

Application No: 2010/0047		Application Type: Full	
Proposal:	Erection of 4-bedroomed detached dwelling, with attached double garage	Location:	Land at Lambton Gates, Cloughfold, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	1 June 2010
Applicant:	Mr David Ellis	Determination Expiry Date: 22 March 2010	
Agent:	Peel Design Partnership Ltd		

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.

INTRODUCTION

Consideration of his application was deferred at Development Control Committee on the 2 March 2010 at the request of the Director of Business in order that an issue relating to Council land ownership could be resolved. The Director of Business is satisfied that the application can now be determined.

APPLICATION DETAILS

1. SITE

The application relates to a plot of land of irregular shape that arcs around the turning head at the northern end of Lambton Gates. The application site is currently overgrown, as too is the land to the west, whilst land to the north side rises up and is occupied by trees.

Although there is some variation in facing materials Lambton Gates is characterised by predominantly artificial-stone fronted properties, with brick to the sides/rear, under tiled roofs. The houses are of similar design, built with a gable facing towards the street and with a flat-roofed garage to the side. Some properties have since had a pitched-roof with dormer added above the garage.

The majority of the site lies within the Urban Boundary, the section of the site towards the northern boundary being located within an area designated as Greenlands in the Rossendale District Local Plan.

2. RELEVANT PLANNING HISTORY

1990/075	ERECTION OF TWO DETACHED HOUSES APPROVED
1997/385	ERECTION OF TWO 4-BEDROOMED DETACHED DWELLINGS WITH INTEGRAL GARAGE REFUSED
2002/303	OUTLINE – ERECTION OF 1 DWELLINGHOUSE REFUSED
2009/0313	CONSTRUCTION OF DEWLLING WITH DOUBLE GARAGE WITHDRAWN

3. THE PROPOSAL

Following the withdrawal of application 2009/0313 the applicant has entered into discussions with RBC with regard to the design of the scheme, ownership, and local plan designation of the land. The applicant was advised to submit a scheme that better reflected the design characteristics of Lambton Gates.

The application now seeks permission for the erection of a detached four bedroom dwelling with a width of 13 metres and a maximum depth of 8.6 metres. The dwelling would present a gabled front to the road which is constructed in artificial-stone, with a height of 4 metres to the eaves and 7.35 metres to the ridge. Attached to the north side of the dwelling will be a double-garage, constructed in brick and with a forward-facing dormer in its pitched-roof. The garage would be setback 1.5m behind the front face of the dwelling, and will have a lower eaves and ridge height. The roofs will be of blue/grey concrete tile, with a rooflight and a solar-panel in the south-facing roof-plane.

There would be gardens to the front, north side and rear, with 6m of hardstanding in front of the double-garage. The rear/side garden would be bounded by 1.8 metre timber fencing and the front garden by low level planting and shrubs. The applicant states that no existing trees are to be removed in order to undertake the proposed development.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPS3 Housing
PPG13 Transport

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
L 4 Regional Housing Provision
L 5 Affording Housing
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials
E1 Greenlands
E4 Tree Preservation

Other Material Planning Considerations

4NW Draft Partial Review of Regional Spatial Strategy
LCC Parking Standards
RBC Core Strategy
RBC Interim Housing Policy Statement (May 2010)

5. Consultation Responses

LCC (Highways)

No objection

RBC (Policy)

Erection of the building in the position proposed will not result in it being on Greenlands. The key issue for policy will be the fact that it is Greenfield. Given that this piece of land clearly relates to the rest of the houses at Lambton gates, and is looking poorly maintained and overgrown, I consider that development here would round-off the small estate, which is in the Urban Boundary and close to other services and infrastructure. We have no objections on policy grounds to the erection of one dwelling.

RBC (Estates)

Its initial concern that the proposal may entail use of Council-owned land has now been resolved.

6. Notification Responses

To accord with the General Development Procedure Order the application has been publicised by way of a site notice posted on 29 January 2010 and letters sent to the relevant neighbours on 26 January 2010.

Objections have been received from four local residents, on the following grounds:

- The proposed would encroach onto an area designated as Greenland
- Traffic resulting from the development could block the existing turning area
- The house would be out of character with the existing properties
- Loss of privacy to No.8 due to the proposed patio area overlooking the garden of No.8, and the gardens of No's 2,4 and 6
- Flooding to the rear garden of No.9 has occurred since the area of land was excavated
- A diverted stream has caused considerable slippage on the northern boundary of the site, including overflow to No.8 and 166 Bacup Road
- Plot boundaries are considered inaccurate
- Insufficient drainage information
- Insufficient separations distances to a future re-development of the Whinberry View site
- The question relating to existing adjacent trees on the submitted application form has been answered incorrectly.

7. Planning Issues

The main issues to be considered in the determination of this application are as follows:

- 1) Principle
- 2) Housing Policy
- 3) Visual Amenity
- 4) Neighbour Amenity
- 5) Access/Parking

Principle

The site lies within the Urban Boundary of Rawtenstall and has previously been granted permission for the erection of two houses. It is located in a sustainable

location, being close to Bacup Road and Rawtenstall Town Centre. To this extent the proposal accords with the principles of sustainability and policy DS1 of the Local Plan.

Policy E4 of the Local Plan reads as follows: “*The Council will seek to protect and enhance the Greenlands - a comprehensive network of public and private land - within urban areas and linking with countryside and other recreational features, where only development appropriate to the functions of the Greenlands will be permitted*”.

