

Application No: 2008/706

Application Type: Full

Proposal: Erection of a detached dwelling

Location: Land adj to 101Tonacliffe Rd, Whitworth

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 20 January 2009

Applicant: Mr J Stoner

Determination Expiry Date:
21 January 2009

Agent:

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

X

Name of Member:
Reason for Call-In:

Cllr Neal
The application is on a steeply sloping piece of land and the Member has highway concerns

More than 3 objections received

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

The site is a single infill plot to the eastern side of Tonacliffe Road, elevated above the level of the highway. In the vicinity of the site are to be seen various house types constructed in a mix of materials. The site itself is within the Urban Boundary but bounded to the rear by Countryside.

The site is adjacent an adopted highway but at this point is narrow and heavily trafficked, with on-street parking taking place along its length.

2. RELEVANT PLANNING HISTORY

2003/774 - Erection of 1 no. detached dwelling and garage
Approved 15/01/04 and still 'alive'.

To accord with the conditions the applicant has submitted samples of facing materials and they have been approved. He has also submitted a landscaping scheme which is currently being considered. It is therefore evident that there is an intention to develop the site.

3. THE PROPOSAL

The application seeks permission for a four-bedroomed split-level house, to be constructed in natural stone, under a slate roof. It would be at the same level as the neighbouring dwellings. The building would have two pitched-roofed dormers on the front elevation, providing light to upper floor bedrooms. Parking provision is in the form of two spaces to the front of the building, accessed from Tonacliffe Road.

4. POLICY CONTEXT

National

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport

Development Plan

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9	Spatial Principles
Policy L 2	Understanding Housing Markets
Policy L 4	Regional Housing Provision
Policy L 5	Affordable Housing
Policy RT4	Management of the Highway Network
Policy EM1	Environmental Assets

Rossendale District Local Plan (1995)

DS1 – Urban Boundary
DC1 – Development Criteria
DC4 – Materials
E4 – Tree Preservation

Other Material Planning Considerations

LCC Parking Standards

RBC Core Strategy

RBC Interim Housing Policy Statement (July 2008)

5. CONSULTATION RESPONSES

LCC (Highways)

No objection in principle.

Whitworth Town Council

Requests that the application is determined by Committee and that suggests that LCC (Highways) objects to the proposal on highway safety grounds.

6. REPRESENTATIONS

Site notices were posted on 21 November 2008 as shown on the site plan. 8 neighbours were notified by letter on 03/11/2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

No responses have been received.

8. ASSESSMENT

The principal issues for consideration are 1) Principle, 2) Housing Policy, 3) Visual 4) Neighbour Amenity and 5) Highway considerations.

Principle

In the adopted Local Plan the application site lies within the Urban Boundary and is reasonably accessible by public transport. It is therefore considered that the proposal accords with Policy DS1 and is acceptable in principle.

Housing Policy

The Interim Housing Policy Statement (July 2008) indicates new residential development will be encouraged within Whitworth where the proposed development :

- uses existing buildings/previously developed land or is for a replacement dwelling
- makes an essential contribution to the supply of affordable housing
- will be built at a density of between 30 and 50 dwellings per hectare
- will not undermine the focus for most residential development to be in the Main Development Locations and Regeneration Priority Areas
- is for solely affordable or special needs housing.
- In this instance the proposed development is not on previously developed land. However, the site already has permission for erection of a dwelling. The site is not required to make a contribution to affordable housing as less than 4 dwellings are proposed. The density of development is considered appropriate. It is considered that the proposed development would not undermine the focus for new housing to

be within the Main Development Locations and Regeneration Priority Areas. The proposal is not for affordable or special needs housing.

This being the case I do not consider that a refusal of the application on the grounds of housing policy could be substantiated.

Visual Amenity

In terms of its design details, the proposal remains the same as approved previously under Planning Permission 2003/774. The proposed dwelling is to be of a split-level design, thereby reflecting existing variations in ground level, and constructed in materials that will not look out of place in the locality. It is to be set well back from the highway and will not create an intrusive feature in the street scene. Some trees would be lost due to the development. However, they are not subject to a Tree Preservation Order. It is recommended that a landscaping condition is imposed.

