

Application No: 2009/0286	Application Type: Outline with Access for consideration – all other matters reserved.
Proposal: Outline Application for a Detached Dwelling with Appearance, Landscaping Layout and Scale Reserved	Location: Land Adjoining 2 Heritage Drive, Marl Pits, Rawtenstall
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 7/09/2009
Applicant: Mr P Crabtree	Determination Expiry Date: 15/09/2009
Agent: Mr S Hague	

REASON FOR REPORTING	Tick Box
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Outside Officer Scheme of Delegation	<input checked="checked" type="checkbox"/>
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Member Call-In	<input type="checkbox"/>
Name of Member:	
Reason for Call-In:	

More than 3 objections received	<input checked="checked" type="checkbox"/>
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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.

1. **SITE**

The application relates to the side/rear parking and garden area of 2 heritage Drive, a modern detached two storey stone and tile dwelling accessed from the east of Marl Pits along an unadopted gravel road to the rear of Newchurch Road, Rawtenstall. The site measures approximately 9 metres wide and 19 metres deep from the frontage of No.2. To the rear of No.2 are the garden areas of the detached and semi detached properties along Newchurch Road. To the front, beyond the gravel access road is land associated with Marl Pits Leisure Centre, separated by a 1metre high timber fence. The orientation of No.2 heritage Drive is slightly offset from that of its neighbour, No.1 heritage Drive, a larger detached dwelling with similar design characteristics and matching facing materials.

The site is located within the Urban Boundary as designated in the Rossendale District Local Plan.

2. **Relevant Planning History**

2009/066 – Outline application for a detached dwelling. Withdrawn following advice from the case officer requesting a revised house type.

3. **The Current Proposal**

The applicant seeks outline permission with all matters reserved except for access, for the erection of one detached dormer bungalow. Access would be from Marl Pits along the existing gravel road serving No. 2 Heritage Drive; two parking spaces would be created in between the resulting dwelling and No.2 and a turning head would be created at the end of the drive. The house would be L-shaped with a maximum depth of 8.5 metres and a maximum width of 7 metres.

4. **Policy Context**

National

PPS1 - Sustainable Development

PPS3 – Housing

PPG13 – Transport

Development Plan

Regional Spatial Strategy for the North West (2008)

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 6 Marry Opportunity and Need

Policy DP 7 Promote Environmental Quality

Policy EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
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

Other Material Considerations

DfT Manual for Streets
Draft RSS Partial Plan Review – Regional Parking Standards
RBC Interim Housing Policy Statement (July 2008)

5 CONSULTATIONS

- 5.1.1 LCC Highways – No objection to amended plans
- 5.1.2 RBC Land Drainage Officer – comments there has been no history of flooding in the area.

6. REPRESENTATIONS

- 6.1 A site notice was posted on 16/07/2009 as shown on the photograph and site plan. 10 neighbours were notified by letter of 01/07/2009.
- 6.2 3 letters of objection have been received objecting to the proposal on the following grounds:
 - Subsidence
 - Inadequate drainage
 - Flooding

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. The proposal therefore accords with Policy DS1 of the Local Plan.
- 7.1.2 Housing Policy

7.1.3 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.

7.1.4 It is considered that the proposal is on previously developed land by reason of it being part of the established domestic curtilage of No.2. The proposal is not required to make a contribution to affordable housing as it is for no greater than 4 dwellings. It is therefore considered that the application conforms to, and is acceptable in terms of, the Interim Housing Policy Statement (July 2008). There are no issues regarding ground contamination or flood risk and accordingly the application is considered acceptable in principle.

7.2 Visual Amenity

7.2.1 It is considered that the size of the plot is sufficiently capable of accommodating a house of the dimensions proposed whilst providing an adequate area for a private garden and parking. A dormer bungalow in this location would not unduly detract from the street scene due to its siting to the rear of properties fronting Newchurch Road and the side of 2 no. two storey detached dwellings. The proposed house type would differ in character from the adjacent properties, however, it is considered that there would be no demonstrable harm to the area resulting from such a house type. It is stated that the proposed materials would be 'similar' to the walls and roof finishes of the other properties on Heritage Drive. It is considered that the materials should match in colour, form and texture those of the adjacent property. This can be controlled via condition. The scheme is considered acceptable in terms of visual amenity.

7.3 Neighbour Amenity

7.3.1 There are no residential properties to the side/rear of the site, however, there are properties to the rear with garden areas backing onto the site. Minimum window to window separation distances of 20 metres would be met and therefore, there would be an undue loss of light, privacy or outlook from properties to the rear. The extent of overlooking into gardens to the rear of the site would be increased, however, would be no greater than those established by the general pattern of development in the surrounding area and is therefore considered not to be unduly detrimental to the amenities occupiers of properties to the rear could reasonably expect to enjoy. The scheme is considered acceptable in terms of neighbour amenity.

7.4 Highway Safety

7.4.1 Sufficient parking and an appropriate turning facility has been demonstrated on the submitted drawings. The Highways Authority expressed concerns regarding access from the entrance of No.2. Due to the proposed area for

parking this could lead to conflict with occupants exiting from No.2. Accordingly amended plans have been received proposing a small garden area in front of No.2 to remove the potential conflict. The Highways Authority has confirmed that it has no objection to the amended plan. 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. Approval of the details of the appearance, landscaping, layout and scale of the building, hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development is commenced. Reason: To ensure the satisfactory development of the site and because this application is in outline only.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. Reason: Required by Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. Reason: Required by Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the amended plan dated 27 July 2009 and amended Design and Access Statement dated 21 July 2009.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

5. The dwellings hereby permitted shall be constructed in materials to match in colour, form and texture those of No.2 Heritage Drive unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to accord with saved Policy DC4 of the adopted Rossendale District Local Plan.

