

**TITLE: 2006/189 – (OUTLINE) ERECTION OF NO. 4 DETACHED DWELLINGS  
AT LAND OFF LEES STREET, BRITANNIA**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE 30<sup>TH</sup> MAY 2006**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**DETERMINATION EXPIRY DATE: 7<sup>TH</sup> JUNE 2006**

**APPLICANT: MR N ROWBOTTOM**

**DETERMINATION EXPIRY DATE: 7<sup>TH</sup> 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 four detached dwellings on land off Lees Street in Britannia. The land is bounded by Rochdale Road to the south, by Lees Street to the east and by 370 Rochdale Road to the west. The site is located within the urban boundary and the proposed access will be via Lees Street.

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

### **Relevant Planning History**

2000/538 – Erection of 13 dwellings. The development may affect the setting of footpath nos 481 and 483 (amended plan) at Land at Lees Street, Britannia.  
APPROVED

2002/498 - Erection of four no detached dwellings At Former Railgate Slaughter House, Lees Street/Railgate, Britannia. APPROVED

2004/205 – Erection of twelve dwellings and garages accessed from Lee Street on Land adjacent to 368 Rochdale Road, Britannia. WITHDRAWN

2004/449 - Erection of four detached two-storey dwellings with integral garages and four terraced dwellings (amended scheme) at Land adjacent to 368 Rochdale Road, Britannia. APPROVED

### **Notification Responses**

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

- The site plan does not appear to be to a metric scale
- The drawings take no account of the changes in level across the site
- Surely this constitutes a change of use as this is not residential land at present
- A number of self seeded trees will have to be removed
- The forms state that that there is to be no demolition, yet clearly the existing garage must be demolished to make way for the development.
- The upper portion of the site is Greenfield land.
- The development will generate additional traffic on an un-made, unadopted road.
- As 2metre fences are proposed to protect privacy, how will this impact upon daylight received by 370 Rochdale Road.
- The proposals represent poor quality over-development, which is not in keeping with the scale, mass and character of the area.

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

- The application accords with the Council's and Government's policies, aspirations and strategies for the area. The proposal is in a sustainable location and will make efficient use of a previously developed site and will regenerate this priority area.
- The scheme has been designed in such a way that it would respect the amenities currently enjoyed by the occupiers of existing properties and those that will occupy houses approved under planning permission No.2004/449. The Council has through its land disposal programme previously decided following advice from its Planning Officers that this site should be developed (in principle) for residential development. This is an opportunity to improve the appearance of this site from a visual amenity point of view for the benefit of the local community and passers-by.
- For all these reasons, the Council is urged to approve this application

### **Consultation Responses**

#### **County Highways**

The proposed development does not provide for or indicate a satisfactory means of access to the A671 Rochdale Road and therefore I must recommend that the application be refused in the interests of highway safety and good highway design.

As submitted the applicant is seeking approval of all matters except landscaping and has not indicated any improvements to the unadopted Lees Street which is lacking in width, has no junction radii, very restricted visibility in both directions along Rochdale Road and does not have any footways. This road already serves well in excess of the recommended maximum of 5 dwellings off a private drive and I can see no justification to permit a development, which would prevent the formation of a much improved junction as proposed on application 14/00/538. A further problem with this proposal is the reversing within the junction area from plot 1, DB32 advocates that there shall be no accesses within 20 metres of a road junction and I fully support this guidance.

### RBC Forward Planning

Comments to be reported at the meeting.

### **Development Plan Policies**

#### Rossendale District Local Plan

Policy DS1  
Policy DC1  
Policy DC4

#### 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 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.

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

#### Highway Issues

It is acknowledged that the highways authority have raised concerns relating to the proposed development. However, the applicant has amended the scheme and has incorporated the requirements of the highways authority, in relation to the access

between Lees Street and Rochdale Road. Adequate off-road parking facilities have been incorporated into the scheme, which will alleviate the concerns of the residents within the locality. Therefore, it is considered that the proposed development is in accordance with the Council's adopted car parking standards and Policy DC1 of the Rossendale District Local Plan.

