

Application Number:	2016/0278	Application Type:	Full
Proposal:	Erection of 1 dwelling	Location:	Oakenshaw House Oakenshaw View Whitworth
Report of:	Planning Unit Manager		
Report to:	Development Control Committee	Committee Date :	30 / 8 / 16
Applicant:	Mr J Mercer	Determination Expiry Date:	26 / 8 / 16- time extension agreed until 3 rd September
Agent:	Mr S Ingram		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Cllr A Neal It is less than 7 months since this proposal was refused permission. Whitworth Town Council & LCC Highways felt that it would not be safe to permit access for the proposed development from Tonacliffe Road given within 10m there is a blind bend and also no footway. Should the Applicant have been willing to take access from Oakenshaw Avenue this would have made the application a much safer prospect.
3 or more objections received	
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 is granted, subject to the Conditions set out in Section 10.

2. **SITE**

The applicant occupies a substantial Victorian house of stone/slate construction. It occupies grounds of substantial size, bounded on 3 sides by highways. Although the house stands nearest to Tonacliffe Road (to the east), its front elevation faces south-west and it now takes access from Oakenshaw View (to the west).

The application relates to a broadly square site of approx. 18m x 22m, between Tonacliffe Road & Oakenshaw View, and bounded to the north by Oakenshaw Avenue. Its Tonacliffe Road frontage is bounded by a 4.5m high conifer hedge behind a stone wall with gated vehicular access midway along. For much of its length the Oakenshaw Avenue frontage is also bounded by a 4.5m high evergreen hedge behind a stone wall, with a tree towards each end and further tree midway along the highway verge outside the site. Oakenshaw View is a more recently-constructed accessway that runs at a level 1+m lower than the application site, this frontage screened by 2+m high evergreen shrubs & deciduous trees growing behind the stone-faced retaining wall.

The site is largely under grass, with a paved patio in the SE quarter, associated with the conservatory projecting from the rear elevation of the house.

A Tree Preservation Order was made in 1977, prior to construction of Oakenshaw View and the houses now built to its west side. The permission subsequently granted for the residential development of this area (hitherto part of the grounds of Oakenshaw House) allowed felling / replacement of some of the TPO'd trees. Trees within the site of the current application with TPO protection are a fully-mature Sycamore towards the NE corner and the line of replacement trees of mixed species running down the W boundary.

The houses to the opposite side of Tonnacliffe Road look directly towards the application site (that at No 39 with no setback from the highway). The houses on the opposite sides of Oakenshaw View and Oakenshaw Avenue do not look directly towards the application site.

The application site and surrounding land lie within the Urban Boundary.

3. **RELEVANT PLANNING HISTORY**

1991/377 Erection of 11 Dwellings - Land at Oakenshaw House
Approved

2015/0518 Erection of 1 dwelling - Oakenshaw House
This application sought permission to erect an L-shaped 2-storey house, with slate roof and stone walls. This 4-bedroomed house was to have its front elevation face towards the fully-mature TPO'd Sycamore towards the NE corner of the site, at a distance of 4m from its trunk and with a porch coming still nearer. The northern gable was to stand 1m from the 4.5m high conifer hedge on the Oakenshaw Avenue frontage, whilst rear corners of the house

were to be 1m from the stone-faced retaining wall on the Oakenshaw View frontage.

The conservatory projecting from the rear elevation of the existing house was to be demolished, and the de-commissioned gated vehicular access to Tonacliffe Road brought back in to use to access 3 parking spaces to be provided for residents of the proposed house.

On 14/4/16 Officers refused this application for the following reason :
The Council cannot presently demonstrate that it has a 5-year housing land supply and, consequently, Local Plan policies in this regard are not to be considered up-to-date.

This being the case, Paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.

Though the application site is located in a residential area that is reasonably well served by bus services and is within the Urban Boundary, the proposed development will unacceptably :

- a) harm trees of public visual amenity value, including trees with the protection of a Tree Preservation Order;*
- b) detract from the character and appearance of the street-scene, most particularly by reason of the proximity to and elevation above Oakenshaw View of the proposed house; &*
- c) detract from highway safety, most particularly by reason of the poor visibility from/to Tonacliffe Road due to the high boundary walls & hedges at both sides and the inadequate space to be made available to enable 3 vehicles to park and manoeuvre clear of the highway.*

The proposal is contrary to Policies 1 / 8 / 9 / 10 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

4. PROPOSAL

The current application is a re-submission of the previously refused application (ref: 2015/0518) and relates to the erection of an L-shaped 2-storey three bedroomed house. To be of stone/slate construction, it is designed to reflect the form of a former coach-house.

The proposed dwelling will stand 4.5m (rather than 8.5m as per the previous application) from the existing house, with its front elevation facing towards Tonnacliffe Road (rather than the fully-mature protected Sycamore towards the NE corner of the site). It will have a gable facing towards Oakenshaw Avenue, 4m from the edge of the canopy of the protected Sycamore, with its rear elevation paralleling Oakenshaw View.

The conservatory projecting from the rear elevation of the existing house is to be demolished, and the de-commissioned gated vehicular access to Tonacliffe Road is to be brought back in to use to access the 2 parking spaces/turning facility to be provided within the application site for use by residents of the proposed house; the gate is to be removed and a length of the frontage wall to each side reduced in height from 1.7m to 0.9m, in accordance with advice from LCC Highways.

The current layout plan indicates that no part of the proposed house will lie within the Root Protection Zone of the protected Sycamore towards the NE corner of the site or will pruning-back of its canopy be required to enable its construction. A self-seeded Lime which is nearer to the NE corner of the site, and which has grown with a distinct lean towards the highway (to avoid shading from the Sycamore), is to be removed.

