

Application Number:	2013/0470	Application Type:	Outline
Proposal:	Construction of 8 Split Level Houses	Location:	Hurst Platt, Waingate Road, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	10 December 2013
Applicant:	Mr R Stansfield	Determination Expiry Date:	20 December 2013
Agent:	Hartley Planning & Development Ltd		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
Email:	planning@rossendalebc.gov.uk		

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 fronting to Waingate Road, which is 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 also a vehicular access, with double gates, giving access to the rear garden off Green Street, a cobbled street that is an adopted highway.

The applicants land ownership extends over an extensive area of overgrown land to the rear of the house, of approximately 0.3 hectares, that has upon it some self-sown trees/bushes and slopes up steeply to the rear gardens of properties fronting Hurst Crescent.

The application relates to the lower half of this sloping land.

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	<u>Erection of one detached dwelling</u> Refused
2008/016	<u>Erection of one detached dwelling</u> Approved
2008/0681	<u>Erection of 3 no. detached dwellings</u> Refused
2009/0028	<u>Erection of three dwellings</u> Refused under delegated authority, subsequent allowed at appeal.
2012/0544	<u>Erection of 3 dwellings</u> Approved at January 2013 DC Committee

4. PROPOSAL

The previous two permissions were for three dwellings to be located on a north – south axis stepping up the slope.

Now Outline Permission is sought for four pairs of semi detached properties on an east – west axis at the foot of the sloping land. Permission is being sought now for Access, Layout, Scale and Appearance, with only Landscaping reserved for later consideration.

Access, like previous permissions would be from Green Street and it is proposed that the new road to front the dwellings would be constructed to adoptable standard.

The houses would be split level, three storeys when viewed from the front and two storeys to the rear. There would be garages at ground floor and the living accommodation would comprise a lounge, dining room/kitchen and three bedrooms over the above two storeys. There would be a yard to the rear with a lawned garden beyond. A concrete retaining walls is proposed to run along the rear of all the properties of up to 4m in height. The houses would be constructed in artificial stone under a tile roof.

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

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)

Its written comments are awaited, but it has indicated that it has no objection in principle to the erection of 8 houses here. However, whilst the previous schemes for 3 houses could be served off a private drive, the increase in dwelling numbers now proposed means that a road extending from the junction of Green Street and Holmes Street needs to be provided to an adoptable standard, including street-lighting and a turning-head at its eastern end of sufficient size to enable a refuse wagon to turn.

United Utilities

Surface water should not be allowed to discharge into foul/combined sewer as stated within the application. A condition should be attached to detail how surface water will be managed to ensure :

- No surface water from the development discharges directly or indirectly to the combined sewer network.
- Only foul drainage is connected into the foul drainage sewer.

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a site notice was posted on 07/11/13 and 60 letters were sent to neighbours on 29/10/13.

Ten objections have been received, on the following grounds :

- Traffic and parking has worsened in the surrounding area and the roads aren't suited to construction traffic
- The properties are not easily adaptable and wouldn't meet Lifetime Homes Standard. They would not ensure the maintenance of an inclusive community in the locality as they are not based on current or future demographic needs.

- Loss of privacy
- Loss of views to residents on Union Street
- Loss of natural woodland/effect on ecology
- Subsidence

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 an extant permission for three dwellings. The Inspector in determining a previous Appeal stated that it is not a location where the principle of residential development would be unacceptable.

Housing Policy

The National Planning Policy Framework (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 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 65% of the overall amount of new dwellings should be on previously developed land (PDL) but goes on to say that Rawtenstall would have a lower PDL figure. In accordance with Policy 4 of the Council’s Core Strategy, there would be no requirement for affordable housing as the scheme is for no more than 8 dwellings.

In light of the above and the recent permission for three houses on this site I do not consider that the application would be contrary to the Council’s Housing Policy.

Visual Amenity

When viewed from Newchurch Road, the general bulk/height and massing of the houses would be broken up by Hurst Platt itself and other properties, and there would remain a significant area of green space to the rear, rising up to the properties on Hurst Crescent.

