

Application No: 2009/0021

Application Type:

Proposal: Erection of three dwellings with access from Mill Row

Location: Fox Hill Lime Tree Grove

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 16 March 2009

Applicant: Mr Jan Korab

Determination Expiry Date:
16/03/2009

Agent: Hartley Planning and Development Associates

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

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

- 1.1. Fox Hill is a large stone and slate detached dwelling, set within extensive grounds. It is situated to the east of Burnley Road, in an area that is predominantly residential in character. The house has a large garden area to the west, sloping steeply downwards to properties on Mill Row, Olive Terrace and Sunny Lea Street. These properties form terraced rows of stone houses under slate roofs.
- 1.2. It is the sloping garden area that is the subject of this application.
- 1.3. Planning application 2007/645 proposed access to the existing house from the end of Mill Row, at this time the house was then accessed from Lime Tree Grove. This was brought before Development Control Committee with an officer recommendation for approval. The application was refused by Members, however, was allowed on appeal.
- 1.4. To the north of the application site are 6 modern detached dwelling accessed from Mill Row, three of these properties bound the north elevation of the application site. To the north side of Mill Row is an air cadets premises, a childrens play area and a playing field.
- 1.5. The site is located within the Urban Boundary as designated in the Rossendale District Local Plan.

2. Relevant Planning History

- 2.1 2007/645 - Removal of condition from planning permission 13/3/4689 to provide access to dwelling, at Fox Hill, from Mill Row

The application was determined by Development Control Committee. Contrary to the Officer recommendation, but subsequently allowed on appeal.

- 2.2 2008/0707 – Erection of three dwellings with access from Mill Row.

This application was refused under delegated powers for the following reasons:

1. The proposed dwellings by reason of their siting, size, design and materials would result in an unconventional form of development that would be unduly prominent and would detract to an unacceptable extent from the character and appearance of the area. The proposal is therefore considered contrary to the criteria of PPS1 / PPS3, Policy Policy DP7 and EM1 of the Regional Spatial Strategy for the North West of England and the criteria saved Policy DC1 Development Criteria of the Rossendale District Local Plan.

2. The proposed dwellings would exacerbate the congestion that is currently associated with Mill Row, and with no provision proposed for pedestrian access to or within the site would compromise the safety of pedestrians to an unacceptable extent. The scheme is considered unacceptable in terms of highway safety and would be contrary to the provisions of PPS1, PPS3, PPG13, policies DP1-DP9 of the Regional Spatial

Strategy for the North West, and saved Policy DC1 Development Criteria of the Rossendale District Local Plan.

3. The Current Proposal

- 3.1 The applicant seeks permission for the erection of 3 detached houses within the garden area to the east of Fox Hill. The houses would be accessed from Mill Row.

The applicant has been in consultation with the Highways Department and the Local Planning Authority in order to overcome the reasons for refusal on application 2008/0707.

In terms of house type, all three dwellings would be the same, 4 stories in height when viewed from the front and two stories in height (including dormer windows within the roof space) to the rear. Integral garages are proposed with a driveway for two vehicles. The houses have been amended significantly from the previously refused application with the prominent catslide roof to the front amended to provide a return section. Garden areas are proposed to the front and rear. The proposed access would wind around past the front of the dwellings forming an 'S' type shape as it reaches Fox Hill. The access road would have a permeable surface with a passing place close to the entrance. The east boundary of the site, separating the site from the gable ends of Mill Row, Olive Terrace and Sunny Lea Street would have the existing boundary treatment retained and enhanced with further planting. Further planting and landscaping is also proposed within the site.

4. Policy Context

National

PPS1 - Sustainable Development
PPS3 – Housing
PPG13 – Transport
PPS 25 – Flood Risk

Development Plan

Regional Spatial Strategy for the North West (2008)

Policy DP1-9 Spatial Principles
Policy EM1 Environmental Assets
Policy L 2 Understanding Housing Markets
Policy L 3 Existing Housing Stock and Housing Renewal
Policy L 4 Regional Housing Provision
Policy L 5 Affordable Housing

Rossendale District Local Plan (1995)

DS1 - Urban Boundary
DC1 - Development Control
DC4 - Materials

5 CONSULTATIONS

5.1.1 LCC Highways – Would require a drainage system to prevent water from the site running onto the adopted highway, Condition requested requiring details on an acceptable system of drainage to be provided and for that system to be installed prior to any of the new development being occupied.

5.1.2 RBC Land Drainage Officer -

The proposed use of permeable surfacing should not be approved. The development should be drained by conventional means to prevent future runoff and nuisance to the houses on Olive Terrace and Sunny Lea Street.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

An existing stream is shown to the east of Sunny Lea Street. This is not to be used for the discharge of surface water from the development as the downstream culvert capacity is full.