The proposed scheme will not result in the erection of building within the Greenland, the part of the site which is Greenland forming a side-garden of 8+m in width. Indeed the proposed building steps down in height as it approaches the Greenland. It is considered appropriate to preclude encroachment of building into that part of garden which is Greenland by the removal of ‘permitted development’ rights to erect extensions/outbuildings here.

Housing Policy

The Interim Housing Policy Statement amplifies upon the housing policies of PPS3, the Regional Spatial Strategy and the Council’s LDF Core Strategy. Rawtenstall being a Main Development Location new residential development is encouraged where:

1. It uses existing buildings/previously developed land or is for replacement dwellings; and
2. It makes an essential contribution to affordable housing; and
3. It is built at a density of no less than 30 dwellings per hectare (50 dwellings per hectare where appropriate); and
4. It would not undermine the focus for most residential development to be in the main development locations and regeneration priority areas, where the sustainability of the proposals can be demonstrated; OR
5. Is for solely affordable and/or special needs housing as defined in the Glossary.

Legal proceedings between the Council and the applicant are on-going with regard to whether a material start has been made on the implementation of the previous permission. The outcome of which would determine definitively whether the site was previously developed or not.

However, I concur with the advice of the Policy Section that refusal of this application on the basis that this site is not previously developed land could not be substantiated on Appeal given the appearance of the land, the fact that the development proposed for it will appear as a rounding-off the small estate, is within the Urban Boundary and close to Rawtenstall Town Centre and other services. The proposal is not required to make a contribution to affordable housing as it is for no more than 4 dwellings. The scheme is considered of appropriate density. I am satisfied that the proposed development will not undermine the focus for most residential development to be in the main development locations and regeneration priority areas.

Visual Amenity

The proposed dwelling is considered to reflect to an adequate extent the design characteristics of the houses on Lambton Gates, in terms of height/bulk, shape and facing materials, whilst at the same time providing a degree of individual character. Although larger than the other houses, due to its greater set back it will not appear overly prominent or intrusive in the street-scene. Furthermore, the building presents an elevation to the highway that reflects the main design features of the neighbouring properties, having a gabled front of artificial-stone construction. The proposed landscaping and boundary treatment is considered appropriate; the side-garden is of such size there is scope to secure planting on the northern boundary of a height to exceed the 1.8m high boundary fence intended on the northern boundary, thereby limiting views of the building from the Greenland. The scheme is considered acceptable in terms of visual amenity.

Neighbours Amenity

There are no habitable room windows in the side elevation of the dwelling on the south side (No.8). Although the proposed dwelling would project further out from the rear building line of No.8 it is considered that it would not be to a degree that would significantly reduce light or outlook from the neighbours rear windows, or result in a significant loss of privacy. Separation distances from the house opposite are acceptable. The scheme is considered acceptable in terms of neighbour amenity.

Access/Parking

The addition of one dwelling will not alter significantly the volume of traffic using Lambton Gates. An appropriate amount of off-street parking is proposed. There is no objection to the proposal from the Highway Authority.

8. Summary Reason for Approval

The site is located within a sustainable location within the Urban Boundary of Rawtenstall, a Main Development Location. It is considered that the proposed development would not undermine the Council's housing strategy, 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 / PPG13, Policies DP 1-9 / L4 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, and Policies DS1 /E1/ DC1 of the Rossendale District Local Plan.

9. RECOMMENDATION

That permission be granted.

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 plans numbered 09-006-001-B, 09-006-001-D, 09-006-003-B,09-006-004-B,09-006-005-B all received on the 25th January 2010, unless otherwise required by the conditions below.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
- 3 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, to accord with Policy DC1 of the Rossendale District Local Plan.
- 4 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-E of Part One, Schedule Two of that Order shall be carried out in that part of the site which is nearer to the northern boundary than the building hereby permitted, unless an application for planning permission has first been submitted and approved for it.
Reason: To avoid alterations/additions to the building or the erection of outbuildings that will detract to an unacceptable extent from Greenlands, in accordance with Policy E1 of the Rossendale District Local Plan.
- 5 No development shall take place until a scheme of landscaping/ boundary treatment has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall provide full details of : the existing trees and plants, those to be retained and the protection to be afforded to them during the construction of the development; the types and numbers of trees and shrubs to be planted, and their distribution on site; those areas to be seeded, paved or hard-landscaped, together with details of walls/fences/gates; and detail any changes of ground level or landform.
Reason: In the interests of the amenity of the area, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 6 All walls/fences/gates/hard-landscaping shall be implemented in accordance with the approved details prior to first occupation of the dwelling hereby permitted, and any planting forming part of the approved details shall be undertaken in the first planting season thereafter, unless the Local Planning Authority gives written consent to any variation. Any trees or shrubs which within a period of five years of planting 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 & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

- 7 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 Policy DC1 of the Rossendale District Local Plan.
- 8 The bin storage facilities hereby approved shall be provided to the satisfaction of the Local Planning Authority prior to the dwellings being first occupied.
Reason: In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 9 Prior to the commencement of development a scheme for the provision of surface-water drainage shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the treatment intended for any watercourse/land drain within or bounding the site and the measures to be taken to ensure there is no increase in the rate of surface water run-off from the site to neighbouring properties/the highway. The approved scheme shall be implemented prior to first occupation of the dwelling, or as otherwise first agreed by the Local Planning Authority.
Reason: To ensure satisfactory land drainage, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 10 Notwithstanding the details shown on the submitted drawings, the scheme of landscaping/ boundary treatment referred to in Condition 5 shall provide for a reduction in the height of the patio area to be provided to the rear of the dwelling hereby permitted.
Reason: To protect the amenities of the neighbour, in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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