

<b>Application Number:</b>	2014/0168	<b>Application Type:</b>	Full
<b>Proposal:</b>	Construction of 8 Houses	<b>Location:</b>	Hurst Platt, Waingate Road, Rawtenstall
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	22 July 2014
<b>Applicant:</b>	Mr R Stansfield	<b>Determination Expiry Date:</b>	28 June 2014
<b>Agent:</b>	Hartley Planning & Development Ltd		

<b>Contact Officer:</b>	Richard Elliott	<b>Telephone:</b>	01706-238639
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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input type="checkbox"/>
<b>3 or more objections received</b>	<input checked="" type="checkbox"/>
<b>Other (please state):</b>	

## 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 land to the rear of the house, of approximately 0.3 hectares that slopes steeply upwards to the rear gardens of properties fronting Hurst Crescent. Recently a large area of the site has been cleared of the previous trees/shrubs/vegetation.

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

### 3. **RELEVANT PLANNING HISTORY**

2009/0028 Erection of three dwellings

Refused under delegated authority, subsequent allowed at appeal.

2012/0544 Erection of 3 dwellings

Approved at January 2013 DC Committee

2013/0470 Construction of 8 Split Level Houses (Outline)

Approved subject to the conditions at December 2013 DC Committee.

### 4. **PROPOSAL**

With outline permission having recently been granted for the construction of eight houses, the applicant now seeks full planning permission for eight houses with variations to the scheme previously approved. The submitted application also proposes to address the conditions attached to the previous outline permission.

Access would still be from Green Street and the new road to the front of the properties would be constructed to adoptable standard.

There would be no changes to the size of the houses. As previously they 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 wall is proposed to run along the rear of all the properties. The houses would be constructed in artificial stone under a tile roof.

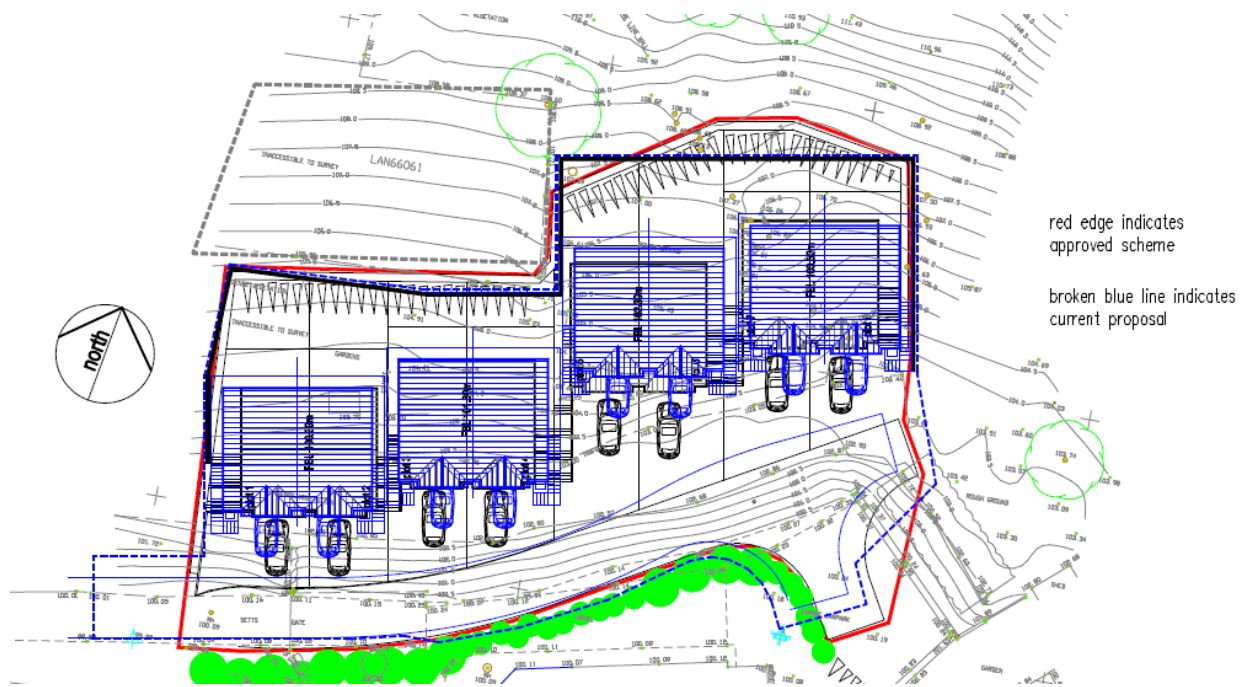
In respect of landscaping the applicant proposes the rear gardens to be soiled and seeded and the retaining wall would be reinforced concrete; the front parking areas and service strips to be Marshall pavements, gabion walling would be to the south and east of the accessway and its turning head, and; tree planting would be undertaken on the land to the rear comprising Alder, Rowan, Birch and Cherry.

In respect of the materials for the dwellings it is proposed to use an artificial tile for the roofs and reconstituted stone for the elevations. All windows would be white UPVC framed.

To address condition 5 (highway matters) the applicant has indicated that they would be content to surface Green Street to a standard determined by the Highway Authority.

A plan has been submitted to address foul and surface water drainage (condition 7) and a construction compound would be created using the existing parking area associated with Hurst Platt.

At the request of the case officer a plan has been provided demonstrating the differences between this scheme and the earlier approval:



## 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)**

A scheme to improve the section of Green Street from its junction with Holmes Street in an easterly direction to the red edge shown on the plan (approximately 14 metres) should be submitted to and approved by Lancashire County Council and constructed prior to the occupation of the first house.