It is therefore considered that the proposed dwelling, in terms of its design and appearance, is acceptable.

Neighbour Amenity

The proposed dwelling will be no higher than the adjacent properties and will not have an unduly adverse impact on the amenities neighbours could reasonably expect to enjoy, by reason of loss of light, privacy, outlook, etc. To this extent the proposal is acceptable in policy terms. However, due to the compactness of the site, it is considered appropriate that the permission should be conditioned to remove permitted development rights to extend, to protect the amenities of adjoining occupiers.

Highway Safety

The Highway Authority has not raised objection in principle to the proposal, but seeks three off-street parking spaces.

I concur with its view that the local highway network can accommodate the additional traffic that the proposal will generate. The submitted drawings propose an area hardstanding to the front of the dwelling that will provide two off-street spaces and a turning area. This is considered acceptable in highway safety terms.

9. SUMMARY REASON FOR APPROVAL

The site is located within the Urban Boundary of Whitworth and already possesses permission for erection of a dwelling. The proposed development would not undermine the Council's housing strategy for the delivery of housing, or result in unacceptable detriment to visual & neighbour amenity or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1 / PPS3, Policies L2-4 / EM1 / RT4 of the Regional Spatial Strategy, and saved Policy DS1 and the criteria of saved Policy DC1 of the Rossendale District Local Plan.

10. RECOMMENDATION

That permission be granted.

11. 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. Prior to the commencement of development samples of the facing materials to be used in the elevations and roof of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall not be varied without the prior written permission of the Local Planning Authority. Reason : To ensure a satisfactory appearance to the development and to accord with the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any order amending or revoking and re-enacting that Order, no development contained within Classes A-G and H of Part One, Schedule Two of that Order shall be carried out without the prior written approval of the Local Planning Authority. Reason : To enable the Local Planning Authority to retain a degree of control over the development in the interests of visual and neighbour amenity, in accordance with the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995).
4. Prior to occupation of the dwelling hereby approved, the parking and turning facilities shown on the approved drawing shall be provided with a hard, permeable surface and shall thereafter be kept freely available for use for the parking and turning of vehicles. Reason : In the interests of highway safety and to accord with the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995).
4. Prior to the commencement of development a scheme of landscaping/boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before development commences. The submitted details shall include the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and the measures to be taken to protect them during construction of the development; the planting proposed; the areas to be hard-surfaced; the fences/walls/gates to be erected and any changes of ground-level proposed. Reason : In the interests of visual & neighbour amenity, in accordance with the saved Policy DC1 of the Rossendale District Local Plan (1995).
5. All hard landscaping, gates, walls, fences in the approved scheme of landscaping/boundary treatment shall be implemented prior to its first occupation of the dwelling, unless the Local Planning Authority gives written consent to any variation. All planting in the approved scheme of landscaping/boundary treatment shall be implemented in accordance with the approved timetable, and any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation. Reason : In the interests of visual amenity, in accordance with the saved Policy DC1 of the Rossendale District Local Plan.

