of each of the dwellings hereby permitted its drive shall be provided with a hard permeable surface as shown on Drwg No ws.lc.00A.
Reason : In the interests of highway safety and to accord with the comments of LCC Highways.
7. Prior to the commencement of any works on Plots 5B & 5C full design details of the means of stabilizing/retaining the embankment adjacent to the public footpath to the east of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority prior to first occupation of the dwellings on either of these plots.
Reason : In the interests of highway safety and to accord with the comments of LCC Highways.
8. Prior to the commencement of construction of any of the houses hereby permitted a scheme of Landscaping/Boundary Treatment shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details which may have previously been submitted. The submitted scheme shall provide details of :
 a) any changes of ground levels and retaining structures/walls/fences/gates/hard-paved areas;
 b) the areas to be grassed and the siting, species, size & distribution of trees and shrubs to be planted.
Reason : In the interests of visual and neighbour amenity.
9. All hard-surfaced areas/retaining structures/walls/fences/gates forming part of the approved scheme of Landscaping/Boundary Treatment shall be completed prior to first occupation of any of the houses hereby permitted, unless otherwise agreed in writing with the Local Planning Authority. All new planting forming part of the approved scheme of Landscaping/ Boundary Treatment shall be carried out in the first planting season thereafter, unless otherwise agreed in writing with the Local Planning Authority. Any trees or shrubs in the approved scheme which within a period of 5 years of first occupation of the final dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar siting, size and species as first planted, unless the Local Planning Authority gives written consent to any variation.
Reason : In the interests of visual and neighbour amenity.
10. 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 works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. No piling of foundations shall be undertaken without prior approval in writing of the Local Planning Authority to the method and hours of this operation.
Reason : To safeguard the amenities of neighbours.