The new access road and retaining wall will need to be constructed to Lancashire County Council specification and adopted under Section 38 of the Highways Act 1980.

The driveways should be constructed of a bound porous material to minimise surface water run-off and to prevent debris being deposited on the footway.

## **United Utilities**

No objection subject to conditions related to surface water and foul drainage.

## **RBC (Land Drainage)**

Awaiting comments

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a site notice was posted on 09/05/2014 and 40 letters were sent to neighbours on 01/05/2014

Six objections have been received, on the following grounds:

- Impact of vehicle movements during construction and necessary digging up of Green Street to lay sewer and drainage pipes will impact on adjacent Rawtenstall Spiritualist Church;
- Vehicle movements will conflict with the use of the Church, affecting access of attendees;
- The application states that access will be from Holmes Street, which is not suitable.
- The development will not complement or enhance the area;
- Loss of natural woodland/effect on ecology – can planting be undertaken and the remaining border trees be protected to the remainder of the site?;
- Subsidence – Since the ground clearance works have been undertaken there has been significant movement to the back garden of No.1 Hurst Crescent;
- The natural drainage in the area would be compromised;
- The submission states that the construction compound will be within the applicant's existing parking area, but there is no space for this;
- There will be significant amounts of traffic generated and the immediate roads to the site aren't wide enough to cope

## **8. ASSESSMENT**

The main considerations of the application are :

- 1) Principle/Housing Policy; 2) Visual Amenity; 3) Neighbour Amenity;
- 4) Access/Parking; 5) Land Drainage; 6) Ecology.

### Principle/Housing Policy

The site benefits from an extant permission for eight dwellings. Accordingly the scheme is considered acceptable in terms of principle and would not be contrary to the Council's Housing Policy.

### Visual Amenity

The houses are the same as those previously approved and the variations in terms of their siting are minor. I do not consider they would have a material impact on the scheme as a whole.

The applicant has proposed the use of gabion retaining walls to the access way, a concrete faced retaining wall to the rear and sides of the house and artificial stone and tile as the materials for the houses. Views of the retaining wall will be limited due to the siting and size of the dwellings so I do not consider this to be unduly harmful. However, given the siting height and prominence of the dwellings I do not consider the use of artificial stone and tile to be appropriate. Similarly I do not consider the use of gabion retaining walls to be appropriate to the area.

Accordingly I recommend a condition to provide alternate details, incorporating natural stone for the houses and using natural slate for the roofs. All other aspects of the submitted landscaping scheme are considered acceptable.

Subject to condition the scheme is considered acceptable in terms of visual amenity.

#### Neighbour Amenity

The alterations would not result in any greater impact to neighbours over and above the extant outline permission.

Issues of subsidence have been raised and details of this have been passed on to the applicant and his agent. The plans demonstrate a reinforced retaining wall to the rear, however, further information has been sought from the applicant on this matter.

#### Access / Parking

The Highway Authority has no objection to the application subject to conditions to ensure access to the properties is carried out to their standards and specifications.

#### Land Drainage

Comments from the Council's Land Drainage Officer in respect of the submitted drainage scheme are awaited.

#### Ecology

There would be no material change to the scheme that would change any ecological impacts over and above the extant permission.

#### Other Matters

I am not satisfied that the applicant has provided sufficient information in respect of a construction methodology such that it can be ensured that disturbance by way of construction traffic movements, storage of materials on site etc will be minimised. Accordingly a condition will be necessary in this respect, as per the earlier approval.

### **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 Policy Framework (2012) and Policies 1 / 8 / 9 / 17 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

### **10. RECOMMENDATION**

That Permission be granted subject to the conditions below.

### **11. 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 submitted plans and supporting statements dated 01 May 2014 by the Local Planning Authority, unless otherwise required by the conditions below.

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. Notwithstanding what is shown on the submitted application forms and approved drawings, the design of the houses shall incorporate natural stone to their frontages and sides and natural slate to their roofs. No development shall take place until:
  - a) Revised drawings are submitted illustrating the design of the elevations and the materials to be used; and
  - b) Samples of all facing materials (including the natural stone) to be used for all elevations and roofs, 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 the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

4. None of the dwellings hereby permitted shall be occupied until their garages are available for use for parking of cars and the hardstanding fronting them has been provided with a hard permeable surface as shown on the approved drawings. 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 cars, 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).

5. Prior to commencement of development a scheme to improve the section of Green Street from its junction with Holmes Street in an easterly direction to the red edge shown on the plan (approximately 14 metres) shall be submitted to and approved by Lancashire County Council and constructed prior to the occupation of any of the houses hereby permitted.

Reason: In the interests of highway safety, to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).

6. Notwithstanding what is shown on the approved drawings the new access road and retaining wall to it shall be constructed to Lancashire County Council specification and adopted under Section 38 of the Highways Act 1980 prior to first occupation of any of the houses.

Reason: In the interests of highway safety, to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).

7. Within the first planting season following any start being made on the construction of any of the houses hereby permitted or the rear retaining wall hereby permitted, the tree planting as described in the submitted 'Addendum to Planning Statement' shall be carried out. Any trees removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

8. No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall include details of :

- 1) The area for parking for vehicles of site operatives and visitors.
- 2) The loading and unloading area for plant and materials

3) The storage area for cabins, plant and materials used in constructing the development

4) The vehicle wheel-washing facilities

Reason: In the interests of highway safety and neighbour amenity, to accord with Policies 1 and 24 of the Council's Core Strategy DPD.

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).