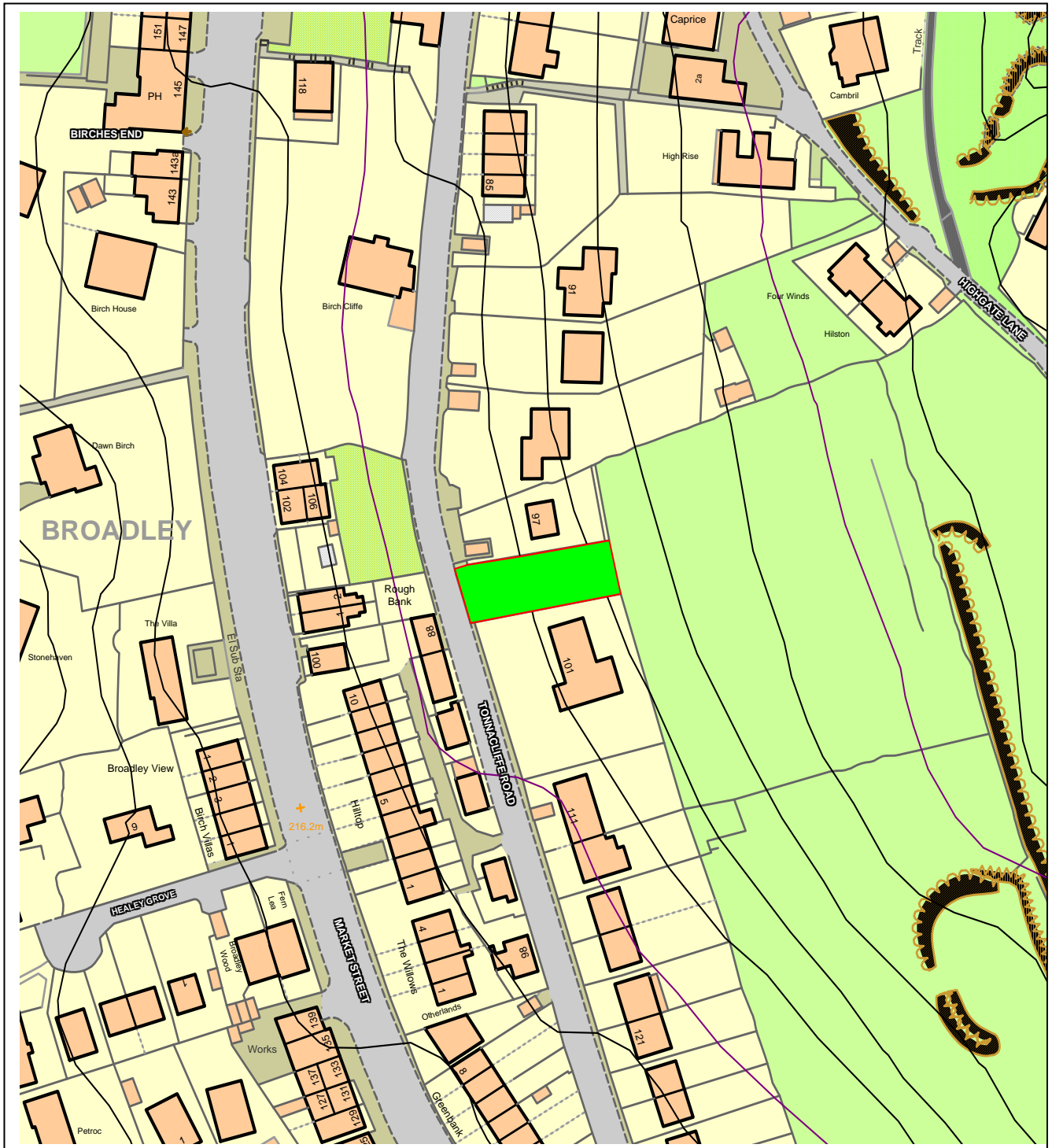
6. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. Reason : To safeguard the amenities of nearby residential properties in accordance with saved policy DC1 of the Rossendale District Local Plan.

7. No development shall be commenced until details of the finished floor levels of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete and full accordance with the approved details. Reason : To ensure the satisfactory development of the site and in the interests of visual and neighbour amenity, in accordance with the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995)

8. The development hereby permitted shall otherwise be constructed in accordance with plans numbered 1279.04, 05 & 06 dated 26 November 2008. Reason : For the avoidance of doubt and to accord with the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995).

