

Application No: 2008/593	Application Type: Reserved Matters
Proposal: Residential Development, comprising of 32 houses & 13 bungalows	Location: Land adj to Deansgreave Road, Off New Line, Britannia
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 3/11/08
Applicant: Newfield Jones Homes	Determination Expiry Date: 20/11/08
Agent: Baldwin Design Consultancy Ltd	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	Yes
Member Call-In	No
Name of Member:	
Reason for Call-In:	
3 or more objections received	Yes
Other (please state)	Major

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. The Site

This application relates to an irregularly-shaped site, of approximately 1.2 hectares in area, which has frontages to both New Line and Deansgreave Road and to the rear slopes down steeply to the long-distance recreational route occupying a former railway line.

The site is bounded by industrial premises located on the corner of New Line/Deansgreave Road (including those of Lancashire Sock Manufacturing Ltd). It is also bounded by a handful of residential properties that front New Line, with residential properties opposite.

2. Relevant Development Control History

Application 2004/555

In accordance with the allocation in the Rossendale District Local Plan for residential development of the site, this application sought Outline Permission for the erection of 50 dwelling units, to be accessed from New Line. In September 2004 Committee was minded to grant Outline Permission, subject to conditions and to the applicant first entering into a Legal Agreement.

As the Legal Agreement had not been entered into prior to Lancashire County Council adopting a new Structure Plan the application was reported back to Committee in July 2006. Having regard to prevailing planning policy, the Officer report again recommended that Outline Permission be granted subject to conditions and a S.106 Legal Agreement first being entered into to secure the enhancement and maintenance of the linear walkway to the rear.

The necessary Legal Agreement was duly completed and, in December 2006, the decision notice was issued granting Outline Permission for the residential redevelopment of the site, with access to be from New Line.

Application 2007/330

In August 2007 I presented a report to Committee in respect of an application from Harron Homes. It sought approval for the reserved matters in respect of Outline Permission 2004/555, namely the layout, scale, appearance and landscaping of the development.

That scheme proposed the erection of 49 dwellings, to include 33 detached and terraced houses and, towards the south-eastern corner of the site, a 4-storey block containing 16 apartments. The apartments were to have 2 bedrooms and the houses 3, 4 or 5 bedrooms. The proposed buildings were to be constructed of artificial stone, with grey tiles roofs.

This application was refused for five reasons :

1. Food risk, most particularly for occupiers of 137/139 New Line.
2. Public health and pollution of ground/surface waters risks.
3. Loss/lack of the amenities occupiers of existing/proposed dwellings could reasonably expect to enjoy, and detriment to the visual amenity of the area.
4. Inadequate information in relation to bin-storage, cycle parking and renewable energy/energy efficiency measures.
5. Failure of the scheme to include a significant element of single-storey dwellings.

In amplification

The Environment Agency objected, having unresolved concerns about:

- The proposed culverting of the watercourse running through the site and the proposed site levels/potential increase in flood risk for occupiers of 139 New Line.
- 6 of the proposed houses and 4 garages being too near the culverted watercourse (a concern also expressed by United Utilities).
- The relationship of the proposed attenuation-pond to existing and proposed dwellings and the old railway cutting.
- The adequacy of the submitted Ground Condition Report to act as a basis on which to assess the risk of pollution to ground and surface waters and produce a remediation strategy.

The Council's Drainage Engineer and Environmental Health Officer similarly expressed concerns regarding flood risk and risk to human health.

LCC(Highways raised no objection. Letters/emails of objection were received from 16 local residents and the occupier of commercial premises bounding the site.

Officers considered the proposed scheme would : a) fail to adequately protect the amenities existing neighbours could reasonably expect to enjoy, most particularly occupiers of 137/139 New Line; b) detract unacceptably from the visual amenity of the area, most particularly by reason of the siting/size/design of the apartment block. At the Committee meeting Members expressed a clear wish that the site provide a significant number of bungalows in order to respect/harmonise with dwellings on the opposite side of New Line and reflect the identified local housing need.

3. The Proposal

The current application seeks reserved matters approval for the erection of 45 dwellings in total, including 13 bungalows. As previously stated, the access-point was established at the outline stage.

The site layout now submitted will result in the erection of two short terraces of houses fronting New Line between the existing pair of houses 137/139 New Line and the very much more substantial mill building on the corner of Deansgreave Road/New Line, where terraced houses stand on the opposite side of New Line. Immediately to the west of 137/139 New Line will stand two pairs of semi-detached houses, to the side of which semi-detached bungalows will flank the access road, reflecting the more mixed house-types on the opposite side of New Line.

