

Application No: 2010/213	Application Type: Full
Proposal: Construction of drainage ditch	Location: East of Marlborough Close, Whitworth
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 1 June 2010
Applicant: RBC (Drainage)	Determination Expiry Date: 16 June 2010
Agent:	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation **X**
Member Call-In

3 or more objections received

Other (please state) **Council Application**

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 application relates to the grassed area rising to the east of the houses fronting Marlborough Close.

The site lies within an area of Countryside designated as Green Belt in the Rossendale District Local Plan.

2. RELEVANT PLANNING HISTORY

None

3. THE PROPOSAL

The applicant advises that for many years the houses on Marlborough Close have suffered from flooding at the front as a result of surface water run-off from the steeply sloping land to the east. Although the Council does not own the land giving rise to the problem it has now secured funding to construction of a v-shaped cut-off ditch of 57m in length just beyond the boundary of the front gardens of the houses on Marlborough Close.

The ditch is to be approximately 1.2m wide and 0.25m deep and would discharge into the culverted-watercourse running under the adjoining road (Bar Terrace) via a catchment chamber. The material excavated to form the ditch would be used to create a gently-sloping embankment on the west side of the ditch, thereby adding to its capacity. It is anticipated that the proposed works would be completed within two weeks, following which the embankment and ditch would be seeded with grass.

4. POLICY CONTEXT

National

National

PPS1 Sustainable Development
PPG2 Green Belts
PPS7 Rural Areas
PPS25 Flood Risk

Development plan

Regional Spatial Strategy (Adopted 2008)

DP1-9 Spatial Principles
RDF2 Rural Areas
RDF4 Green Belts
EM1 Environmental Assets
EM5 Water Management

Rossendale District Local Plan

DS3 Green Belt
DC1 Development Criteria

Other Material Planning Considerations

LCC Landscape Strategy for Lancashire

5. Consultation Responses

LCC (Highways)

No comments.

RBC (Environmental Health)

No comments in relation to noise / dust / fumes / contaminated land.

6. Notification Responses

To accord with the General Development Procedure Order a site notice was posted on 27 April 2010 and the relevant neighbours were notified by letter on 26 April 2010.

No comments have been received.

7. Planning Issues

In dealing with this application the main issues to consider are as follows:

- 1) Principle; 2) Green Belt; 3) Visual Amenity; 4) Neighbour Amenity; & 5) Access/Parking

Principle

National guidance and Development Plan policies are supportive of proposals that diminish the likelihood of flooding.

Green Belt

In the adopted Local Plan the application site lies within an area of Countryside designated as Green Belt.

PPG2 states that: *“The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.....inappropriate development is, by definition, harmful to the Green Belt and the applicant will have to advance very special circumstances to justify its approval”.*

I am satisfied that the nature/scale of the engineering operation being proposed will not materially affect openness. Consequently, the proposal is an appropriate development in the Green.

Visual Amenity

The proposed works would be at the foot of the steep slope adjacent to the front boundary of the dwellings on Marlborough Close. The works would result in the formation of an embankment of a gradual gradient which would be grass seeded. Given the location of the site in close proximity of the residential area and nature/scale of the proposed works, it is considered that the scheme would have little impact on the character and appearance of the Countryside/Green Belt.

Neighbour amenity

Due to the topography of the area the proposed ditch would be located approximately 2.5m above the floor level of the dwellings on Marlborough Close but, being a distance of 10m from them, will not unduly affect outlook of the residents.

Although, the proposed works would result in a degree of noise/disturbance for residents, this will last no more than a fortnight. Subject to a condition limiting the hours at which work can take place, I do not consider the proposal will detract to an unacceptable extent from the amenities of neighbours.

The Highway Authority has raised no objection. A Note for Applicant is proposed to ensure that works affecting the highway do not proceed without its consent.

Summary Reason for Approval

The proposed development is appropriate within the Countryside/Green Belt, and will not detract unduly from the essentially open and rural character of the area, the amenities of neighbours or highway safety. Therefore, it is considered that the proposed development is in accordance with PPS1/ PPG2 / PPS7 / PPS25, Policies RDF2 / RDF4 / EM1 / EM5 of the Regional Spatial Strategy, and Policies DS3 / DC1 of the Rossendale District Local Plan.

Recommendation Approve

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 2010/213 received on 23 April 2010.
Reason: To ensure the development complies with the approved plans and in the interests of visual and neighbour amenity, in accordance with Policies RDF2 / RDF4 / EM1 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.

Note for Applicant

Under the Highways Act 1980 only the Highway Authority, or a contractor approved by the Highway Authority, can carry out works affecting the highway. Before commencement of the works you must contact the District Highway Office, Lancashire County Council, 1 Grange Street, Rawtenstall BB4 7RT (Tel. 01706-232160), quoting the planning application number.

Contact Officer	
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