

TITLE: 2005/588 ERECTION OF 3 BEDROOM SPLIT LEVEL HOUSE WITH INTEGRAL GARAGE IN THE GARDEN AREA OF 4 LOWER CRIBDEN AVENUE, RAWTENSTALL

TO/ON: DEVELOPMENT CONTROL COMMITTEE 10TH JANUARY 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 7TH DECEMBER 2005

APPLICANT: MR & MRS D TOMLINSON

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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.

Site and Proposal

The application seeks approval to construct a 3 bedroom dwelling which will be three storey to the south, and two storey to the north as a result of the differences in ground level. A new access is proposed to Union Road and the existing grass verge will in part be re-constructed with a brick paviour surface. Three trees (not protected) will be felled. Landscaping will separate the new dwelling from number 4 Lower Cribden Avenue. The property is located within the urban boundary.

Relevant Planning History

1981/296 – Erection of three detached dwellings (Plots 26, 27 and 28) on land off Union Road, Rawtenstall. APPROVED

2003/531 – Construction of a 4 bedroom house with integral garage on land to the south of Garden area of 4 Lower Cribden Avenue, Rawtenstall. DISMISSED ON APPEAL.

2005/115 Erection of dwelling in curtilage of 4 Lower Cribden Avenue, Rawtenstall.
REFUSED

Notification Responses

Site notices were posted and the following summarised comments have been received:

- The three storey building, coupled with the elevated position would result in a disproportionate and dominating feature in the landscaping and will be out of character with the surrounding properties.
- The footprint of the property in relation to the site area is in excess of all other properties and is out of keeping.
- The proposed access onto Union Road, is in a dangerous position, on a steep incline and a blind bend.
- The proposed dwelling will only be 8 metres away from No. 29 Union Road, Rawtenstall and will significantly cut out the daylight from the dining room.
- The proposed development would be detrimental to highway safety.
- Is the site brownfield?

Consultation Responses

County Highways

No objections to the proposal, subject to the inclusion of conditions.

RBC Forward Planning

No response.

Development Plan Policies

Rossendale District Local Plan

Policy DS1 (Urban Boundary) states *“the Council will seek to locate most new development within a defined boundary – the urban boundary – and will resist development beyond it unless it complies with Policies DS3 and DS5.”*

Policy DC1 (Development Criteria) of the Rossendale District Local Plan
The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy DC4 (Materials) of the Rossendale District Local Plan states that *local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of*

local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or, in appropriate cases, with good quality substitute slates

Joint Lancashire Structure Plan

Policy 1 (General Policy) of the Joint Lancashire Structure Plan states that: Development will be located primarily in the principal urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving:

- a) the efficient use of buildings, land and other resources;
- b) high accessibility for all by walking, cycling and public transport, with trip intensive uses focussed on town centres;
- c) a balance of land uses that helps achieve sustainable development;
- d) accelerated rates of business development in the regeneration priority areas;
- e) appropriate development at Blackpool airport, ports and regional investment sites;
- f) urban regeneration, including priority re-use or conversion of existing buildings, and then use of brownfield sites;
- g) enhanced roles for town centres as development locations and public transport hubs;
- h) rural regeneration;
- i) a high quality built environment.

Other development to meet an identified local need or support rural regeneration outside principal urban areas, main towns, key service centres (market towns) and strategic locations for development will be acceptable in principle.

Policy 2 (Main Development Locations) of the Joint Lancashire Structure Plan states that development within the main towns of Rawtenstall, Haslingden and Bacup will be at levels sufficient to support:

- a) their role as key centres for public transport, employment and services; and/or
- b) their regeneration role within regeneration priority areas.

Policy 12 (Housing Provision) states that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016.

Parking standards require the provision of a maximum of two car parking spaces for dwellings with between two and three bedrooms, and three spaces for dwellings with in excess of four bedrooms.

Other Material Planning Considerations

PPS1 (General Policy and principles)

Government guidance in the form of PPS1 emphasises that development should be sustainable and states that there is a need to achieve a balance between promoting economic prosperity and protecting the natural and built environment. It also identifies ways in which mixed use development can be promoted, and provides advice on design matters.