The access road will serve a line of detached and semi-detached houses with their backs to the former railway line. The other bungalows to be provided on the site are so arranged that they, rather than houses, will stand to the rear of 137/139 New Line and the pair of houses towards the western boundary of the site and be nearest to Deansgreave Road.

The scheme provides a mix of 2, 3 and 4-bedroomed dwellings, to be constructed in artificial stone and with grey tiled roofs. Whilst the terraced houses will have use of a communal car park, the other units will have in-curtilage/allocated parking spaces. The layout also incorporates a footpath link to the long-distance footpath on the former railway line running to the rear.

The application is accompanied by a Flood Risk Assessment and Contaminated Land Report. The part of a large culvert which presently runs beneath the rear gardens of 137/139 New Line is to be de-commissioned and diverted so as to run through the application site. Surface water from the proposed development is to run to a wetland area to be formed towards the western end of the site, to attenuate the rate of run-off from the site to the existing drainage system. The Contaminated Land Report contains information upon intrusive and non-intrusive investigations to establish the nature and extent of contamination arising from previous uses of the site, remediation works that have been undertaken and suitability of the site for the intended use. It indicates the site to be suitable for the proposed development but, at least in part, likely to require use of piled-foundations / incorporation of landfill gas prevention measures.

4. Consultation Responses

LCC (Highways)

No objection in principle, subject to the Developer funding a Traffic Regulation Order to restrict parking at all times in the vicinity of the estate road/New Line junction. The submitted scheme proposes carriageways of adequate width, with appropriate visibility splays at the junction with New Line. To accord with the approved standards, there is need for certain drives/garages to be slightly amended, most particularly to avoid the backing of a car from a parking space serving units 2 and 32 so close to the junction with New Line.

Environment Agency

No objection in principle, subject to conditions to : a) ensure the diversion of the culverted watercourse out of the gardens of 137/139 New Line; b) regulate floor-slab and ground levels across the site; & c) secure provision/maintenance of the surface-water regulation system/hard-surfaced areas/landscaping in the appropriate form.

RBC (Environmental Health)

No objection.

5. Notification Responses

The application has been publicised by way of site and press notices posted, together with letters to 25 properties.

To date comments have been received from 5 local residents. One expresses no objection to bungalows being built opposite them and another that they do not object in principle to development of the site, though having concerns about particular aspects of what is proposed. The other three express objection to the proposed scheme. The following concerns/objections have been raised :

- A greater proportion/all of the proposed dwellings on the site should be bungalows.
- The bungalows proposed immediately to the side and rear of them have a window in the side-elevation to face towards their property which will need to be obscure-glazed to avoid loss of privacy.
- Residents of the area presently experience problems with foul and surface-water drainage.
- Works previously undertaken to clear/remediate the site caused vibration to their house requiring re-pointing and interfered with surface-water drainage from their property, and they would not wish a re-occurrence.
- The lay of the land has been altered significantly to the rear of 139 New Line and the submitted scheme will leave their own rear garden and that of No 137 overlooked on all sides by proposed dwellings and bounded by a 3m high retaining wall topped by a 1.8m high fence, making it feel prison-like and with a concern about potential flooding as there is an opening in the existing culvert near to the boundary of their garden.

6. Policy Context

National

PPS 1
 PPS3
 PPS9
 PPG13
 PPG14
 PPG17
 PPS22
 PPS23
 PPG24
 PPS25

Development Plan

RSS for the NW of England (2008)

Rossendale District Local Plan (1995)

DS1 (Urban Boundary)
 E1 (Greenlands)
 E6 (Ground Instability)
 E7 (Contaminated Land)
 DC1 (Development Criteria)
 DC3 (Public Open Space)
 DC4 (Materials)
 C10 (Valley Ways)

Other Material Planning Considerations

LCC Parking Standards
 RBC Core Strategy Preferred Options Report
 RBC Bacup, Stacksteads & Britannia Emerging AAP
 RBC Revised Interim Housing Policy Statement 2008

7. Planning Issues

Principle

The principle of residential development of the site has been established through the granting of Outline Permission, as too has the position for the access to be formed to serve the development. Approval is now sought for the detailed scheme.

Housing Policy

The submitted scheme provides for construction of dwellings on the site at a suitable density, and which are to be served off a new vehicular access joining New Line at the point which accords with the Outline Permission.

