

Application No: 2007/202	Application Type: Reserved Matters
Proposal: Erection of 3 no. bungalows (reserved matters for application 2005/275)	Location: Land to rear and garden area of 27 Helmshore Road, Haslingden
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 22 May 2007
Applicant: Two Brooks Valley Ltd, 8 East Beach, Lytham	Determination Expiry Date: 21 May 2007

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

3 or more objections received **X**

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.

APPLICATION DETAILS

1. SITE & PROPOSAL

1.1 The application site forms part of the rear garden of the detached residential property No. 27 Helmshore Road, located on the westerly side of Helmshore Road, Haslingden. The site is rectangular in shape and abuts the boundary with a large detached dwelling known as Hurst Bank to the north, residential dwellings, No. 29 Helmshore Road to the south and 25 Rawsthorne Avenue to the west. The site forms a gentle slope from east to west and is located at a

higher level compared with the neighbouring property to the south. Currently, the site is bounded by a high hedge along its boundary with properties to the north and south.

- 1.2 The application is a reserved matters application and seeks approval of the siting, design, means of access, external appearance and landscaping for the construction of 3 no. detached bungalows. The bungalows would be single storey and laid out in a row within the central part of the site. Each bungalow would provide a two bedroom accommodation over a single storey on the ground floor and have a garage and open amenity space. The bungalows would be built in slate tiled hipped roof with external walls in coursed natural stone. In terms of their design, the proposed bungalows are essentially the same.
- 1.3 It is proposed that the access to the site will be gained from Rawsthorne Avenue via an access road (4.5m wide) running along the northerly boundary of the site. A turning area is proposed between the central and eastern plot, approximately 18m from the eastern boundary of the site.

2. RELEVANT PLANNING HISTORY

- 2.1 2005/134: Outline application for the erection of three dwellings - Refused on the grounds that the development is not required to meet an identified local housing need.
- 2.2 2005/275: Outline application for the erection of three dwellings – Recommended for refusal, overturned at committee. Approved.
- 2.3 2006/427: Full application for the erection of three dwellings with garages and widening of existing access – Refused on the grounds of housing over supply, detrimental effect on the amenities of the adjacent residents, detrimental effect upon highway safety.
- 2.4 2006/677: Full application for the erection of three detached dwellings with garages and widening of existing access from Helmshore Road – Refused on the grounds of housing over supply, detrimental impact on the character of the area and detrimental effect on the amenities of the adjacent residents. As a consequence of the appeal proceedings, this application is currently being considered by the Planning Inspectorate.
- 2.5 2007/230: Full application for the erection of two dormer bungalows and one house with access from Helmshore Road – Withdrawn

3. POLICY CONTEXT

Rossendale District Local Plan
Policy DS.1 (Urban Boundary)
Policy DC.1 (Development Criteria)
Policy DC.4 (Materials)
Policy DC.7 (Development in Large Gardens)

Joint Lancashire Structure Plan
Policy 1 (General Policy)
Policy 12 (Housing Provision)

Other Material Planning Considerations

PPS 1 – General principles
PPG 3 - Housing
PPG 13 - Transport
LCC Parking Standards
RBC Revised Interim Housing Policy Position Statement

4. CONSULTATIONS

4.1 LCC (Highways)

No objection subject to access from Rawsthorne Avenue.

4.2 Rossendale Environmental Health

No objection subject to conditions requiring site investigations to assess any possible risks associated with the production of landfill gas and restricted working hours for carrying out the construction works.

