

Application Number:	2014/0420	Application Type:	Full
Proposal:	Erection of one detached dwellinghouse	Location:	Clovermount, Earnshaw Road, Bacup, OL13 9BP
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	16 th December, 2014
Applicant:	Mr M Thompson	Determination Expiry Date:	18 December 2014
Agent:	Mr B Edmondson		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
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 Committee Approve planning permission for the reasons set out in Section 9.

2. SITE

The application site comprises approximately half of the residential curtilage of Clovermount, which is a detached dwellinghouse located on Earnshaw Road and is accessed off Todmorden Road in Bacup. The dwellinghouse is constructed from natural stone with a slate roof with dark brown upvc windows. The building is part two storey and part single storey owing to the levels on the site which increase by around 2m. The dwellinghouse is located on the eastern part of the site and the remainder of the curtilage comprises a mixture of lawns and planted gardens including small trees and shrubs at the

higher tier and a large area of hardstanding to the lower tier which is used for parking. The application relates specifically to the western part of the site and will replace the remains of a single storey garage / outbuilding.

The site is surrounded by housing to all sides. It is located within the Urban Boundary of Bacup and is approximately 270m from the town centre. The site lies outside of but in close proximity to the Bacup Town Centre Conservation Area.

3. RELEVANT PLANNING HISTORY

2011/0103 - Extension to existing garage and alteration works. Approved with conditions 28/04/11.

4. PROPOSAL

Full planning permission is sought for the erection of one detached dwellinghouse within the curtilage of Clovermount. The dwelling will have a similar design to Clovermount being two storey in part, and single storey in part. The main bedroom would be located to the south side and it would lead out onto a balcony. Two further bedrooms are proposed at the northern end of the dwelling.

As originally submitted the dwelling was proposed to be finished in render, with stone quoins, heads and cills, however, following a request from Officers, the applicant has amended the materials to natural stone to the southern and eastern elevations. The plans show red brick to the north and west elevations although the applicant has indicated verbally that he may prefer to use render to give a more modern appearance. This is considered in more detail in section 8 of this report. The roof will be constructed from natural slate.

The garden area to serve the new dwelling will be located to the north on land which forms part of the existing garden of Clovermount. New fencing is proposed to the rear of the dwelling along the boundary with no. 16 and further fencing will be located between the dwelling and Clovermount within the grassed area. The car parking area will be demarcated by the use of cobbles. The dwelling will be served by sufficient space to park two vehicles.

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 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 2 Strategy for Bacup, Stacksteads, Britannia and Weir
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirements
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport

Policy 9	Accessibility
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Considerations

Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

RBC (Environmental Health)

"There are no objections in relation to this application however I recommend that the standard hours of construction work is attached to any permission granted."

Environment Agency

No objections (it was unnecessary to consult the EA in this case)

LCC (Highways)

No objection subject to 3 parking spaces to serve Clovermount and 2 to serve the proposed new dwelling.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order 35 notification letters were sent to neighbouring properties and two site notices were displayed.

Three letters of objection have been received from neighbouring properties (5, 7 and 11 Clover Street). The following issues have been raised:

- Noise and disturbance during construction;
- Impact on view which is partly blocked by flora and fauna;
- Reduction of light and sunlight in my garden and house;
- Land around the existing property is poorly maintained – concern that this will be worse as a result of the development;
- There is ample housing stock in and around Bacup;
- Light is already compromised due to owner not maintaining the existing trees – the dwelling will take more light and I do not believe the fence or trees within the new development would be maintained as stated; and
- The dwelling will impact upon my privacy.

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking

Principle

The application site comprises part of the residential curtilage of Clovermount, which is a large detached dwellinghouse located off Earnshaw Road in Bacup. The Glossary contained within Annex 2 of the National Planning Policy Framework (NPPF) defines previously developed land and states that it excludes private residential gardens. Therefore, this is a greenfield site.