It was the wish of Committee when determining the Outline Permission that a Condition be attached requiring provision on the site of “*a significant element of single-storey house types*”. The Newfield Jones scheme now before you proposes that 13 out of the 45 dwellings to be erected on the site are bungalows. I consider the provision of 29% of the properties as bungalows to accord with Committees previously-expressed wishes upon this matter. Accordingly, it is considered that a suitable range of house types/sizes is being proposed.

Flood Risk/Contamination

The Environment Agency and the Council’s Environmental Health Officer have raised no objection to the proposal for reasons of risk of flooding and risk to public health. With respect to the particular point raised by the resident of 139 New Line about the potential flood risk for their garden/that of the attached house I would advise that the length of culvert to be de-commissioned and diverted includes the open-section from which water has been able escape, thereby mitigating the present risk of flooding.

Visual/Neighbour Amenity

The omission of the 4-storey apartment block and inclusion of the bungalows addresses my concerns about the impact of the Harron Homes scheme upon the character and appearance of the area and, in most respects, upon neighbours.

The most problematic matter remaining in respect of the current application is the relationship between the proposed development and 137/139 New Line by reason of this existing pair of houses being split-level with rear-gardens at such a low level they do not provide an adequate depth of cover over the existing culvert to meet current standards and the Environment Agency’s understandable wishes for its replacement to have the cover to protect it/to mitigate the flood risk.

The scheme now proposed fulfils the Environment Agency’s wishes in a manner resulting in bungalows to the rear of 137/139 New Line that exceed the 20m window-to-window spacing standard of the Council. However, as proposed the rear gardens of these two houses would be bounded by a retaining wall of up to 2m in height, and topped by a 1.8m high timber fence so as to prevent people within the gardens of proposed dwellings being able to view down into the gardens of 137/139 New Line from the rear and sides. The applicant has indicated that the retaining wall need not be upright, providing details for a retaining wall that would slope back from the party-boundary at an angle of 70 degrees as it rises in height and can be planted-up to give a soft/green finish.

The Council's Drainage Engineer has questioned whether the retaining wall can be cranked over in this manner if the culvert is to be diverted on the route proposed by the Applicant. Irrespective of whether the retaining-wall can be cranked-over or needs to be upright I consider it, in combination with the timber-fence it would be topped with, would result in an unacceptable level of enclosure of the rear gardens of 137/139 New Line. Discussions have taken place with the Applicant with a view to it amending the scheme in a manner that enables the retaining wall around the rear gardens of 137/139 New Line to be deleted and the neighbouring gardens of the proposed dwellings to be on essentially the same level at the party-boundary, but I have not received amended drawings that provide this.

