

Application Number:	2018/0383	Application Type:	Full
Proposal:	Revised house types / plots to 20 of the proposed dwellings.	Location:	Land Off Rockliffe Road Rockliffe Road Bacup
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	19 th September 2018
Applicant:	Mr Andrew Wood (Barnfield Construction Ltd)	Determination Expiry Date:	29 th October 2018
Agent:	Mr Neil Milling (Liberata Architects)		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	✓ (Major)
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
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

Grant planning permission subject to the conditions set out in this report.

APPLICATION DETAILS

2. SITE

This application relates to a site which is located to the south of Bacup town centre, between the A681 Market Street, the A671 Rochdale Road and the A6066 New Line.

The overall site is of approximately 3.4 hectares in area (including the housing already constructed) and is of irregular shape. The site is bounded:

- to the North by houses that front Grafton Villas, bungalows on Anderson Close and long-standing industrial premises at the end of River Street;
- to the West by the River Irwell and the backs of extensive industrial premises;
- to the East by Rockcliffe Road, a garage-court & housing served off Pine Street, a field and the grounds of St Saviours Community Primary School; &
- to the South by a flat/overgrown area of land formerly occupied by a railway line and beneath which runs a stream called Trough Syke, beyond which the land rises up towards New Line.

Whilst it can be said that the site slopes down from Rockcliffe Road in the east towards the western and southern boundaries, it does not do so in a uniform way. From Rockcliffe Road and the garage-court and housing served off Pine Street the site slopes down steeply to a more gently-sloping plateau that extends from the dwellings on Grafton Villas and Anderson Close to a steeply-sloping bank down to the flat land formerly occupied by the railway line beyond the southern boundary. This plateau is bounded to the west by a steeply-sloping bank on a NE-SW axis, at the base of which is again a gently-sloping plateau that extends to the south of the industrial premises at the end of River Street and alongside the River Irwell.

Public Footpath No 486 crosses the site however this has been subject to a temporary closure order.

The site lies within the Urban Boundary of Bacup and planning permission has previously been granted for residential development on the wider site.

The site specific to this planning application relates only to twenty of the approved house plots.

3. RELEVANT PLANNING HISTORY

Reference	Description	Decision	Date
2004/0143	Residential development of 90 new dwellings and landscaped area	Approved	April 2007
2008/0083	Erection of 89 dwellings	Withdrawn	
2010/0094	Erection of 89 houses, entailing diversion of Public Footpath No 486, Bacup	Withdrawn	
2010/0115	Extend the time limit of Planning Permission 2004/143 (Erection of 90 Dwellings)	Approved	May 2010
2011/0637	Erection of 82 houses, including new access roads from Rockcliffe Road and Grafton Villas	Approved	June 2012
2012/0322	Discharge of conditions 2,3,4,5,8,10 & 11 on planning permission 2011/0637	Conditions discharged	September 2012
2012/0443	Discharge of Condition 13 (Scheme of	Conditions	September 2012

	Siting of Compound & Routing to be used by lorries associated with the construction) from Planning Approval 2011/0637.	discharged	
2015/0023	Variation of Condition 4 (Levels), Condition 5 (Surface water regulation system) and Condition 11 (Landscaping/boundary treatment) of Planning Permission 2011/0637 for erection of 82 Houses	Never determined	
2015/0215	Minor changes to layout within loop of access road. Changes to layout and house type. Number of Proposed units adjusted from 23 to 24. all house types changed from C to C3. Area of public open space (open area 3) increased. Alignment of geotextile retaining wall adjusted.	Approved	July 2015
2015/0172	Non Material Amendment for minor changes to layout within loop of Access Road	Withdrawn	
2018/0043	Full application for the erection of 26 dwellings (amendment to planning approval 2011/0637 which approved the erection of 82 houses with new access roads from Rockcliffe Road and Grafton Villas)	Approved	March 2018
2018/0314	Application to discharge conditions 12 (protection of the River), 13 (ecological status of the River), 17 (eradication of invasive species), 18 (Landscape and Environmental Management Plan), 21 (construction management plan), 29 (management company) and 30 (retaining walls) attached to planning approval 2018/0043	Split Decision	July 2018
2018/0327	Application to discharge condition 19 (remediation strategy to deal with the risks associated with contamination of the site) pursuant to Planning Approval 2018/0043	Pending	
2018/0337	Application for a minor non-material amendment to planning approval 2018/0043 in respect of the alignment of the road	Pending	
2018/0339	Application to discharge conditions 22 (site access on Rockcliffe Road including full engineering, drainage, street lighting and swept path analysis) and 28 (Landscaping) pursuant to Planning Approval 2018/0043	Split Decision	July 2018
2018/0391	Application to discharge condition 22 (street lighting details) pursuant to	Approved	July 2018