With regards to housing in residential gardens, paragraph 53 of the NPPF states: *“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 does not impose any prohibition in principle on the development of garden land. However, Policy 2 seeks to prioritise the development of previously developed land and restricts housing on unallocated greenfield land unless it meets one or more of four exceptions (i.100% affordable housing; ii. forms a minor part of the overall site of a larger mixed use scheme; iii. it delivers a significant social, economic or environmental benefit; or iv. is a barn conversion and has been marketed for 12 months). This proposal does not meet those exceptions. Policy 3 seeks to direct new housing to certain locations within the Borough and it states that significant numbers of additional houses will be built in the towns of Bacup, Haslingden and Whitworth.

Weighing in favour of the principle of the proposed dwelling is its sustainable location within the Urban Boundary of Bacup and also within walking distance of Bacup Town Centre where a range of shops and services can be accessed. The town centre offers regular bus services to Rochdale to the south and Accrington to the north. I also acknowledge that the addition of a single dwelling would make a contribution to the Borough’s overall housing supply, albeit a modest one.

For the reasons above, the proposal is considered to be acceptable in principle. With reference to paragraph 53 of the NPPF, the key test is whether the development would cause harm to the local area.

Visual Amenity

As originally submitted, the dwelling was proposed to be finished entirely in render, with stone quoins, heads and cills, and a concrete tiled roof. Officers considered that the use of render to all elevations and a concrete tiled roof would be inappropriate and out of keeping with the materials used in the surrounding area. The applicant was asked to amend the materials to incorporate natural stone on the elevations and slate on the roof. Amended plans have been received which now show natural stone to the southern and eastern elevations and a natural slate roof. Red brick is shown on the north and west elevations, however, the applicant has subsequently suggested that render may be more appropriate on these two elevations. Officers would be happy with either red brick to match the surrounding houses, or render to create a more modern appearance. The final details of materials on these two elevations can be controlled by planning condition.

The design of the dwellinghouse is similar in style to Clovermount and therefore the modern features such as the first floor balcony to the front elevation are appropriate. Officers are satisfied with the overall size and design of the dwelling.

The applicant indicated on the submitted drawings that all existing trees / planting areas will be retained. However, three neighbour objection letters have been received, which refer to the poor maintenance of the existing landscaping. Officers recommend a planning condition requiring that full and final details of all trees / vegetation to be retained and proposed planting details are submitted to the Local Planning Authority for approval. Officers will then consult the Tree Officer to ensure the species are suitable for this location and are easily maintained.

The proposed dwelling will be served by an adequate amount of garden and there will be sufficient amenity space remaining for the occupier of Clovermount. Officers are satisfied

that this is in accordance with the NPPF core planning principle “*always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.*” The gardens will be delineated by 1.8m high fencing, and 2m high fencing is proposed along the rear boundary. Officers recommend a condition requiring a plan is submitted to show the precise locations of the fencing, and elevations to show the design, in the interests of visual amenity.

Overall, subject to the use of planning conditions, Officers consider the proposal is acceptable in terms of design, materials and overall visual amenity and is in accordance with Policies 23 and 24 of the Adopted Core Strategy and the NPPF.

Neighbour Amenity

The Residential Alterations and Extensions SPD requires that separation distances between dwellings are such that they maintain adequate privacy and avoid overbearing relationships and undue loss of light and outlook. A distance of 20m is required between directly facing habitable room windows and 13m between habitable room windows and a two storey blank elevation in a neighbouring property. There should be 6.5m between a habitable room window and a single storey blank wall in a neighbour’s property.