Highway Issues

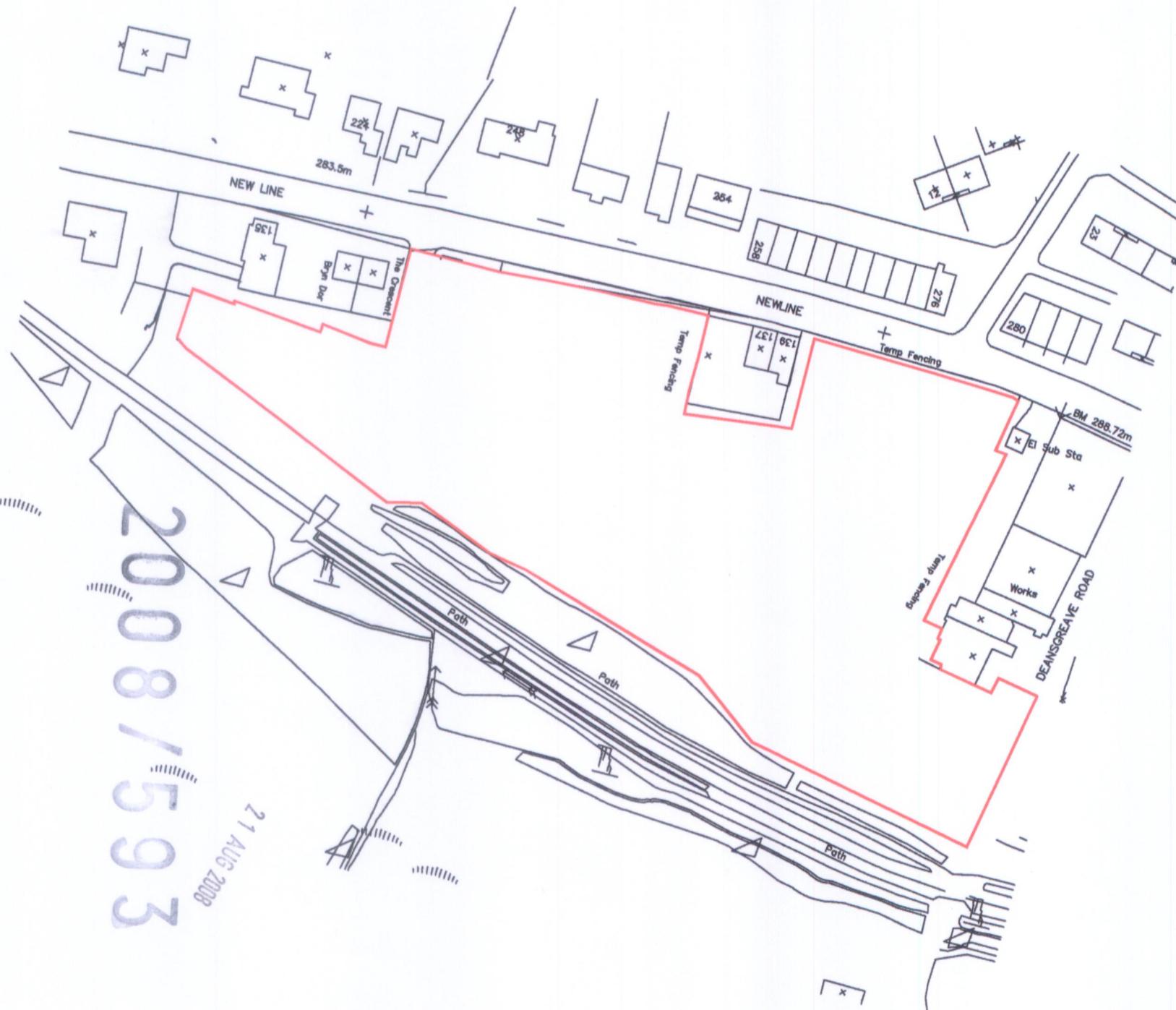
The Highway Authority has expressed a concern about the manner in which a couple of the dwellings have parking spaces that will result in backing-vehicles in the vicinity of the junction of the estate road with New Line. I can appreciate his concern. Discussions have taken place with the Applicant about how this matter can be satisfactorily addressed, but I have not received amended drawings that remedy the problem.

8. Recommendation

That the application be refused for the following reasons :

1. The proposed development would detract unacceptably from the amenities occupiers of 137/139 New Line could reasonably expect to enjoy, most particularly by reason of the degree and manner of enclosure of their rear gardens. Accordingly, the proposed scheme is contrary to PPS1/PPS3, Policy DP7/L3 of the Regional Spatial Strategy for the NW of England (2008) and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
2. The proposed development would not provide safe and satisfactory arrangements for the movement and parking of vehicles, most particularly by reason of the parking spaces to be provided to serve Units 2 and 32, which are unduly close to the site access. Accordingly, the proposed scheme is contrary to PPS1/PPG13, DP5/RT2 of the Regional Spatial Strategy for the NW of England (2008) and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.

Contact Officer	
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Revisions

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Drawing: 1:1250 Location Plan	No. NFJ-NL-LP-1
	Rev.
Development: New Line Road, Bacup.	Scale: 1:1250 Date: 31.7.08 Drawn: JL



Revisions

- A. Brick faced retaining wall detail added. JL 29.07.08
- B. Brick faced retaining wall detail added. JL 29.07.08
- C. Boundary treatments amended as instructed. JL 12.08.08
- D. Boundary treatments amended as instructed. JL 14.08.08
- E. Boundary treatments amended as instructed. JL 15.08.08



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Drawing:
Boundary Treatment Plan

Development:
New Line Road, Bacup.

No.	NPL-ML-07-1
Rev.	E
Scale	1:500
Date	17.8.08
Drawn	JL

Drawing Key

- 1.2 metre high post and rail fence along parts of the developments boundary. Refer to standard detail
- 1.8 metre Plot curtilage panel division fence boundary Refer to standard detail
- Existing stone wall to be retained
- Retaining wall in turf appearance with 1800mm high green fence. Retaining wall to tensor specification
- Retaining wall in stone finish with 1200mm high green fence. Retaining wall to structural engineers design to be stone faced
- 1200mm high metal railings - Refer to standard detail
- 1.8 metre high screen fence with intermediate stone piers - Refer to standard detail
- Development/application site boundary - no fencing to be provided except where specifically referred to on layout