

<b>Application Number:</b>	2015/0159	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 3 houses and associated hardstandings	<b>Location:</b>	Land adj 101 Bankside Lane, Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21 July 2015
<b>Applicant:</b>	Mr J Tizard	<b>Determination Expiry Date:</b>	9 July 2015
<b>Agent:</b>	TD Jagger Ltd		

<b>Contact Officer:</b>	<b>Neil Birtles</b>	<b>Telephone:</b>	<b>01706-238645</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>YES</b>
<b>Other (please state):</b>	

## 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

That Permission be granted subject to the Conditions set out in Section 10.

## 2. SITE

The application site is to the south side of Bankside Lane, measures approximately 20m x 30m in area, and has recently been cleared of vegetation.

The site is bounded to the North side by residential properties and to the South side by a garage court. To the opposite side of Bankside Lane are residential properties elevated above the level of the road and the site, whilst to the rear the site bounds in part with the grounds of The Coach

House (with mature trees near the boundary) and in part with an open field. There are two public sewers that run underneath the site.

The site and land surrounding it lie within the Urban Boundary of Bacup, the open field to the rear designated as Greenlands.

### **3. RELEVANT PLANNING HISTORY**

2013/0065 Erection of a pair of semi-detached houses

At its meeting in June 2013 Committee considered and approved an application seeking permission to erect on the site a pair of semi-detached 3-bedroomed houses.

### **4. PROPOSAL**

Rather than implement Planning Permission 2013/0065, the Applicant now seeks permission for the erection of a short terrace of three 3-bedroomed dwellings. The latest scheme would result in construction of the 2 houses previously permitted of the design & in the position then permitted, plus a further house of similar design on that side nearest to the garage-court.

The building would have a footprint of 9m x 14m, with an eaves height of 5m and ridge height of 8.5m, and be constructed of brick under a concrete tile roof with rooflights. The houses would stand 8+m from Bankside Lane, with hardstanding to the front of each of sufficient size to accommodate 2 cars, and rear gardens of 10+m in length.

As the site slopes down from Bankside Lane it is intended to built-up a level platform on which to accommodate the building and parking areas. There would be a 1.5m high retaining wall 1.5m from the rear of the building. From this retaining wall the land would slope gently down to the rear boundary of the site at its existing level.

The applicant has provided a plan showing the diversion route for the two public sewers running beneath the site. This plan shows the gable of the house nearest to the party-boundary with the house on the north side (101 Bankside Lane) will continue to be 9m from it. The gap between the resulting building and the garage-court on the south side will be reduced to 5m, still sufficient to provide a 1.5m path from Bankside Lane to the field to the rear for use by its owner and accord with the Badger Report accompanying the application (it indicates there to be no badger setts on the site and concludes no mitigation measures are necessary other than formation/retention of a suitable commuting route for badgers through the site between Bankside Lane and the land to the rear).

### **5. POLICY CONTEXT**

#### **National**

National Planning Policy Framework (2012)

- Section 1 Building a Strong, Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 10 Meeting the challenges of Climate Change, etc
- Section 11 Conserving and Enhancing the Natural Environment

#### **Development Plan Policies**

Rossendale Core Strategy DPD (2011)

Policy AVP2 Strategy for Bacup, Stacksteads, Britannia and Weir

Policy 1 General Development Locations and Principles

- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

**Other Material Planning Considerations**

Natural England Standing Advice Species Sheet : Badgers

**6. CONSULTATION RESPONSES**

LCC (Highways)

No objection subject to conditions to ensure :

- A footway is formed across the site frontage which is to adoptable standards.
- The boundary treatment along Bankside Lane does not exceed a height of 0.9m, in order that adequate sightlines are maintained for drivers and pedestrians.
- All three properties have a secure cycle store.

United Utilities

With respect to Application 2013/0065 :

No objection to the proposal provided that the following conditions are met : -

- No surface water from this development is discharged either directly or indirectly to the combined sewer network. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a soakaway as stated on the planning application.
- Two public sewer cross this site and we will not permit building over it. We will require an access strip width of 6 metres (3m either side of the centre line of each sewer). Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

**7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a site notice was posted on 28/5/15 and letters were sent to neighbours on 27/5/15.

Eight neighbour letters have been received raising the following objections :

- Loss of the fantastic views of the valley opposite.
- Concern the proposal will adversely impact on trees on adjacent land.
- The land was a public open space - regularly take my grandchildren down to feed the animals that are in the field behind.
- The site was sold with permission for 2 houses / Area is already over populated.
- The 3-storey townhouses don't fit in with the surrounding properties - existing houses in the vicinity are 2-storey / semi-detached / of 1930's design.

- Invasion of privacy / Reduction in light to garden - the houses now proposed will be nearer to existing houses on the opposite side of Bankside Lane and at Spring Mount to the rear.
- Increased parking issues - most families have a minimum of 2 cars and this means the road sides are already congested with cars, parking on both sides impeding access for emergency vehicles and a hazard particularly for children & those with prams.

## 8. **ASSESSMENT**

The main considerations of the application are :

- 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; & 5) Access/Parking.

### Principle

The site is within the Urban Boundary and is located within a relatively sustainable location. The scheme is considered acceptable in principle.