Details are required for dealing with the flow in the stream to the east of Sunny Lea Street and its connection to the existing culvert in Sunny Lea Street.

CONDITION:

Before any development is commenced, details of a scheme for the diversion of any culvert and for dealing with any other land drainage structure or issue shall be submitted to and approved by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans.

REASON:

To ensure a satisfactory form of development and in the interests of land drainage.

Any culverted watercourses/land drains severed or located during the development must be picked up and reconnected or diverted. Details will be required and should include the route, size, materials, depth, levels and method

of construction. Consideration should be given to providing cut-off drainage at the higher extent of the development to prevent the passage of water from higher ground onto the development. Consideration should also be given to providing cut-off drainage at the lower extent of the development to prevent the passage of water from higher ground onto the existing property in Olive Terrace and Sunny Lea Street.

6. REPRESENTATIONS

- 6.1 A site notice was posted on 06/02/2009 and 45 letters were sent to neighbours on 29/01/2009.
- 6.2 14 letters of objection have been received objecting to the proposal on the following grounds:
- Traffic and parking
 - Noise resulting from increased traffic movements
 - Access to small for wagons etc
 - The applicant stated initially that the access was for Fox Hill and he did not intend to build houses on the site
 - Safety (primarily of children) due to increased volumes of traffic so close to park
 - Lack of privacy (particularly to No.20, No.9 and the first house on Park View.
 - Access maybe too tight for refuse wagons, therefore where would bins be stored.
 - Loss of outlook (No.20 Olive Terrace)
- 6.3 Two letters of support has been received raising the following points:
- The amendments to heights and materials are an improvement on the last scheme.
 - Houses have been designed so they would not interfere with residential amenities or cause harm to the character or appearance of the area. The use of stone and bespoke and unique properties are proposed is better than 'standard' housing.

7. ASSESSMENT

The main considerations of this application are: 1) Principle, 2) Visual Amenity, 3) Neighbour Amenity, 4) Highway Safety.

7.1 Principle

- 7.1.1 The application site lies within the Urban Boundary, and is relatively close to Burnley Road, along which bus services run. To this extent the proposal accords with Policy DS1 of the Local Plan and is sustainable.
- 7.1.2 PPS1 sets out the Government's national policies on different aspects of land use planning, including overarching policies on the delivery of sustainable development through the planning system. Amongst its 'key principles' is that *"planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short-term but over the lifetime of the development. Design which*

fails to take the opportunities available for improving the character and quality of an area should not be accepted'. Paragraphs 33-39 amplify upon this, indicating that "...*Good design is indivisible from good planning.....High quality and inclusive design should be the aim of all those involved in the development process.....*". In similar vein, Policy DP7 of the RSS and EM1 (amongst other things) seek to promote environmental quality, whilst PPS3 has as its key goal ensuring that "*everyone has the opportunity of living in a decent home*" and speaks of "*desirability of achieving high quality, well-designed housing*".

7.1.3 Housing Policy

7.1.4 The application site is located within the Urban Boundary of Rawtenstall. According to the Interim Housing Policy Statement (July 2008), new residential development will be encouraged where the proposed development :

- uses existing buildings/previously developed land or be for a replacement dwelling(s),
- makes an essential contribution to the supply of affordable housing and
- will be built at a density of between 30 and 50 dwellings per hectare.

7.1.5 It is considered that the proposal is on previously developed. The proposal is not required to make a contribution to affordable housing as it is for no greater than 4 dwellings. It is considered to be at an appropriate density. It is therefore considered that the application conforms to, and is acceptable in terms of, the Interim Housing Policy Statement (July 2008).

7.1.6 Accordingly the application is considered acceptable in principle.

7.1.7 Whether the application is of satisfactory design is addressed below in relation, firstly, to the character & appearance of the area and, secondly, to the amenities of occupiers/neighbours.

7.2 **Visual Amenity**

7.2.1 The proposed development when viewed from Mill Row, and the recreational areas to the north of Mill Row would not appear above the existing skyline, formed principally by trees and with the existing dwelling at Fox Hill situated between the modern dwelling at 6 Park View Close and the terraced properties on Mill Row. It is considered that due to the design revisions resulting from pre application discussions, with particular reference to the loss of the previously proposed prominent roof slopes, the development would result in a more conventional form of design, that is more appropriate to the character and appearance of the area, taking into consideration the modern detached dwellings of Park View Close. In addition the reduction in the size of the dwellings would sit more comfortably between the terraced rows below and Fox Hill above and would not dominate the appearance of the neighbouring properties or the wider area. The proposed roofing materials of natural slate is considered appropriate. It is considered that a sample of the form, colour and texture of the proposed external facing materials should be agreed through condition. The proposed soft landscaping scheme is considered acceptable, however, a condition securing the retention and (if necessary) the replacement

of the trees on the western boundary should be imposed. Full details of the surfacing of the proposed access road, driveways and any other hard surfaces will be requested by condition in order to ensure an appropriate form of development that would be acceptable in both visual amenity terms and to satisfy both highway and land drainage concerns. The scheme is considered acceptable in terms of visual amenity.

