

Application Number:	2012/0544	Application Type:	Full
Proposal:	Erection of 3 dwellings	Location:	Hurst Platt Waingate Road Rawtenstall Rossendale BB4 8TA
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	15 January 2013
Applicant:	Mr R Stansfield	Determination Expiry Date:	21 January 2013
Agent:	Hartley Planning & Development Ltd		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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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 Permission be granted subject to the Conditions set out in Section 11.

2. SITE

Hurst Platt is a large stone detached dwelling located close to Rawtenstall Town Centre. The garden is level and contains a large area of hardstanding for parking accessed off Waingate Road. There is an existing vehicular access with double gates off Green Street to the rear of the dwelling.

The application site, approximately 0.1 hectares of land, is located to the rear of Hurst Platt. The site comprising an area of overgrown land with self sown trees/shrub slopes up steeply from the rear of Hurst Platt.

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3. RELEVANT PLANNING HISTORY

There has been three applications, two affecting part of the site and the third affecting the entire site, the subject of this application.

2007/047 Erection of one detached dwelling
Refused

2008/016 Erection of one detached dwelling
Approved

2008/0681 Erection of 3 no. detached dwellings
Refused

2009/0028 Erection of three dwellings
Refused under delegated authority, subsequent allowed at appeal.
As the scheme now submitted is identical to that previously approved, the Inspector's Decision Notice has been appended to this report.

4. PROPOSAL

Planning permission 2009/0028 has recently expired. Permission is now sought for the same scheme entailing the construction of 3 No. detached dwellings to be located on the easterly side of the site. The dwellings would be built into the slope with basements and two floors over. Each dwelling would provide four bedrooms accommodation, one of which would be provided in the basement together with a double garage and other associated living facilities. The dwellings would be located in a staggered position to each other and constructed in natural stone with a slate roof.

It is proposed that the dwellings would be served with a new driveway from the existing access off Green Street. It is said on the Site Plan that the new driveway is to be unadopted and would be constructed to a gradient of approximately 1:9, with an amorphous-shaped turning-head at its northern end. To attain this road gradient it is intended that the drive in front of the most southerly house exceed existing ground-level by more than 1m and in front of the most northerly house be more than 3m below existing ground-level. The greatest ground-level changes will be in the vicinity of the proposed turning-head, the submitted cross-section showing its level to be approx 5m below existing ground-level and backed by a retaining-wall approx 1.5m high, the land beyond it having a batter of 1:2 up to the party-boundary with the properties fronting Hurst Crescent. A protective traffic barrier has been proposed to prevent vehicles leaving the access road on its southerly side.

5. POLICY CONTEXT

National

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 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles

Policy RDF 1 Spatial Priorities
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)

AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1 General Development Locations and Principles
Policy 2 Meeting Rossendale's Housing Requirement
Policy 3 Distribution of Additional Housing
Policy 18 Biodiversity 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

LCC (Highways)

No objection.

Advise that the road should be built to adoptable standards but this could be problematic as the land owned by the applicant does not join the adopted highway. Therefore whoever owns the section of land between the highway and the applicant's land would have to give their consent.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order 2 site notices were posted on 29/11/2012 and 45 letters were sent to neighbours on 28/11/2012.

Six objections have been objecting on the following grounds:

- Ecology Impacts
- Loss of natural woodland
- Loss of views to residents on Union Street
- Subsidence
- Traffic
- The area has changed since the last application was approved
- The proposed site is within 20m of a watercourse and the applicant's house has recently been flooded
- The land is Greenfield
- Traffic and parking has worsened in the surrounding area
- The owners of No.23 Union Street have secured the plot of land marked LAN66061 on the proposed site plan and the turning head is too close to this land.
- Loss of privacy

8. ASSESSMENT

The main considerations of the application are :

1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; 5) Access/Parking; 6) Ecology; 7) Flood Risk

Principle

The site is within a sustainable location within the Urban Boundary of Rawtenstall and has had a previous permission that has only recently expired. The Inspector stated that it is not a location where the principle of residential development would be unacceptable.

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.”

The Council’s Core Strategy states that housing development within the Urban Boundary of Rawtenstall is not inappropriate with Rawtenstall identified as to have the largest number of additional houses to meet the Council’s Housing Requirement for the period 2011-2026. The Core Strategy also states that the housing should be achieved having 65% of the overall amount of new dwellings on previously developed land (PDL) but goes on to say that Rawtenstall would have a lower PDL figure. IN light of this and the recent identical permission for three houses on this site I do not consider that the application would be undermine the Council’s Housing Policy.

Visual Amenity

There has been no significant change to the site or the surroundings since the previous permission. The Inspector concluding that the previous permission would not be damaging to the character and appearance of this part of Rawtenstall I do not consider a refusal of this identical scheme could be substantiated in terms of visual amenity.

Neighbour Amenity

Window to window separation distances to all houses in the area are acceptable. The proposed house to the west of the plot would in part overlook the garden area of No. 22 Brookland Avenue but subject to agreeing the finished floor levels of the new property I do not consider that this would be to an extent that would be overbearing resulting in a significant loss of privacy. Due to the orientation of No.22 there would be no significant loss of sunlight or outlook. The scheme is considered acceptable in terms of neighbour amenity.

Access / Parking

Adequate parking would be provided within the development and subject to the requirements of the Highway Authority the scheme would not be unduly detrimental to highway safety.

Ecology

The submitted badger survey concluded that there was no evidence of badgers living on the site, although there may be badger traffic through the site.

The bat survey concluded that no trees were considered to have more than a negligible bat roost potential. The site was part of a larger area of young woodland and pasture with

moderate bat foraging potential. The complete clearance of this site would reduce the foraging potential of the immediate area slightly, and reduce the connectivity with vegetation on either side.

I have been provided with no firm evidence that this situation has changed and i note the inspector's comments on the previous application that "there is no clear evidence in the residents' representations to suggest that this land has any significant value for wildlife".

Notwithstanding the above given that it is 4 years since the surveys were undertaken i have advised the planning agent that an updated survey would be appropriate.

Flood Risk

I note objectors concerns regarding flooding of the applicant's house, however, the application site itself is at a higher level and importantly not within a flood risk zone.

9. SUMMARY REASON FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to conditions, it is considered that it will not result in unacceptable detriment to visual & neighbour amenity, highway safety or ecology, 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) and Policies 1 / 8 / 9 / 17 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That Permission be granted, for the reasons in section 11.

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the drawings date stamped 21/12/2012 by the Local Planning Authority, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To accord with the permission sought.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and the retaining wall hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties and to comply with Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).
4. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any changes in ground level and shall identify the areas to be planted and hard-surfaced. All planting, seeding

or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development 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 approval to any variation.

Reason: In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990 and to comply with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).

5. No development shall take place until details of boundary treatment have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the boundary treatment of that plot has been carried out in accordance with the approved details.

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 (2011).

6. No development shall take place until details of the highway safety barrier on the southern side of the access drive have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the safety barrier has been installed in accordance with the approved details.

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).

7. No dwelling shall be occupied until the access drive, turning head for the site and the individual drive-way for that plot have been constructed in accordance with the site plan dated 21 November 2012, incorporating drainage to prevent surface water run-off beyond the site boundaries, and finished with a hard permeable surface.

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. No development shall take place until a scheme to improve the carriageway between the site and Green Street has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the scheme has been carried out in accordance with the approved details.

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).

9. No construction work shall take place outside the following times: 0700 to 1900 from Monday to Friday and 0800 to 1300 on Saturdays, and there shall be no working on Sundays or public holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the Council's Core Strategy DPD (2011).