Contact Officer	
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Service / Team	Development Control
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Location Plan 2008/0706

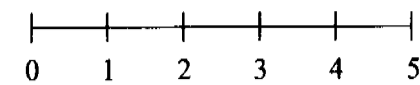


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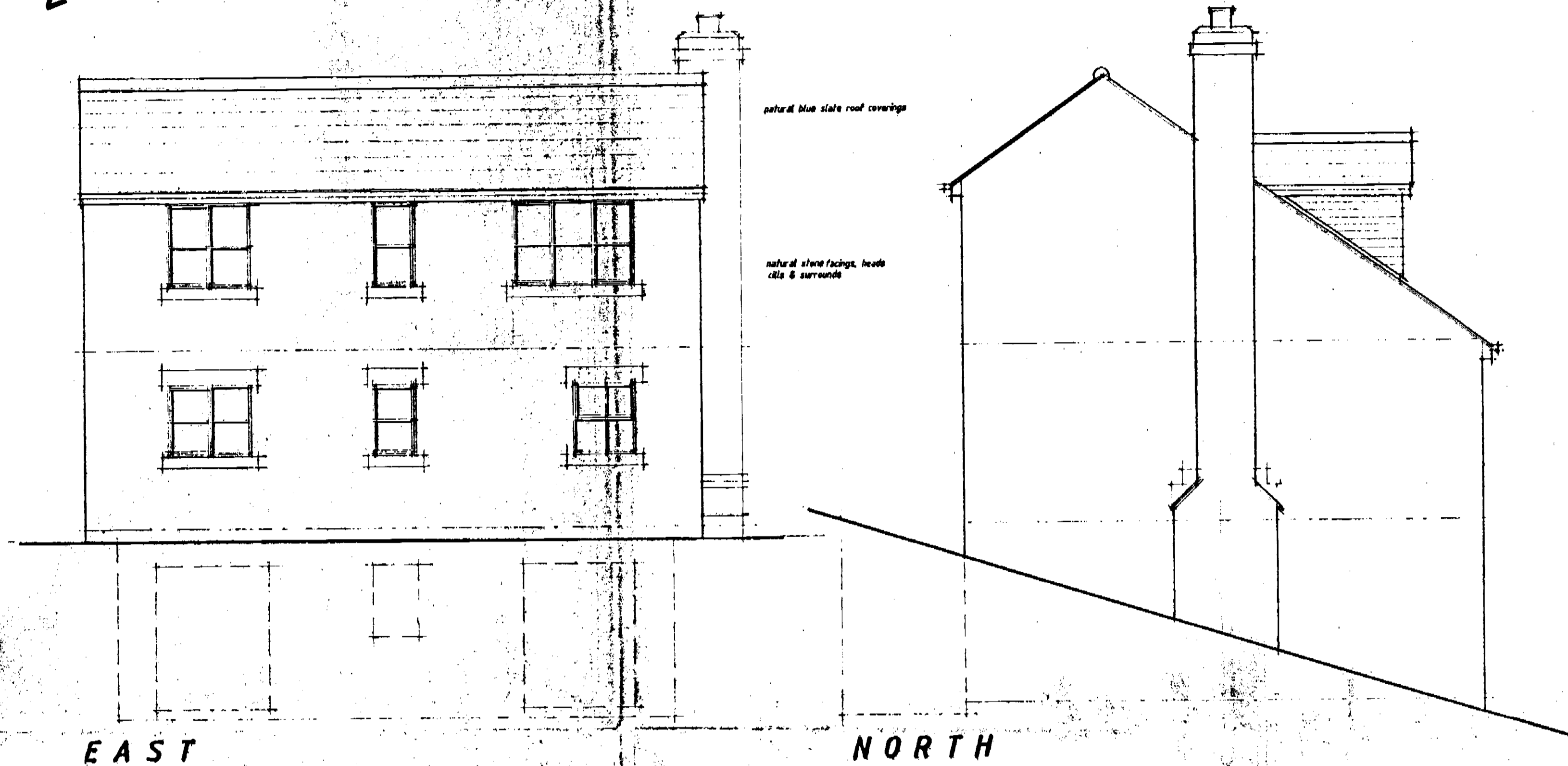
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2008/706