The development comprises three storey town houses. The extant permission also included three storey dwellings and the properties to the east, No’s 26 and 28 Waingate Road are also three storeys. Consistent with the opinion of a previous Appeal Inspector, I consider that the most appropriate materials for the house should be natural stone and slate, not artificial stone and tile. Subject to a condition to ensure this, I am of the view that their appearance would not be detrimental to the character or appearance of the area.

Whilst entailing an increase in the number of dwellings, I am of the view that they not would be significantly more prominent or obtrusive from public vantage points than would result if from implementation of the extant permission as they would step up the slope.

The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

Window to window separation distances to all neighbouring houses (aside from Hurst Platt itself, which is owned and occupied by the applicant) accord with the Council's spacing standards. I am satisfied that occupiers of the proposed houses and neighbours would enjoy the amenities they could reasonably expect to enjoy in terms of light, outlook and privacy.

Whilst a number of objectors have expressed concern about risk of subsidence being caused to their properties there is no reason to believe that this will occur. The extant permissions provides for construction of dwellings higher up the slope than is now proposed.

The scheme is considered acceptable in terms of neighbour amenity.

Access / Parking

I am satisfied that the local highway network can accommodate the additional traffic that will result from the proposed development and adequate off-street parking can be provided within the development to meet the needs of occupiers/visitors to the new houses.

LCC (Highways) has indicated that it has no objection in principle to the erection of 8 houses here. Whilst the previous schemes for 3 houses could be served off a private drive, I can appreciate its wish for a road of adoptable standard to be provided for the 8 houses now proposed.

As submitted the drawings accompanying the application did not demonstrate to the Highway Authority's satisfaction that this would be the case. Most particularly it wished the drawings to provide certainty that the road extending from the junction of Green Street and Holmes Street would be to an adoptable standard and have a turning-head at its eastern end of sufficient size to enable a refuse wagon to turn. The Agent has indicated this can be provided and drawings to demonstrate it are awaited.

I will up-date members on the drawings received and LCC Highway's comments on them.

Ecology

The badger survey submitted with the previous applications 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 negligible bat-roost potential. The site was part of a larger area of young woodland and pasture with moderate bat foraging potential.

The clearance of this site of self-seeded trees/bushes on it would reduce the foraging potential of the immediate area slightly, and reduce the connectivity with vegetation on either side. However, there would be scope for further tree/shrub planting further up the slope.

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 National Planning

10. RECOMMENDATION

That Permission be granted subject to the conditions below.

CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of (three years) from the date of this permission, or before the expiration of (two years) from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: Required by Section 92 of the Town and Country Planning Act 1990.
2. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters"), which shall include that land edged in blue, shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: The application is in outline only and not accompanied by detailed plans, and to ensure the development is appropriate with regards to visual & neighbour amenity and biodiversity, in accordance with Policies 1, 18 and 24 of the Council's Core Strategy DPD (2011).
3. The development shall be carried out in accordance with the drawing date stamped 25 October 2013 by the Local Planning Authority, unless otherwise required by the conditions or first agreed in writing by the Local Planning Authority.
Reason: To accord with the permission sought.
4. No development shall take place until samples of natural stone and slate 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).
5. None of the dwellings hereby permitted shall be occupied until the access from the junction of Green Street and Holmes Street has provided to an adoptable standard, including street-lighting and a turning-head at its eastern end of sufficient size to enable a refuse wagon to turn. Furthermore, none of the dwellings hereby permitted shall be occupied until its garage is available for use for parking of a car and the hardstanding fronting it has been provided with a hard permeable surface. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order amending or revoking & re-enacting it, each of the garages shall be kept freely available for the parking of a car, as too shall each drive fronting them.
Reason: In the interests of highway safety and to ensure not off-street parking for not less than 2 cars is provided/retained for each dwelling, to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).
6. Notwithstanding what has been shown on the submitted drawings and supporting information, prior to commencement of development full details of the foul and surface-water drainage (with foul water to drain to a separate system) shall be submitted to the Local Planning Authority. Development shall not commence until the details have been

approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure satisfactory drainage is provided to accord with the advice of United Utilities, and Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

7. 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).