6. Details of the surface/specification/drainage of the areas within the site including a scheme to mitigate run off to adjoining properties shall be submitted with the reserved matters application. The approved scheme shall be completed prior to occupation of the dwelling. The areas made available for use by pedestrians and for the parking and maneuvering of vehicles shall thereafter be kept freely available for use as such.

Reason: In the interests of pedestrian and highway safety and to accord with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.

7. Notwithstanding what is shown on the approved drawings, details of the existing and proposed site levels (relative to AOD) shall be submitted with the reserved matters application. The development shall be carried out in accordance with the approved details.

Reason: To minimize risk of flooding and protect the amenities of the immediate neighbours, in accordance with PPG25 and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.

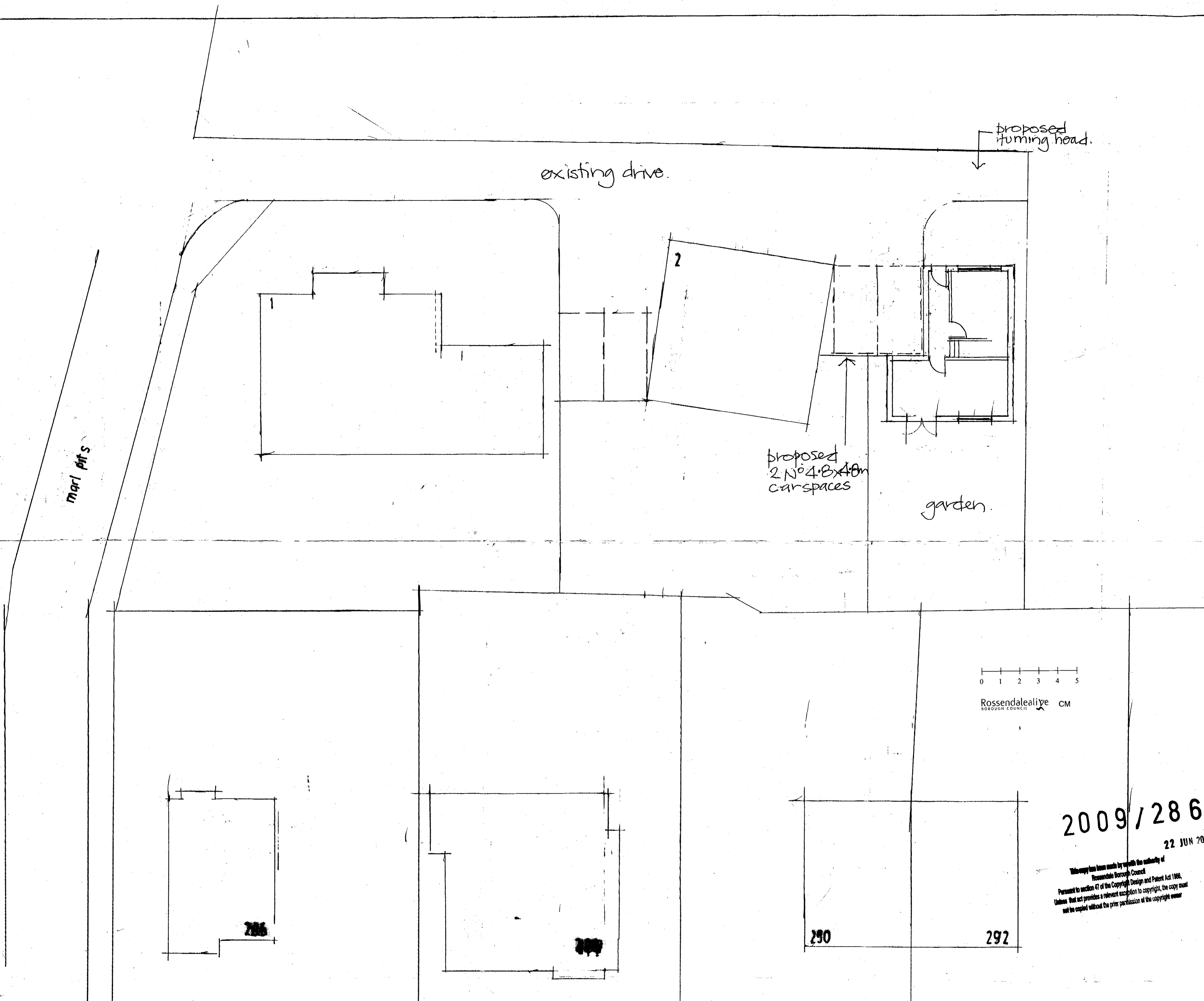
8. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with saved Policy DC1 of the adopted Rossendale District Local Plan.

9. 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, B, C, D, E, F, 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 safeguarding visual and neighbour amenity, in accordance with saved Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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PROPOSED DORMER BUNGALOW ADJACENT TO 2 HERITAGE DRIVE RAWTENSTALL 1:100

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 Rossendale Borough Council CM

2009/286
 22 JUN 2009

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