

TITLE:	2005/115 – ERECTION OF DWELLING AT 4 LOWER CRIBDEN AVENUE, RAWTENSTALL
TO/ON:	DEVELOPMENT CONTROL COMMITTEE - THURSDAY 28 APRIL 2005
BY:	TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT: MR & MRS D TOMLINSON

DETERMINATION EXPIRY DATE: 18 APRIL 2005

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.

This application is presented to this Committee at the request of a ward Councillor.

Site and Proposal

This proposal seeks consent to erect a four bed detached property with attached single car garage on land off Union Road and Lower Cribden Avenue. The site is to the south of numbers 2 and 4 Lower Cribden Avenue and it currently forms part of an extensive garden to number 4. The land slopes steeply upwards from south to north. The surrounding area is predominantly residential in character.

Planning History

2003/531 - Construction of 4 bedroom house with integral garage – Refused
4/12/2003. Appeal dismissed 30/7/2004

Consultation Responses

Environment Directorate (Highways) – No objection subject to conditional control

Notification Responses

Neighbour notification took place on the 23 February 2005. Seven letters of representation have been received which make the following points:

- Visual impact
- Inappropriate design
- Landscaping & wildlife would be affected
- Access/traffic hazard
- Precedent
- Loss of privacy
- Loss of mature trees

Development Plan Policies

Policy DC1 (Development Criteria) of the Rossendale District Local Plan

The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings, m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance..

Policy DC 4 (Materials) of the Rossendale District Local Plan states that “*local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates*”.

Adopted Joint Lancashire Structure Plan 2001-2016

Policy 12 (Housing Provision) stipulates the annual average rates for future housing provision. For Rossendale 220 houses per year are required between 2001 and 2006 and then 80 house per year between 2006 and 2016.

The parking standards indicate that for residential properties with 4 plus bedrooms 3 spaces are provided.

Policy 1b requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.

Other Material Planning Considerations

Government guidance in the form of PPG 3 (Housing) is relevant. The guidance states that sites for housing should be assessed against a number of criteria namely the

availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

In relation to windfall sites this guidance states that *“Windfall sites are those which have not been specifically identified as available in the local plan process. They comprise previously-developed sites that have unexpectedly become available.”*

Paragraph 22 states that *“The Government is committed to maximizing the re-use of previously-developed land...in order both to promote regeneration and minimize the amount of greenfield land being taken for development”*.

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

Paragraph 56 states that *“New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context...”*

PPG13: Transport states in paragraph 19 that *“A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.”*

Planning Issues

The first issue to be addressed is whether the principle of development on this site is acceptable. As this property falls within the Urban Boundary, Policy DS.1 is relevant. This policy seeks to focus new development within this boundary and as such this proposal is acceptable in land use principle.

The next issue to be considered is the suitability of the site for housing development. The site is previously developed as defined in PPG3. In terms of accessibility it is the County Council's view that the site is poorly accessible to existing amenities however the Council's Local Planning section has previously commented that the site is close to a good bus route and as such existing amenities are accessible by other means than a car. The existing road infrastructure can accommodate this proposal and the Council's highways department is satisfied that, subject to the imposition of conditions, a new access onto Union Road can be created without detriment to highway safety. There are no known physical or environmental constraints on the site although three established trees would have to be removed.

The third issue is whether there is a requirement for new housing in the borough based on the annualized figures provided in the adopted and deposit Structure Plan. The County Planning Officer states that “total housing completions between 1991 and 2003 amounted to 1,983 dwellings, leaving a residual provision of 517 dwellings to be completed by 2006 based on the 2,500 figure in the adopted Structure Plan. The deposit Structure Plan specifies an annual average dwelling provision in the period 2001 to 2006 equivalent to 1,100 dwellings. At 1st October 2003 there were existing planning permissions for 1,606 dwellings.” It is the view of the County Council that *“Based on these figures I conclude that there are sufficient residential planning permission to meet the Borough Council's housing requirement to 2006”*.

In relation to policy DC.1 the scale of the proposal is considered acceptable when considered against surrounding properties. There will be approximately 22 metres between the proposed dwelling and the existing dwelling at 4 Lower Cribden Avenue. A distance of 9.8 metres will be retained between the new dwelling and 29 Union Road and this revised housetype does not include any windows on the elevation facing number 29 and in any event this elevation is well screened from the application site by existing trees. The roofline of the proposed dwelling will be 0.3 metre above that of 29 Union Road and therefore this additional height is not considered excessive. The split level design of the dwellings is considered acceptable as this is necessitated by the land levels. In accordance with DC.1 and the County's car parking standards 3 spaces will be provided.

The materials used in the surrounding properties are stone, render and brown roof tiles. The materials proposed for the new development are grey slate tiles and stone. Samples of any materials to be used will be required to be submitted for approval to ensure that they are sensitive and in-keeping with the surrounding area.

This site has been the subject of an appeal against a refusal of planning permission on the 4 December 2003. The appeal was dismissed, largely on design grounds which the applicant's agent has attempted to address. However, notwithstanding the small scale nature of the proposal, the use of a previously developed site which can be accommodated by existing infrastructure and which has few physical or environmental constraints, it is considered that the proposal must be refused as it is contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan.

The residents concerns are acknowledged.

Recommendation

That planning permission is refused for the following reasons:

1. The proposed development is not required to meet the identified housing provision, for the Borough, and therefore does not comply with Policy 12 of the Adopted Joint Lancashire Structure Plan 2001-2016.

Background Documents

PPG2 (Greenbelts)
Rossendale District Local Plan (Adopted April 1995)