4. PROPOSAL

Further to the grant of planning permission (under 2018/0043) for the construction of 26 dwellings, planning permission is now sought for revised house types on twenty of the approved plots.

The proposed scheme is to replace ten of the semi-detached pairs (20 no. dwellings) with five terraced rows of 4 no. properties each (20 no. dwellings)

The proposed dwellings would be constructed of artificial stone, with grey concrete tiled roofs, to match the first dwellings already constructed on the adjacent site (off Grafton Villas). Some of the dwellings would have rendered rear elevations.

In terms of fenestration, the dwellings would each have three windows and a door on their front elevations, and three windows with a patio door on their rear elevations. Windows would be dark grey UPVC units, and doors would be white UPVC units.

5. POLICY CONTEXT

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Adopted Core Strategy 2011), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained where relevant within the body of the report.

6. CONSULTATION RESPONSES

LCC Highways	No objection.
United Utilities	No comments have been received.

7. REPRESENTATIONS

A site notice was posted and neighbour letters were sent out to notify the public about the application.

No comments or objections have been received.

8. ASSESSMENT

Principle

The site is located within the urban boundary in a reasonably sustainable location in terms of its proximity to the Town Centre and bus services.

The Council cannot currently demonstrate a five-year supply of deliverable housing sites based on Full Objectively Assessed Need (FOAN), and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraphs 73 – 76 of the 2018 Framework). Notwithstanding this, Policy 1 directs new development to the Urban Boundary (the site is within this area).

Planning permission was granted earlier in 2018 for the construction of 26 no. dwellings on this site. The current application seeks only to amend the house type of twenty of the approved dwellings.

The principle of residential development on the site has already been established under earlier planning permissions, and the current proposal makes no changes that alter the acceptability of residential development in principle.

Design, Appearance and Layout

Paragraph 127 of the Framework states:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”*

Policy 24 of the Core Strategy seeks to ensure that new development is *“compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing”*.

The first properties constructed on the wider site have been constructed with grey-tiled roofs and, for the most part, artificial stone-clad front elevations, though with significant areas of render to other elevations. Each of the houses is set back from the road serving it with both a front and a rear garden. A number of the properties have a large retaining wall at the back of the rear gardens which is due to the land level difference at the rear of the properties.

The layout of the proposed dwellings follows the format of the already constructed dwellings. The proposed facing materials would match closely those of the houses that have already been constructed.

The design of the properties is relatively simple which reflects the character of the area and subject to amended materials the design and layout is considered to be acceptable.

The proposed scheme is considered acceptable in terms of design, appearance and layout.

Residential Amenity

The proposed amendments to the approved house types do not entail any changes which would result in any significant increase in overlooking, loss of light or loss of outlook to any neighbouring residential properties, compared to the scheme for which there is already planning approval.

The only immediate residential neighbours to the proposed dwellings are the already constructed dwellings on Anderson Close. Proposed plots 17-24 back onto to the existing dwellings and will be approximately 31 metres away (at the closest point) extending up to approximately 40m (at the furthest point). Plot 24 will be approximately 16m away (at the closest point) from the side gable of the end property on the cul de sac.

It is important to note that the proposed dwellings are on the highest part of the site and as such will be between approximately 8.25 and 8.7 metres higher than the existing dwellings. The existing dwellings already have retaining wall structures at the rear of their gardens to address the level change. Plots 23 and 24 are approximately 5.7m higher than the nearest existing dwelling at the end of the cul de sac.