### 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 neighbouring residents. There is a distance of 21 metres to the back yard and 23 metres to the nearest dwelling on Ernest Street. The proposed dwellings will overlook open land to the east and west of the properties, with the exception of plot 1. Plot 1 has been sited so as to minimise any potential adverse impact upon the occupiers of No. 370 Rochdale Road. Therefore, it is considered that the proposed development will not have a significantly adverse impact upon the amenity of the neighbouring residents and 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 proposed development is located within the Bacup, Stacksteads and Britannia Housing Market Renewal area. The recent planning history shows that this site and the adjacent site, land adjacent to 368 Rochdale Road, have been the subject of planning approval for residential development in the past and the adjacent site has a valid consent for eight dwellings. It is considered that the regenerative impact of the proposed development will outweigh the concerns relating to housing supply and therefore, a recommendation of approval is given.

### Recommendation

That planning permission is granted subject to the following conditions:

### Conditions

1. Approval of the details of the design and external appearance of the buildings, 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. The development shall be carried out in accordance with the plan received on 19<sup>th</sup> May 2006.

REASON: To ensure the development complies with the approved plans and for the avoidance of doubt.

5. 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.

6. Details of a scheme of improvement to Lees Street and its junction with Rochdale Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of improvements shall be carried out in full, in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

REASON: In the interests of highway and pedestrian safety.

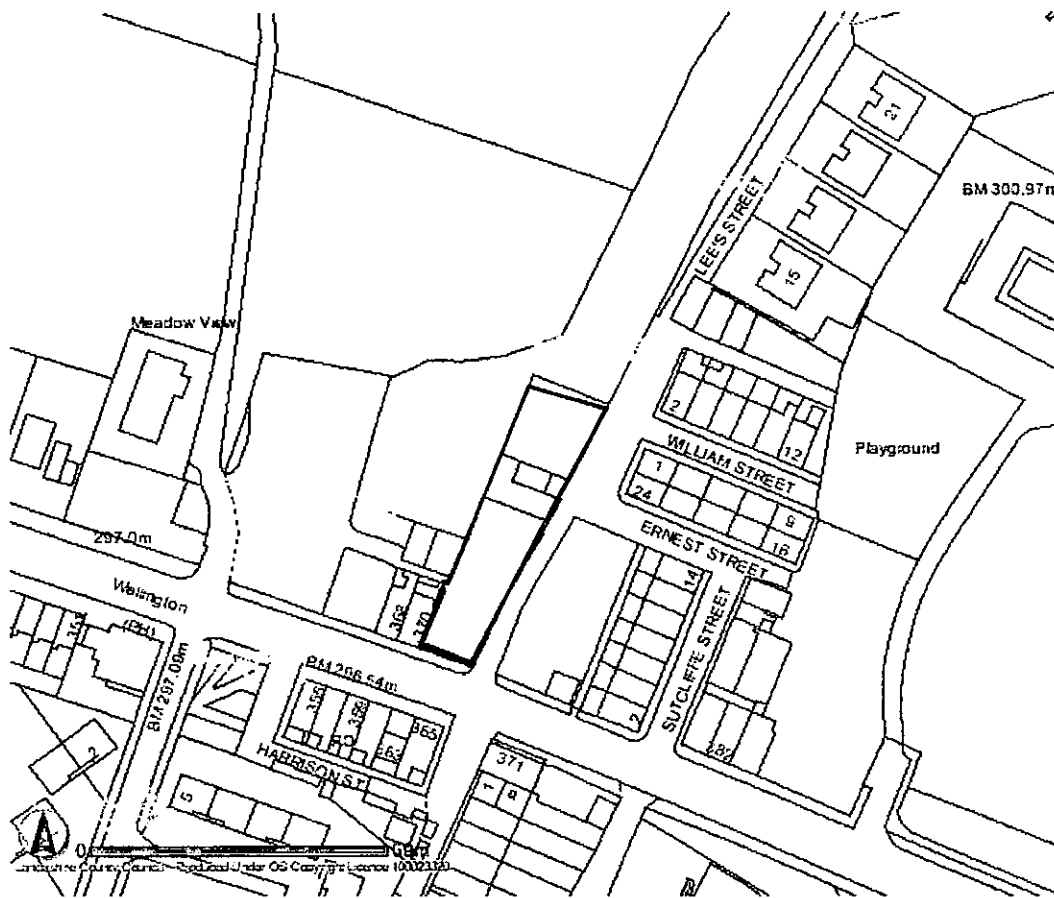
### **Local Plan Policies**

DS1

DC1

T4

S4



2006/189

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