### Housing Policy

The application relates to a previously undeveloped site on a residential street.

The Council's Core Strategy states that housing development within the Urban Boundary of Bacup is not inappropriate, but priority should be given to development on previously-developed land. However, development of un-allocated greenfield land will be permitted where:

- It is for 100% affordable and/or supported housing schemes; or
- It forms a minor part (up to 15% of the overall site size) of a larger mixed use scheme or a major housing proposal (10+ dwellings) on previously developed land or
- It delivers a significant social, economic, or environmental benefit, or
- The application is for a barn conversion and it can be demonstrated that the site has been marketed for economic uses for 12 months, to the satisfaction of the Council, and is not viable for these purposes

The application proposal does not strictly conform with the above criteria. However, in respect of Application 2013/0065 it was considered that the 2 houses then proposed would not be unduly harmful to the general character & appearance of the area or undermine the aim of the Council's Housing Strategy to minimise loss of greenfield land to residential development. I do not consider the addition of a further house on this site will cause significantly more harm to the general character & appearance of the area or unduly undermine the aim of minimising loss of greenfield land.

### Visual Amenity

The proposed building would be set back from Bankside Lane roughly in line with the neighbouring semi at 101 Bankside Lane and would be read as a continuation of the existing row of semi-detached properties. The eaves and ridge height of the proposed building would be lower than the house at 101 Bankside Lane.

The existing houses on Bankside Lane have been built with a mix of facing materials. The intended facing materials - brick / concrete tile - are similar to those of the houses at No 101 and to its north side. It is considered appropriate to condition that samples of facing materials are submitted for approval prior to commencement in respect of the buildings and retaining wall, to ensure they are in-keeping with the surrounding properties.

As occupiers of the proposed houses are to be reliant for parking on hardstandings between the houses and highway I consider it important to avoid open-plan front gardens. It is also important to ensure that the proposed development proceeds in accordance with the recommendations of the submitted Ecology Report regarding retention/formation of a suitable commuting route for badgers through the site between Bankside Lane and the land to the rear. The recommended conditions reflect this.

On this basis, I do not consider that the scheme would be unduly harmful to the character and appearance of the street-scene or area in general.

#### Neighbour Amenity

I do not consider that the proposed development will result in significant loss of light, outlook or privacy for any neighbour.

The proposed houses would not be raised above the level of the house at 101 Bankside Lane and would be 17m from its gable. There is to be a 27m+ separation between the the front elevation of the proposed houses and the houses on the opposite side of the road. Houses at Spring Mount (to the rear) will stand still further away from the proposed houses, with intervening trees within their grounds.

#### Access / Parking

The proposed development will not add significantly to the traffic using Bankside Lane and LCC Highways is satisfied with the off-street parking facilities being proposed.

### **9. SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate in principle in the Urban Boundary and, notwithstanding that it is not previously developed land, would not unduly detract from the character & appearance of the area, neighbour amenity, biodiversity or highway safety. It is considered that the development is in accordance with Policies AVP2 / 1 / 2 / 3 / 8 / 18 / 23 24 of the Council's adopted Core Strategy DPD (2011).

### **10. RECOMMENDATION**

Approve

#### **CONDITIONS/REASONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the Drawing No 2031-15-01 and the recommendations of the submitted Badger Method Statement, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.  
Reason: To ensure the development complies with the approved plans and to protect wildlife, in accordance with Policy 18 of the adopted Core Strategy.
3. Prior to the commencement of development samples of the external facing materials to be used for the proposed buildings and retaining wall shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken with the approved facing materials unless a variation is first agreed in writing by the local planning authority.

Reason: To ensure that the development is of satisfactory appearance, in accordance with Policy 24 of the adopted Core Strategy.

4. Prior to first occupation of any dwelling the new footway along the site frontage shall be constructed to the standards & specifications of LCC Highways for adoption. Furthermore :
  - a) the hardstanding to serve as off-street parking for each dwelling shall be provided with a bound permeable material that avoids surface-water run-off to the highway and shall thereafter be kept freely available for parking of vehicles; &
  - b) each of the houses shall be provided with a secure cycle store.

Reason: In the interests of highway safety, in accordance with Policy 1 / 8 / 24 of the adopted Core Strategy.

5. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of hard and soft landscaping, shall be submitted to and approved in writing by the Local Planning Authority, to include details of boundary treatments and the route for badgers to cross the site. Any fences/walls/gates forming part of the approved scheme shall be completed prior to first occupation of the dwelling hereby permitted. Any new planting shall be undertaken in the first planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any plants which are removed, die or becomes seriously damaged or diseased within 5 years of planting shall be replaced by others of the same siting/size/species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : To protect visual & neighbour amenity and wildlife, in accordance with Policies 1 / 18 / 24 of the adopted Core Strategy.

6. No surface water from this development shall be discharged either directly or indirectly to the foul or combined sewer network, with only foul drainage connected into the foul sewer.

Reason: To prevent flood risk/pollution, in accordance with comments received from United Utilities and Policy 24 of the adopted Core Strategy.

7. 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 neighbours, in accordance with Policy 24 of the adopted Core Strategy.