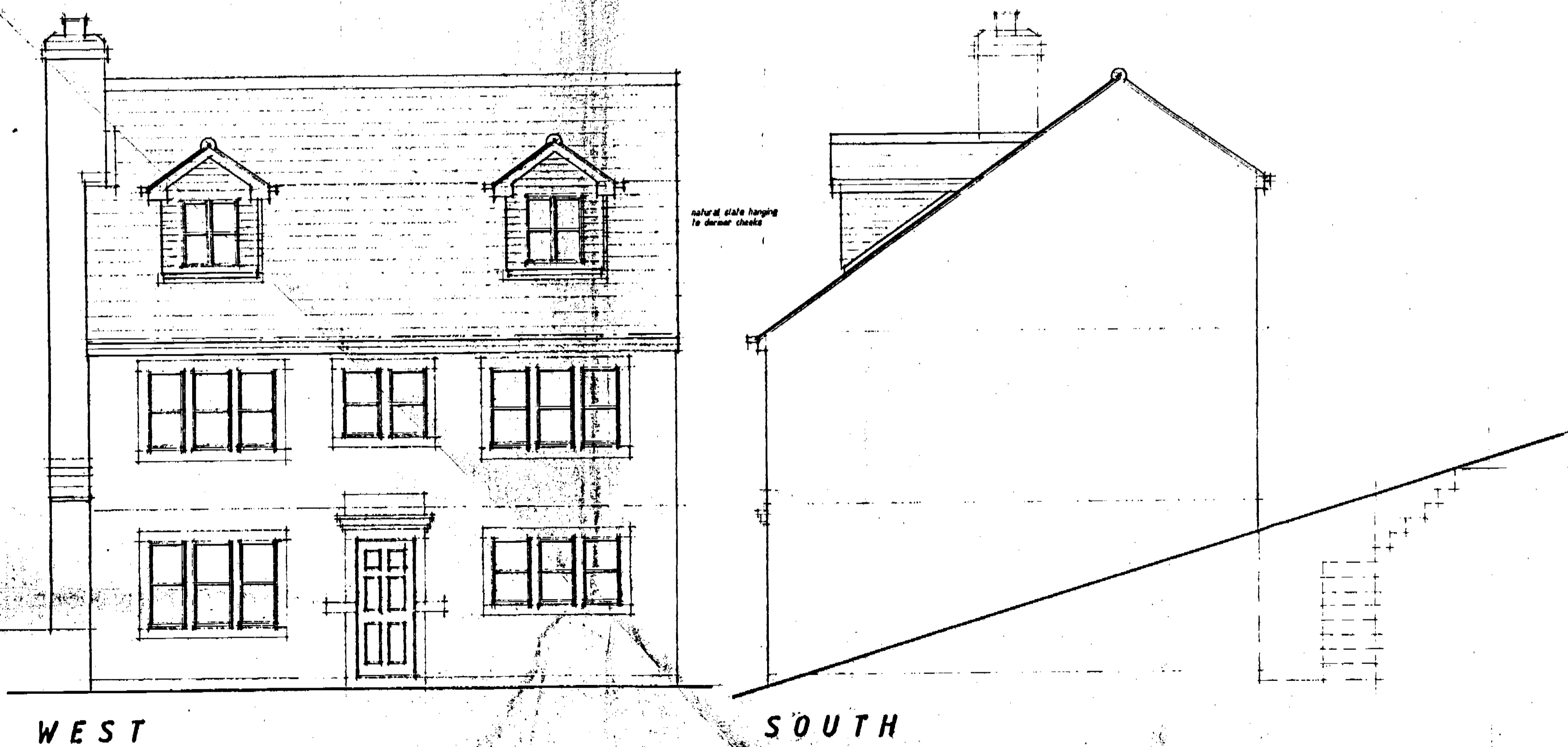
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20-3 174
03 DEC 2003

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Tel: & Fax: 01706 640467

BUILDING DESIGN
AND PLANNING
Consultancy

PROJECT ERECTION OF DETACHED DWELLING HOUSE
LAND NORTH OF 101 TONACLIFFE ROAD
WHITWORTH

CLIENT
MR J STONER

TITLE
ELEVATIONS

DATE	SCALE	DRAWN BY	DRAWING No.	REVISION
Oct 2003	1:50;	mbjp	1279.06	