5. REPRESENTATIONS

5.1 Site notices were posted and the relevant residents notified by way of an individual letter. 25 letters (4 letters from same resident) raising objection to the proposal have been received. The following issues were raised:

- Too close and would cause an invasion to privacy, disturbance and noise.
- The site is too small to accommodate the development.
- Would result in the felling several mature trees.
- The noise likely to be caused by vehicles using the new access road would be a constant source of disturbance to the residents of No. 25 Helmshore Road.
- The development would be contrary to the Council's Housing Policy.
- Rawsthorne Avenue is unsuitable to carry heavy plant, tipper wagons and material wagons.
- Rawsthorne Avenue is too narrow to deal with the increase in traffic. It is already congested with parked vehicles.
- Any increase in traffic on Rawsthorne would endanger the safety of children.
- The development would be detrimental to the amenities of the residents.
- The siting, layout, extent of the proposed access way and orientation of the turning area would result in a significant detrimental impact on the privacy and amenity within the rear gardens of Hurst Bank and No. 29 Helmshore Road.
- Noise nuisance resulting from vehicles, closing doors and general noise associated with vehicle usage would have a detrimental impact on the residents' privacy and amenity.

- The use of the turning area, due to its orientation and relationship, would have a detrimental effect on the amenities of the residents of Hurst Bank.

6. ASSESSMENT

6.1 The main issues to be considered in relation to this application are:

1. Principle of the development
2. Visual amenity
3. Neighbour amenity
3. Highway issues

6.2 Principle

The location for the proposed development is within the Urban Boundary and, therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan. The application seeks approval of the Reserved Matters consequential to the previous outline consent ref. 2005/275 granted on 4th July 2005. The issue of Housing Over Supply is not for consideration as the principle of 3 dwellings on this site area was established at outline stage.

6.3 Visual amenity

The application site forming part of the rear garden at 27 Helmshore Road, is located within an area characterised largely by low density development comprising large detached dwellings within quite extensive grounds. The proposed dwellings would be located within the central location of the site, approximately 7 to 8m away from the northern boundary and 6 to 12m from the southern boundary. The dwellings would be single storey with a ridge height of approximately 6m. Due to its location, restricted scale/size and relationship with the surrounding properties, it is considered that the proposed development would not have a significant detrimental effect on the open character of the area. It is considered that the proposed bungalows, due to their restricted size and height, would have little adverse impact on the visual character and appearance of the area and would be acceptable in terms of Policy DC7 of the Rossendale District Local Plan.

6.4 Residential amenity

The proposed dwellings with associated garages and parking area would be located within the rear garden to the west of no. 27 Helmshore Road. The bungalows would be orientated in a north-south direction with main frontage facing North and the rear elevation facing South. As such, the proposed bungalow on the eastern part of the site would be located directly opposite facing the southerly gable of the single storey extension at Hurst Bank. The remaining two bungalows would be located farther away from any of the adjacent dwellings.

The bungalow proposed on the eastern part of the site would be located approximately 23m to the rear of no. 27 Helmshore Road and approximately 23m from the front elevation of Hurst Bank and 9.5m from the gable wall of the single extension in front. Since there is no habitable room window displayed on the gable of the extension facing the proposed bungalow and in view of the

separation distance between the frontage of Hurst Bank and the proposed bungalow (23m), it is considered that the proposed development would have little impact on the amenities of the residents of Hurst Bank. Although, the proposed bungalows would be located approximately 4.5m from the boundary with Hurst Bank, in view of the fact that there is a thick high hedge located at the boundary, it is considered that the privacy of the garden at Hurst Bank would not be compromised to the detriment of the residents' amenities. Similarly, due to the distance between the gable wall of the bungalow proposed on the easterly part of the site and the rear elevation of 27 Helmshore Road (approximately 23m), it is not considered that the proposed development would have any detrimental impact on the amenities of the residents of no. 27 Helmshore Road.

With regard to the issues raised by the residents concerning noise/disturbance likely to be caused by the use of the proposed road or turning areas, it should be pointed out the access road would be located along the boundary with Hurst Bank which is bounded by a thick hedge. In view of the thick hedge along the boundary, the separation distance with the adjacent properties and limited use of the access road/turning areas, it is unlikely that the noise/disturbance generated by the access road/turning areas would be to the serious detriment of the residential amenities in the area. In view of these considerations, it is considered that the comments made by the residents in respect of the loss of amenity, overlooking, noise and disturbance, are insufficient to justify a recommendation for refusal.