7.3 Neighbour Amenity

7.3.1 There would be no habitable room windows fronting the properties on Park View. The separation distances between these properties are considered acceptable. As such there would be no undue loss of light, privacy or outlook to these properties. The residents of 5 Park View Close have submitted a letter of support for the scheme. The separation distances to the blank gables of the terraced properties would be in excess of those required by the Council's Supplementary Planning Document. The residents of No.20 Olive Terrace have stated that they have a habitable room window in the gable facing the site. The case officer considers that this would not be unduly affected by the proposed house due to the proposed retention of the conifers bounding the west of the site. The existing and enhanced screening in the form of conifer hedging would further reduce the impact of the dwellings on these properties. Objections have been received regarding noise associated with the additional vehicle movements. It is considered that the resulting increase in vehicle movements would not cause a significant increase in noise to properties in the area, most particularly with reference to properties along Mill Row. The scheme is considered acceptable in terms of neighbour amenity.

7.4 Highway Safety

7.4.1 The applicant has been in discussions with LCC Highways following the refusal of the previous application. Further details have been included on the access to Mill Row. LCC Highways have been reconsulted on the application and have no objection provided that a condition is imposed relating to drainage to prevent water from the site running off on to the adopted highway. Taking into account the proposed gated entrance to the site, which would be considered to significantly slow speeds of vehicles either entering or exiting the site, and the proposed parking spaces associated with each dwelling, it is considered that the scheme would not add to the parking problems associated with Mill Row, and the additional vehicle movements could be absorbed into the area without undue detriment to existing conditions. The lack of pedestrian access to the site has been considered by LCC Highways who have not raised an objection on this basis. The scheme is considered acceptable in terms of highway safety.

8. Conclusion

- 8.1 In conclusion it is considered that the application is acceptable in principle and would achieve a satisfactory form of development that would not be unduly detrimental to visual amenity, residential amenity or highway safety.

9. RECOMMENDATION

- 9.1 That planning permission be approved subject to conditions.

10. Reason for Approval

1. The proposed scheme is considered acceptable in principle, and would not unduly detract from the character and visual amenities of the area, the amenities neighboring residents could reasonably expect to enjoy, or highway safety. The scheme would therefore accord with PPS1, PPS3, Policies DP1-DP9, EM1 and L4 of the Regional Spatial Strategy for the North West of England and saved Policy DC1, DC4 of the Rossendale District Local Plan.

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. The development shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:

Drawing No.1 Revision A received 19th January 2009
Drawing No.03 Revision A received 19th January 2009
Drawing No.04 Revision A received 19th January 2009
Drawing No.05 (Access Improvement) received 19th January 2009

Reason: In the interest of visual and residential amenity pursuant to Saved Policy DC1 - Development Criteria and for the avoidance of doubt.

3. Prior to the commencement of development samples of the facing materials to be used in the elevations 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.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed scheme of landscaping for the whole of the site. The scheme shall show existing trees and hedgerows on/bounding the site, detail any to be retained and the measures for their protection in the course of development, together with details of the additional planting to be provided and include full details of all fences and gates proposed within the development. All planting, seeding and turfing proposed 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 it (most closely) relates, and any trees or plants which within a period of five 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 visual amenity and to accord with Saved Policy DC1 - Development Criteria of the adopted Rossendale District Local Plan.

5. Any construction works associated with the development hereby approved shall not take place except between the hours of 08:00 and 19:00 Monday to Friday and 08:00 and 13:00 on Saturdays. No construction works shall take place on Sundays or any Bank Holiday.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Saved Policy DC1 - Development Criteria of the adopted Rossendale District Local Plan.

6. Prior to the commencement of development a scheme for the provision of surface water drainage works shall be submitted to the Local Planning Authority for their approval in writing. The scheme shall be completed in accordance with the approved details and shall not be varied without first obtaining permission in writing by the Local Planning Authority.

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with saved Policy DC1 Development Criteria of the adopted Rossendale District Local Plan.

7. Before any development is commenced, details of a scheme for the diversion of any culvert and for dealing with any other land drainage structure or issue shall be submitted to and approved by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved details and shall not be varied without first obtaining permission in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in the interests of land drainage in accordance with saved Policy DC1 Development Criteria of the adopted Rossendale District Local Plan.

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