

**TITLE: APPLICATION 2005/602
SUBSTITUTION OF HOUSE TYPES & ASSOCIATED GARAGES
ON PLOTS 62-116
LAND BETWEEN DOUGLAS ROAD & TONG LANE, BACUP**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 10 JANUARY 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT : MCDERMOTT DEVELOPMENTS LTD

DETERMINATION EXPIRY DATE : 22/1/06

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.

Background

Development has begun on the largest site in Bacup allocated in the Rossendale District Local Plan for residential development, Reserved Matters Approval having been granted in May 2005 for the erection of 194 houses on a site approaching 9 hectares in area and located between Douglas Road and Tong Lane (2004/401).

Proposal

Rather than complete the approved scheme in full a further Reserved Matters Approval is sought to vary the house types on a part of the site having an area of approximately 1.5 hectares and bounding existing houses fronting Ronaldsway Close and Onchan Drive.

This proposal will result in no increase in the number of dwellings on the site, nor change the previously approved highway layout or the play space/ public open space to be provided. It is now intended that this part of the site be occupied by 28 3-bedroomed houses and 27 4-bedroomed houses, 3 of the latter to be of 3-storeys in height.

Consultation Responses

None.

Notification Responses

A letter has been received from the occupiers of a house on Onchan Drive which seeks clarification of various matters, most particularly:

- 1) whether there will be access to the proposed development from Onchan Drive and, if not, how this is to be prevented; and
- 2) what type of trees are to be planted on the boundary between the application site and houses fronting Ronaldsway Close.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

Most notably, the application site is located within the Urban Boundary of Bacup and is specifically allocated for residential development.

- DS1 - Urban Boundary
- E13 - Noise Sources
- DC1 - Development Control
- DC2 - Landscaping
- DC3 - Public Open Space
- DC4 - Materials
- T6 - Pedestrians

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes

Other Material Planning Considerations

- PPS1 - Sustainable Development
- PPG3 - Housing
- PPG13 - Transport
- PPG17 - Sport & Recreation
- PPG 24 - Noise

LCC Parking Standards

Rossendale BC Housing Position Statement

Bacup, Stacksteads & Britannia Area Action Plan (Review of Sites)

Planning Issues

Since permission exists for the erection of 55 houses on this part of the site, and the current application proposes no more than this, there is no objection to the proposal in terms of principle/housing policy.

This being the case, the main issues which need to be considered are : 1) The mix of dwellings; 2) The design and appearance of the development; & 3) Neighbour amenity.

Mix of Dwellings

In comparison with the permitted scheme, the current proposal will somewhat increase the proportion of 4-bedroomed dwellings; implementation of the earlier

permission would result in 36 houses with 3-bedrooms and 19 with 4-bedrooms. The current application will result in a more equal split between these two house sizes on this part of the site. Nevertheless, I am satisfied a suitable mix of dwelling sizes/types will be maintained, 60% of the houses on the site as a whole to be of 3 or less bedrooms.

Design and Appearance

The proposed dwellings are of satisfactory design, and the use of brick and concrete roof-tiles for their construction will ensure that they are in-keeping with the adjacent houses (existing and proposed).

Neighbour Amenity

The proposed houses will provide their occupiers with the amenities they could reasonably expect to enjoy, without causing unacceptable detriment for any neighbours.

With respect to the points raised by the local resident:

1. The previously permitted road layout did not propose that Onchan Drive serve as vehicular access to any of the new houses and no change to the road layout is now proposed. An informal path from the end of Onchan Drive presently enables its residents to reach Tong Lane. I consider it appropriate that a footpath-link be maintained. A condition to this effect is recommended.
2. A condition is recommended requiring submission of details of landscaping/boundary treatment to be submitted for the Councils approval.

Recommendation

That reserved matters approval be granted subject to the following conditions :

1. The development shall be carried out in accordance with the amended Site Layout Plan (Drwg No 3211/10A rev G), received on 16/12/05, and the slab levels shown on Drwg No 3211/100, received on 24/10/05, unless otherwise first agreed in writing by the Local Planning Authority. *Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.*
2. 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 the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
3. No development shall not be commenced until full details, including representative samples, of the external construction to be used on the roof and walls of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. *Reason: In the interests of visual amenity in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
4. No development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local

Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped, together with details of walls/fences to be erected to bound gardens &/or the site; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

5. All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the dwelling to which they relate/are nearest, unless otherwise agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building to which they relate/are nearest. Any trees or plants in the approved scheme of landscaping 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

6. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans. *Reason: To ensure a satisfactory means of drainage, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the local planning authority. The scheme shall be completed in accordance with approved plans. *Reason: To reduce the risk of flooding, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

8. The traffic calming features shown within the site shall be designed and implemented to be conducive to the implementation of a 20 mph zone covering the whole of the development site, with the developer funding all costs associated with the appropriate legal processes and signing. *Reason : In the interests of highway and pedestrian safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

9. None of the dwellings hereby approved shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local plan.

10. That part of each drive extending from the kerb line/edge of carriageway for a minimum distance of 7.5 metres into the site shall be paved in permanent construction, in accordance with details to be first approved in writing by the Local Planning Authority, prior to first occupation of the dwelling to which it relates.

Reason: To prevent mud/loose surface material from being carried on to the public highway, and causing a potential source of danger to other highway users, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

11. Prior to first occupation of any of the dwellings on Plots 67-75 a footpath shall be provided between the accessway serving them and Onchan Drive, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. *Reason: To ensure a satisfactory means of pedestrian access, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

Notes for Applicant

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath No. 445 affects the site.
2. Under the Highways Act 1980 Section 184, the County Council as Highway Authority must specify the works to be carried out within the highway. Only the Highway Authority, or a contractor approved by the Highway Authority, can carry out these works. Therefore before any such works can start you must contact the LCC Environment Directorate, quoting the planning application number.



LOCATION PLAN
DOUGLAS ROAD / TONG LANE, BACUP

2005/602

24 OCT 2005