The proposed dwelling contains principal habitable room windows on the front and gable elevations. There is single rooflight on the rear elevation. The northern gable which contains living room windows at first floor (the ground floor is not visible) is located 23m away from the rear of dwellings on Clover Street. The minimum separation distance is exceeded. The rear elevation which is single storey and contains no windows is 14.4m from the rear of the dwellings on Walnut Street. Again the minimum distance of 6.5m is exceeded. The gable elevation containing four habitable room windows will be 24m from the front of dwellings on Earnshaw Road, and so again the minimum distance is met. Finally, the proposed dwelling is orientated to face Clovermount and there will be a distance ranging from 18-19m. Although there is a slight shortfall in this separation distance of around 1-2m, Officers do not consider this will adversely affect the amenity of either occupier of the dwellings. In order to protect privacy so far as possible, a planning condition is recommended which requires the balcony to be fitted with opaque glass.

Due to the separation distances and ground levels Officers are satisfied that the proposal will not cause undue harm to the amenity of the surrounding neighbours by way of overlooking or overbearing impact.

Neighbours have raised concerns regarding noise and disturbance during construction. The Council’s Environmental Health Officer has raised no objections but has requested a planning condition be attached to any permission which controls the hours of construction. In attaching any planning condition, Local Planning Authorities must be satisfied that the six tests for conditions are met i.e. that all conditions are: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. Being mindful of the concerns of the neighbours, the Environmental Health Officer’s comments and the proximity of the application site to surrounding housing, Officers believe the construction hours condition is necessary in this case.

Subject to planning conditions, Officers are satisfied that the proposal will not harm the amenities of neighbours and is therefore compliant with the NPPF, Core Strategy Policies 23 and 24 and the SPD.

Access / Parking

The County Highway Engineer raises no objection to the proposed development. The utilisation of the existing access to serve the proposed dwelling is suitable, and there is adequate space within the proposed curtilage to accommodate two vehicles in accordance with the Council's adopted parking standards.

9. SUMMARY REASON FOR APPROVAL

The scheme would provide for the erection of one dwelling located within the residential curtilage of Clovermount. Whilst the site is greenfield in planning terms, it is within the Urban Boundary and is within a sustainable location within walking distance of Bacup Town Centre and therefore is considered acceptable in principle. The proposal would not have a detrimental impact on highway safety within the area and the scheme is considered acceptable in terms of visual amenity and neighbour amenity. The development is considered to accord with Sections 4, 6, 7, 10, 11 and 12 of the National Planning Policy Framework, Policies 1, 2, 3, 8, 9, 16, 23 and 24 of the Council's adopted Core Strategy DPD (2011) and the Alterations and Extensions to Residential Properties SPD.

10. RECOMMENDATION

That the application be approved.

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 following unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
 - Planning application forms signed and dated 26/09/14;
 - Proposed Plans and Elevations 2014/33-02 Rev H received 31/10/14; and
 - Landscaping and Sections 2014/33-04 Rev C received 31/10/14.

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. No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building, have been submitted and approved in writing by the Local Planning Authority. The development shall come forward 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 Policy 24 of the Adopted Core Strategy.

4. Notwithstanding submitted details, the following materials shall be used, and samples of which shall be submitted for approval prior to the commencement of development:
 - natural stone to the southern and eastern elevations;

- natural slate roof;
- natural stone quoins, heads and cills;

The development shall be carried out in accordance with the approved samples.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

5. Notwithstanding submitted details, no development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
- proposed materials for the north and west elevations of the dwellinghouse;
 - rainwater goods;
 - external doors and window frames; and
 - balcony screen.

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).

6. The site shall be treated in accordance with a landscape scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such a scheme shall include full details of trees and shrubs to be removed and full details of trees and shrubs to be planted, walls, fences, boundary and surface treatment and shall be carried out within the next planting season following the commencement of development. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.

Reason:- In the interests of visual amenity and to comply with Policies 23 and 24 of the Adopted Core Strategy.

7. Prior to installation, full details (i.e. location, materials and design) of all walls, fences and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of the dwellinghouse.

Reason:- Insufficient details have been submitted, and in order to provide adequate privacy and an acceptable external appearance and to comply with Policy 24 of the Adopted Core Strategy.

8. 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 neighbours, in accordance with Policy 24 of the Adopted Core Strategy DPD.

INFORMATIVES

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com