Paragraph 7 states that "Urban regeneration and re-use of previously- developed land are important supporting objectives for creating a more sustainable pattern of development. The Government is committed to:

- a) concentrating development for uses which generate a large number of trips in places well served by public transport, especially in town centres, rather than in out of centre locations; and
- b) preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of Greenfield sites.”

PPG3 (Housing)

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

Paragraph 22 states that *“The Government is committed to maximizing the re-use of previously-developed land....in order both to promote regeneration and minimize the amount of greenfield land being taken for development”*.

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

PPG13 (Transport)

Government guidance in the form of PPG13 states in paragraph 19 that *“A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.”*

Housing Policy Position Statement

1.1 Applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:

- a) In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or
- b) The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and
- c) the proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and
- d) the proposal will assist the regeneration of the site; and
- e) the proposal meets an identified local housing need.

Planning Issues

The location for the proposed development is within the urban boundary and therefore the proposal complies with Policy DS1 of the Rossendale District Local Plan.

The next issue to be considered is the suitability of the site for housing development. The site is previously developed as defined in PPG3. In terms of accessibility, the Council’s Forward Planning section has previously commented that the site is close

to a good bus route and as such existing amenities are accessible by other means than a car.

The County Council's highways department is satisfied that, subject to the imposition of conditions, the existing road infrastructure can accommodate this proposal and, a new access onto Union Road can be created without detriment to highway safety. Sufficient off-road parking has been accommodated within the site and the proposal accords with the Council's adopted car parking standards. There are no known physical or environmental constraints on the site although three established trees would have to be removed.

One issue associated with this application, is whether there is a need for new housing in the borough based on the annualized figures provided in the adopted Structure Plan. An extant planning permission from 1981 exists and is still capable of implementation. Therefore the proposed single dwelling will not add to the oversupply within the borough and as a result, is in accordance with Policy 12 of the Joint Lancashire Structure Plan and the Housing Policy Position Statement.

In relation to policy DC.1 the scale of the proposal is judged acceptable when considered against the character and spatial disposition of surrounding properties. There will be approximately 22 metres between the proposed dwelling and the existing dwelling at 4 Lower Cribden Avenue. A distance of 7 metres will be retained between the new dwelling and 29 Union Road. The further revised housetype does not include any windows on the elevation facing number 29 Union Road. In this respect it is considered that the revised proposal will have no significant adverse impact upon the amenity of the neighbouring residents and the application is in accordance with Policy DC1 of the Rossendale District Local Plan.

The residents concerns are acknowledged.

The proposed development is located within the urban boundary and is a previously developed site. The proposed development will not have a significantly adverse impact upon the amenity of the neighbouring residents and will not look out of place within the locality, subject to conditional control. The proposed development is in accordance with the Council's adopted car parking standards and will not result in an oversupply of housing within the borough. Therefore, the proposed development is in accordance with Policies DS1 and DC1 of the Rossendale District Local Plan, the Housing Policy Position Statement and Policies 1 and 12 of the Joint Lancashire Structure Plan.

Recommendation

That planning permission is granted subject to the following conditions:

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. 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 and 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.

3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) the garage shall not be used for any purpose which would preclude its use for the parking of a motor car.

REASON: The retention of the parking space within the site is important in terms of amenity and highway safety.

4. Notwithstanding any indication on the approved plans or application forms, no development shall be commenced until full details of the external materials to be used on the roof and the walls of the development have been submitted to and first approved in writing by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in complete accordance with the approved details.

REASON: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan

5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order with or without modification) no development shall be carried out on the site within the terms of classes A, B, C, D and E, part 1 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority.

REASON: To ensure that any development of the site has due regard to the amenities of the surrounding area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not be at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device exceeding 1.0m in height measured from the adjacent carriageway.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2m measured along the centre line of the proposed access to the north westerly site boundary.

REASON: To ensure adequate visibility at the street junction or site access.

Local Plan Policies

DS1
DC1
DC4

Structure Plan Policies

Policy 1
Policy 2
Policy 12