6.5 Design/appearance

The proposed bungalows would have a slate tiled pitched roof and the external wall built in coursed natural stone. It is considered that the proposed development, in terms of its design and appearance, is compatible with the character of the adjacent buildings and the area. Due to the location of the proposed bungalows, it is unlikely that the proposed development would appear unduly prominent or intrusive in the street scene along Rawsthorne Avenue.

6.6 Landscape

The proposed layout for the bungalows is influenced to a large degree by the shape of the site and the position of the trees and other plantation on the site. According to the applicant, all the significant vegetation including two trees along the retaining wall in the western part of the site would be retained. Although, no landscape treatment has been proposed as part of the submitted scheme, the applicant has made it clear in the application that any tree removed as a consequence of the proposed development, would be replaced. To ensure the retention of the trees at the site, a condition is recommended.

6.7 Highway Issues

The LCC (Highways) are satisfied with the proposed access from Rawsthorne Avenue and details of the access road to serve the development. The Authority therefore raises no objection to the proposal.

7. CONCLUSION

- 7.1 The principle of the proposed development, due to the previous outline consent ref. 2005/275, has already been accepted. It is considered that the proposed development would neither have an unduly detrimental impact on the amenity of the adjacent residents nor on the character of the area. The proposed development would be in keeping with the character of the surrounding dwellings. It is considered that the proposed access and internal road layout is satisfactory and would not be detrimental to road safety. It is therefore considered that the proposed development is in accordance with policies DS1, DC4, DC7 and development criteria of policy DC1 of the Rossendale District Local Plan.

8. RECOMMENDATION

That the Application be approved subject to 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 drawings numbered PL01, PL02, PL03 and PL04 received on 26 March 2007 and PL05 (Revised A) received on 24 April 2007.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. The development shall not be commenced until full details, including representative samples, of the external materials of construction to be used on the roof and walls of the development have been submitted to and first approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved and maintained in perpetuity.
Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) no development shall be carried out on the site within the terms of Classes A, B, C, D, E and G, of part 1 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority.
Reason: To enable the Local Planning Authority to control any future development, having regard to local and neighbouring amenities and Policy DC1 of the Rossendale District Local Plan.
5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) the garage shall be used for no other purpose than for the parking of cars.
Reason: In the interests of residential amenity.

6. 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 DC.1 of the Rossendale District Local Plan.
7. The proposed access, driveways and turning areas shall be constructed in accordance with the approved plan and be available for use before the dwellings are first occupied. The parking and turning area shall be retained in perpetuity for the purpose of parking and turning.
Reason: To ensure adequate off-street parking and turning to permit vehicles to leave the site in forward gear, in the interests of highway safety.
8. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.
Reason: To avoid the loss of trees which are of amenity value to the area.
9. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on the site in accordance with BS 5837:1991 " Trees in Relation to Construction " has been submitted by the applicant to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason: To avoid the loss of trees which are of amenity value to the area.
10. Prior to the commencement of the development, site investigations must be carried out to assess any possible risks associated with the production of landfill gas. Detailed design features shall be incorporated into the proposed buildings required by the site investigation to alleviate risks, shall be submitted to and to the written satisfaction of the Local Planning Authority. A comprehensive construction design shall be incorporated to prevent the ingress of landfill gas, to be agreed in writing with the Local Planning Authority before work commences. The development shall be constructed in accordance with the approved detailed design features and comprehensive construction design and any measures included shall be maintained in perpetuity.
Reason: To alleviate any possible risk associated with the production of landfill gas.
11. Full details of all the fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in

writing by the Local Planning Authority prior to the erection or planting thereof and this condition shall apply notwithstanding any indications as to these matters given in the application. The development shall be carried out in accordance with the approved scheme and thereafter maintained in perpetuity.

Reason: In the interests of visual amenity.

