

Application Number:	2012/0020	Application Type:	Full
Proposal:	Erection of Detached Dwelling	Location:	Garden Of 110 Bury Road, Edenfield. BL0 0ET
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	17 April 2012
Applicant:	Dr Ann Threlfall	Determination Expiry Date:	3 April 2012
Agent:	Alison Rowland Town Planner Ltd		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input checked="" type="checkbox"/>
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. RECOMMENDATION

That the application be approved for the reasons set out in Section 9 of the Report

APPLICATION DETAILS

2. SITE

The application relates to an irregular shaped parcel of land, located to the west side of No.114 Bury Road and extending beyond the rear boundary of No.114. The site is essentially made up of two distinct parts, namely a flat area of hardstanding, historically with a garage upon it now removed, which can be used for car parking and is bounded by natural stone walls and accessed from Bury Road, and a large garden area sloping steeply downwards from Bury Road and containing a number of shrubs, hedges and a few trees. The majority of the land, with particular reference to the area to the side and immediately to the rear of the site is within the Urban

Boundary. Part of the existing garden area furthest to the west is within an area of Green Belt. There is a strip of land to the south which is designated as Countryside.

The adjoining land also at a lower level than Bury Road to the south is heavily tree'd. Although the land is not adjacent to No.110 Bury Road, which is at the other end of the terrace it is has been used by them as garden for at least 20 years, indeed plans relating to an application in 1990 for a pottery workshop indicate all land to the rear of the row to be part of the garden on No.110. The area is predominantly residential, however, there is a commercial property nearby on the opposite side of Bury Road. Traffic levels in the area are relatively high and there is a curvature in the road to the south limiting visibility somewhat.

3. RELEVANT PLANNING HISTORY

1990/0306 Change of use of stone outbuilding and garden storage to pottery workshop
Approved

4. THE PROPOSAL

The applicant seeks planning permission for a four bedroomed detached dwelling, four storey's in height but due to the levels, appearing single storey from Bury Road. The parking to the property would be from Bury Road with the third storey appearing as garage and entrance. A new access would be created from Bury Road and an increased area of hardstanding would be provided to allow for turning. This would require the construction of retaining walls and new stone boundary walls. Viewed from the rear the dwelling would have a modern appearance with significant areas of glazing and a patio and balcony area. As part of the scheme 2 trees within the existing garden would be removed. The footprint of the house would be within the Urban Boundary and there would be no extension of the existing garden curtilage.

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 9 Protecting Green Belt Land

Section 11 Conserving and Enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas

Policy RDF4 Green Belts

Policy L 2 Understanding Housing Markets

Policy L 3 Existing Housing Stock and Housing Renewal

Policy L 4 Regional Housing Provision

Policy RT 2 Managing Travel Demand

Policy RT4 management of the Highway Network

Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

Rossendale Core Strategy DPD (2011)

Policy 1 General Development Locations and Principles

Policy 8 Transport

Policy 9 Accessibility

Policy 16 Preserving and Enhancing the Built Environment

Policy 17 Rossendale's Green Infrastructure

Policy 18 Biodiversity, Geodiversity and Landscape Conservation

Policy 23 Promoting High Quality Designed Spaces

Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

6. CONSULTATION RESPONSES

RBC (Environmental Health)

No objection

LCC (Highways)

No objection. Request the following:

- The street name plate 'Bury Road' fixed to the wall should be retained and re-fixed to the new wall.
- The new vehicular access point will require the dropping of the footway and this must be carried out by Lancashire County Council, an estimate will be provided upon request.
- The driveway must be constructed in a bound porous material.
- The new wall adjacent to the highway must not exceed 900mm in height to maximise sightlines along Bury Road.

A 106 Agreement should be entered into to facilitate the following works:-

- The 'Welcome to Rossendale' sign should be moved to a suitable location.
- The existing entrance should be reinstated to its former use as a footway.

The entrance is moved south by 450mm (minimum) away from the telegraph pole to provide it with some protection from a vehicle strike.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 06/03/2012 and 8 neighbours were consulted by letter on the 20/02/12.

Three objections have been received stating:

- Construction of the dwelling close to the blind bend and on a heavily trafficked and easily blocked section of road would cause problems for pedestrians and drivers
- Loss of views from living rooms window and side garden of No.117 Bury Road.
- Concerns regarding stability of ground behind a retaining wall close to No.114
- Drains serving properties on the row pass under the proposed building site
- Loss of privacy and outlook from the garden of No.114 which would be virtually surrounded by walls.
- The only access for building materials and plant would be by crane from Bury Road over the retaining wall.

- Impact on the wooded area to the side
- The decking area will overlook No.114
- The development is not in keeping with the rural setting

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; and 5) Access/Parking

Principle

The site for the house itself and the turning area to the front is within the Urban Boundary and the area level with Bury Road is considered to constitute previously developed land. The site is located within a sustainable location, and there would be no encroachment of built development within the Green Belt or resulting domestication of any land to the rear that is within the Green Belt, owing to its existing use as garden. The scheme is considered acceptable in principle.

Housing Policy

The National Planning Policy Framework (March 2012) states that local planning authorities should apply the presumption in favour of sustainable development. However, it also states that “This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

Section 6 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.