Internally within the proposed layout plots 13-16 will back onto plots 1-4 but at a much higher land level due to the topography. At their closest points 22m is retained between the rear elevations of the dwellings but plots 13-16 are between approximately 5.25 and 6.75m higher than plots 1-4.

The Council's standard spacing standards requires the following separation distances between dwellings:

- Maintain a minimum distance of 20m between habitable room windows in properties that are directly facing each other; and
- Maintain a minimum distance of 13m between a principal window to a habitable room in one property and a two storey blank wall of a neighbouring property; and
- Maintain a minimum distance of 6.5m between a principal window to a habitable room in one property and a single storey blank wall of a neighbouring property.

However it is important to note that where there are significant level changes, as is the case here, an extra 3 metres for every 2.5m level difference should be added to the separation distance maintained in accordance with the Council's guidance.

In the case of this site in order to meet the required spacing distances, taking into account the additional distances to accommodate the level differences, would not be possible and would see the site undevelopable. Separation distances are imposed to protect neighbour amenity through loss of privacy and loss of amenity. In the case of this site the level differences are so significant that the windows of the proposed houses along with the garden areas will not enable unacceptable overlooking into the neighbouring properties to the detriment of neighbour amenity.

Given the above the application is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority has been consulted on the application and has raised no objection.

It is not considered that the proposed changes to the house types will cause any access or parking issues compared to the scheme already approved.

9. RECOMMENDATION

Approve planning permission subject to conditions.

10. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle within the urban boundary. It is considered that the development would not unduly affect the visual amenities of the area, neighbour amenity or highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP2, 1, 7, 8, 9, 17, 18, 19, 23 and 24 of the Council's Core Strategy DPD (2011).

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development shall be carried out in accordance with the following plans and documents:

- Application form dated 30th July 2018.
- Location Plan (drawing number A1729-LIB-S1-A1 00-Z1-LL-P2-001 Rev. P2) dated 30th July 2018.
- Proposed Site Plan (drawing number A1729-LIB-S1-A1 01-ZZ-LL-P2-001 Rev. P9) dated 30th July 2018.
- Proposed Plot Levels (drawing number A1729-LIB-S1-A1 02-ZZ-LL-P2-001 Rev. P6) dated 30th July 2018.
- Proposed Site Sections (drawing number A1729-LIB-S1-A1 01-ZZ-LL-S2-001Rev. P5) dated 30th July 2018.
- House Type B3 Proposed GA Plans (drawing number A1729-LIB-B3-A1 20-ZZ-LL-P2-002 Rev. P2) dated 30th July 2018.
- House Type B3 Proposed Elevations (drawing number A1729-LIB-B3-A1 20-ZZ-LL-E2-002 Rev. P3) dated 30th July 2018.
- House Type B3 Proposed Perspectives (drawing number A1729-LIB-B3-A1 20-ZZ-LL-3D-002 Rev. P2) dated 30th July 2018.
- House Type B4 Proposed GA Plans (drawing number A1729-LIB-B4-A1 20-ZZ-LL-P2-001 Rev. P2) dated 30th July 2018.
- House Type B4 Proposed Elevations (drawing number A1729-LIB-B4-A1 20-ZZ-LL-E2-001 Rev. P3) dated 30th July 2018.
- House Type B4 Proposed Perspectives (drawing number A1729-LIB-B4-A1 20-ZZ-LL-3D-001 Rev. P2) dated 30th July 2018.

Reason: For the avoidance of doubt.

3. Prior to the commencement of the construction of the dwellings hereby approved details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. All the dwellings hereby permitted shall be provided as affordable dwellings (as defined in the National Planning Policy Framework) to be managed by a Registered Provider.

Reason: Weight was given to the case put forward by the applicant as a Registered Provider in terms of the viability of the site in relation to the normal public open space requirements.

5. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) and the garden areas for the dwellings hereby approved shall be at the same level as the building slab level for the dwelling they serve.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

6. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

7. The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out in a hard permeable surface and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: To ensure provision of adequate off-street parking facilities within the site.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the locality.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site.

12. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.