Contact Officer	
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TITLE NUMBER
LAN24223



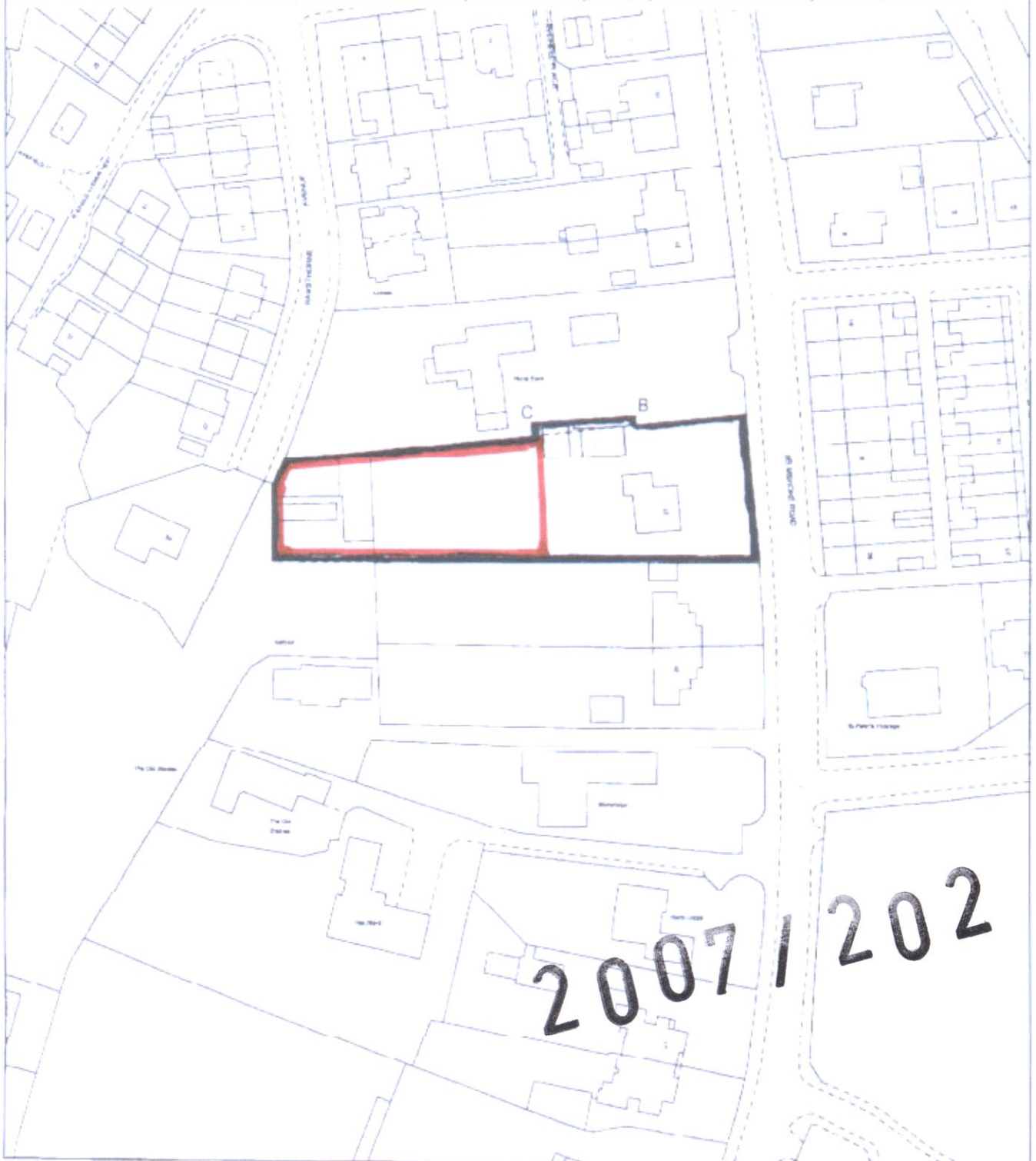
LANCASHIRE : ROSSENDALE

ORDNANCE SURVEY MAP REFERENCE:

SD7822NE

SCALE 1:1250

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Issued on 30 January 2006

This title is dealt with by the District Land Registrar for Lancashire.

