

TITLE: 2006/171 – (OUTLINE) ERECTION OF NO. 4 DETACHED DWELLINGS AT LAND OFF LEE ROAD, BACUP

TO/ON: DEVELOPMENT CONTROL COMMITTEE 7TH MAY 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT: MR R SHARPLES

DETERMINATION EXPIRY DATE: 5TH JUNE 2006.

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.

Site and Proposal

The applicant seeks outline planning consent for the erection of three dwellings at land off Lee Road. The site is 0.1 hectares in size and the majority which is located within the urban boundary. One small part of the site at the southern end is located within the countryside.

A Councillor has requested that this application be heard by Committee.

Relevant Planning History

2005/678 – Outline planning permission for the erection of four dwellings on land at Lee Road, Bacup. APPROVED

Notification Responses

Site notices were posted and letters and a petition containing 60 signatures have been received, containing the following summarised comments:

- The approach up Lee Road is congested and is difficult to park. The new homes would create more traffic.
- The heavy construction vehicles negotiating this road would be very dangerous
- The original unadopted road and the new unadopted road converge together, hidden by the old lodge wall, which is extremely dangerous.
- The new houses are totally out of character with the surrounding homes
- There is an abundance of wildlife within the proposed site, which will be lost, including foxes, rabbits, squirrels and owls.
- A similar application was refused two years ago due to the presence of badger sets on site, which are still present.
- Established trees will have to be felled
- The new properties will be looking directly in to the existing homes, resulting in a loss of privacy.
- There is no provision for visitor parking and the proposed access drive is not wide enough to park on and will lead to further congestion on Lee Road

The agent has submitted the following comments in support of the proposed development:

- The site is within the urban boundary and is well located, in terms of public transport, employment and other facilities as advised in PPG3
- The proposed development will promote regeneration of the area and accords with the policies of the Structure Plan.
- It meets the policies as contained in DC1 of the District plan.
- It meets the vision and objectives of the East Lancashire Pathfinder and of Elevate in terms of sustainability and the creation of greater choice, quality and diversity of housing.
- It is specifically earmarked within the Bacup, Stacksteads and Britannia Masterplan for small infill housing.
- There have been several recent occasions where other material considerations have prevailed over the Housing Policy Position Statement, including the approval for four dwellings on the adjoining site.
- The design and location of the proposed dwellings is such as to give rise to minimal or no impact on existing residents.
- The proposed dwellings are designed to meet Council policy and to provide greater choice in the area.

Consultation Responses

County Highways

I am opposed to further residential development along Lee Road due to the substandard nature of the adopted highway especially the lack of pedestrian facilities towards Newchurch Road and the large amount of on-street parking resulting in undesirable parking in the footways.

In addition the proposed private road extension is parallel to the existing private road with no intervisibility between the two and placing vehicles in direct conflict with each other. Such a junction is totally unacceptable, makes use of the junction and adoptable turning head previously secured extremely hazardous and is sufficient to

justify refusal of the development. DB32 recommends that roads join each other at 90 degrees or as close to this as possible and there should be no accesses within 20 metres of a junction bellmouth. It is also noted that the length of Lee Road to be made up to full adoption standards is not indicated as being within the applicants control and in order to enter into a Section 38 Agreement to secure the construction of an adoptable road before further development commenced the agreement of all landowners would be required

Therefore as submitted I must recommend that the application be refused in the interests of highway safety and good highway design.

RBC Forward Planning

Comments to be reported at the meeting.

Development Plan Policies

Rossendale District Local Plan

Policy DS1
Policy DC1

Joint Lancashire Structure Plan

Policy 1
Policy 2
Policy 12
Parking standards

Other Material Planning Considerations

PPS 1
PPG 3
PPG 13

Planning Issues

The main issues to consider when determining the application relate to the principle of development, highway issues, housing supply, residential amenity and whether circumstances exist to warrant an exception to housing policy.

Principle

The location for the proposed development is in the majority, located within the urban boundary and therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan. The proposed development is located within the main development locations as identified within Policy 2 of the Joint Lancashire Structure Plan.

There is a large detached garage upon the site and is a brownfield site. Therefore, the proposed development accords with PPG3 (Housing), as the government is committed to maximising the re-use of previously developed land and the proposal to provide 60% of new housing on brownfield sites or conversion of existing buildings.

Highway Issues

In terms of on-street parking, it is possible to accommodate the necessary off-road parking spaces within the site. It is the intention of the developer to retain the existing 2.5 metre wall at the eastern boundary of the site and therefore, the impact of the proposed development on parking will be no more adverse than the existing conditions. The highways authority have objected to the proposed development on grounds of highway safety, due to the lack of inter-visibility between the proposed private access road and the existing section of Lee Road. However, it is considered that the requirements of the highways authority can be accommodated within the site and therefore, the means of access to the site will be reserved.

Housing Supply

One major issue associated with this application, is one of housing supply. The level of supply is calculated by deducting the total number of completions (992 identified in Housing Land Position Report) from the number of dwellings identified in the Structure Plan (ie of 1920), equating to a remaining provision of 928. The number of dwellings with planning permission equates to 1268. Therefore, the number of dwellings with planning permission, in addition to the number of dwellings lost, equates to an oversupply of 255 dwellings. Therefore, it is considered that there are sufficient residential planning permissions to meet Rossendale Borough Council's housing requirement to 2016 and that the proposed development would be contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016).

Residential Amenity

It is considered that the proposed development will not have a significantly adverse impact upon the amenity of the existing dwellings opposite. It is the applicants' intention to retain as much of the existing 2.5 metre wall as possible, which will screen the proposed development from view and it is considered will reduce the impact upon amenity to an acceptable level. Therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

Special Circumstances

Consideration has been given as to whether or not the special circumstances, put forward by the applicant's agent, justify approving this proposal. It is contended that they do for the following reasons.

The site for the proposed development is located within the Bacup, Stacksteads & Britannia Housing Market Renewal Area and this site is identified as a small residential infill site. With regard to the planning history of the adjacent site, planning consent was granted for four dwellings in January 2006. Therefore, in light of the recent planning decision and taking into account the regenerative impacts, it is considered that the proposed development will meet the criteria contained within, and is therefore, in accordance with the Housing Policy Position Statement.

Conclusion

The proposal is considered to be acceptable in all other respects, or could be rendered so through the imposition of suitable conditions. Taking into account of the recent planning decisions and the regenerative impacts that the proposed

development would bring, it is considered that there are special circumstances, which warrant a recommendation of approval is made.

Recommendation

That planning permission is granted subject to the following conditions:

Conditions

1. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: The application is in outline only and not accompanied by detailed plans.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act

4. 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 nearby residential properties in accordance with policy DC1 of the Rossendale District Local Plan.

Local Plan Policies

DS1

DC1

Structure Plan Policies

Policy 1

Policy 2

Policy 12

LOCATION PLAN.