The Council’s Core Strategy states that housing development within the Urban Boundary of Edenfield is not inappropriate. Priority, however, should be given to development on previously developed land. However, development of un-allocated previously developed land will be permitted where:

- i. It is for 100% affordable and/or supported housing schemes; or
- ii. It forms a minor part (up to 15% of the overall site size) of a larger mixed use scheme or a major housing proposal (10+ dwellings) on previously developed land or
- iii. It delivers a significant social, economic, or environmental benefit, or
- iv. The application is for a barn conversion and it can be demonstrated that the site has been marketed for economic uses for 12 months, to the satisfaction of the Council, and is not viable for these purposes

The application does not strictly conform with the above criteria, however, as discussed below it is considered that the development would not harm the general character and appearance of the area from public vantage points. It is not considered that the creation of one house in this sustainable location within the Urban Boundary would undermine the aims and objectives of the Council’s Housing Strategy to minimise loss of greenfield land in the Green Belt / Countryside to residential development.

Visual Amenity

The property would not be particularly prominent or intrusive from public vantage points, namely Bury Road, by reason of its single storey appearance and the screening in the form of existing housing to the north and a grouping of mature trees to the south. The garage type appearance to Bury Road would not unduly harm the street scene or the character of the area and subject to suitable stone boundary treatments the parking area would also be acceptable. It is acknowledged that the design of the property, particularly to the rear is not traditional and is somewhat out of character with those along Bury Road, however, it is not for the local planning authority to impose architectural styles or tastes, particularly where the development would not be unduly prominent from public vantage points. The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

There are no properties to the south and west of the site and separation distances between the proposed house and those on the opposite side of Bury Road are acceptable so as to avoid an undue loss of light, privacy and outlook. No.114 is the closest dwelling to the site and whilst it has no windows in its side elevation, there are rear windows and a rear garden. The proposed third floor (marked lower ground floor 01 on the plans) would be at roughly the same level as the garden area, however, due to the fencing bounding the garden of No.114 and that both developments would be at roughly the same level it is considered that there would not be an undue loss of privacy through direct overlooking. Due to the layout of the property and its position relative to No.114 it is not considered that there would be a significant reduction in light or outlook that would be unduly detrimental to the amenities of the occupiers. The scheme is considered acceptable in terms of neighbour amenity.

Access/Parking

The development would not result in the loss of parking for No.114 and would provide for two parking spaces and a suitable turning area for the new house, which the Highway Authority consider acceptable. It is not considered that the requirements of the Highway Authority would require the applicant's to enter into a Section 106 Agreement. Those matters could be satisfactorily conditioned. Subject to conditions, including the relocation of the 'Welcome to Rossendale Sign' and resiting the existing entrance the scheme is considered acceptable in terms of highway safety.

9. SUMMARY REASONS FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and subject to the conditions, it is considered that the proposed development will not result in unacceptable detriment to visual & neighbour amenity or highway safety, having regard to the NPPF (March 2012), Policies DP1-9/RDF1/L2/L3/L4/EM1 of the Regional Spatial Strategy for the NW of England (2008), Policies 1/8/9/16/17/18/23 and 24 of the Council's adopted Core Strategy DPD (2011) and its approved Alterations & Extensions to Residential Properties SPD (June 2008).

10. RECOMMENDATION

That the application be permitted subject to conditions:

- The 'Welcome to Rossendale' to be moved to a suitable location.
- The existing vehicular access point to be reinstated to its former use as a footway.

CONDITIONS

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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 drawing numbered 10 dated 14 February 2012 by the LPA, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.
Reason: To accord with the permission sought.
3. Notwithstanding what is stated on the application forms and approved drawings samples of the stone and slate to be used in the development hereby approved, including those for the proposed retaining walls and boundary treatments shall be submitted to the Local Planning Authority for their prior approval in writing.
Reason: To ensure a satisfactory appearance to the development and to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).
4. The vehicular hardstanding/turning space shown on the approved drawing shall be constructed and surfaced with a bound pourous material and made available prior to first use of the dwelling hereby permitted and thereafter kept freely available for use as such.
Reason: In the interests of highway safety, and to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).
5. No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the houses.
Reason: To provide adequate privacy and an acceptable external appearance and to comply with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).
6. The dwelling shall not be occupied until:
 - a) the dropping of the footway to Bury Road to create a vehicular access point to the proposed development has been completed and the footway reinstated in place of the existing vehicular access point in accordance with the standards and specifications of LCC Highways for the adopted highway; and
 - b) the 'Welcome to Rossendale' sign shall be moved to a suitable location to be agreed in writing by LCC Highways.Reason: To ensure the satisfactory development of the site in the interests of highway safety, and to comply with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).
7. All new walls fronting or adjacent to Bury Road shall be constructed to a height not greater than 0.9m and the any existing street signs removed during construction of the development shall be replaced upon completion of the new walls and shall remain as such unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending or revoking and re-enacting that Order), garages forming part of the development hereby permitted shall be retained for the parking of a vehicle(s) and shall be retained for use as such unless otherwise varied by the submission and approval of an application for planning permission.

Reason: To ensure the retention of adequate off-street parking facilities, in the interests of highway safety and to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011). .

9. 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 neighbours, in accordance with Policy 24 of the Council's Core Strategy DPD (November 2011).

10. 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 as specified in Part 1 Classes <A><C><D><E><F><G> and <H> and/or Part 2 Classes <A> and <C>, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, the openness of the Green Belt, to comply with Policy 1 and 24 of the Council's Core Strategy DPD (November 2011).