The application is supported by a Tree Report which indicates that the proposed associated car parking/turning facility will only marginally encroach into the Root Protection Zone of this tree or the high hedge fronting Tonacliffe Road and with careful hand-excavation for construction of the adjacent permeable surfaced parking bays undue harm can be avoided.

The Tree Report further recommends removal of a middle-aged 8m high Lime towards the NW corner of the application site and a young 6m high Silver Birch mid-way down the boundary of the application site with Oakenshaw View; in the case of the former because it is a poor specimen and so close to a stone retaining wall it will in time require removal in any case and the latter primarily because of its proximity to the proposed dwelling however it is presently of a size capable of being relocated further down the boundary with Oakenshaw View. The current layout having moved the proposed house further from Oakenshaw Avenue it is not now proposed to remove this Lime. Thus only one of the trees forming part of the existing line of trees of mixed species down the W boundary of the application site and garden to be retained by the existing house is to be removed and it is presently of a size to be re-located to a position further down the boundary.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 1	Building a Strong Competitive Economy
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

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP1	Area Vision for Whitworth, Facit & Shawforth
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change, etc
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

6. **CONSULTATION RESPONSES**

LCC Highways- no objection to the proposed development

United Utilities- no objection subject to a condition that the site should be drained on a separate system.

Whitworth Town Council object to the proposed development on the following grounds:

- Vehicles leaving the property would be half way into Tonacliffe Road before they could see which would cause a danger to other road users and pedestrians.
- Tonacliffe Road has a narrow footpath and is heavily parked with heavy traffic and pedestrian footfall.
- If the plans were redesigned so the house faced the other direction, and the access was made through Oakenshaw View instead, then this would be more acceptable.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order neighbours were notified by letter on 6/7/16. The following comments have been received:

1 Oakenshaw View- Object on the following grounds:

- The revised plans and repositioning show that the proposed two storey dwelling is now in even closer proximity to 1 Oakenshaw View.
- Due to the elevated site and position of the proposed development will directly overlook property and cause loss of privacy to habitable rooms and garden area.
- Over-development of the site which involves a large loss of garden land and open aspect and adversely affects the character of the neighbourhood.
- The proposed access on Tonacliffe Road is concealed and situated in close proximity to a very busy cross-roads / route to the local community school frequented by a high volume of pedestrians.
- Tonacliffe Road has already been subject to traffic calming measures; a 20 mile an hour speed restriction has been enforced.
- The proposed access is hazardous and is not conducive in meeting highway safety requirements and poses a significant risk in causing traffic and pedestrian related incidents.

39 Tonacliffe Road- Object on the following grounds:

- The proposed dwelling will block the light and views
- The owner of Oakenshaw House does not live at the residence but rents it out and has done for numerous years.
- Oakenshaw House, a beautiful old building, is fast becoming run down and is in need of repairs.
- The neighbours have requested on several occasions that the large fir tree hedge that is approximately 18 foot high and blocking views and light be cut down. Due to the hedge, lights in the house need to be kept on constantly due to the darkness caused by the hedge. The proposed dwelling built directly opposite would only compound this problem further as it would be permanent and even higher.
- This development will not benefit the area or community in any way, but add to the already overburdened traffic situation on Tonacliffe Road (a narrow road with traffic congestion at school times) with cars pulling in and out of the proposed drive which will be a blind opening.

8. ASSESSMENT

The main considerations of the application are:

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

Principle

The Council's Core Strategy states that housing development within Whitworth is not inappropriate, but priority should be given to development on previously-developed land.

The Framework defines previously developed land as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

With respect to current housing policy, the Government places considerable emphasis on housing delivery and the existence or otherwise of a 5-year land supply is a key component in delivering this aspiration. Paragraph 49 of Framework indicates that housing applications should be considered positively, with Local Plan policies not considered to be up-to-date if a 5-year supply cannot be demonstrated. Paragraph 14 of the Framework states that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.

The application site is in a residential area within the Urban Boundary and is located within a relatively sustainable location.

The Council is of the opinion that it cannot presently demonstrate that it has a 5-year housing land supply and, consequently, Local Plan policies in this regard are not to be considered up-to-date. Although the site is not considered to be previously developed land it is considered that the proposal will make a positive, though small, contribution towards meeting the Borough's need for housing.

Accordingly, the proposal is considered acceptable in principle. Whether the proposal will have a positive, neutral or negative impact in relation to other matters is considered below.

Visual Amenity

Trees form a prominent and attractive feature of the street-scene in the vicinity of the application site, some of the trees with the protection of the TPO. The previous application (2015/0518) was refused as the scheme of development it proposed would have resulted in harm for the fully-mature Sycamore towards the NE corner of the site, the most important of the protected trees within the application site. The current proposal will result in the proposed house being sited in a position that will avoid undue harm. Additionally it is considered that with careful hand-excavation for construction of the adjacent permeable

surfaced parking bays undue harm can be avoided. Removal of the immediately adjacent Lime, with a distinct lean towards the highway, is considered to be acceptable.

The current proposal does not propose/require removal of the 8m high Lime towards the NW corner of the application site. It is acknowledged that the young 6m high Silver Birch mid-way down the boundary of the application site with Oakenshaw View to be removed to accommodate the proposed dwelling is not of a size to itself presently form a prominent feature of the street-scene and is capable of being re-located further down the boundary with Oakenshaw View.

Accordingly, whilst the scheme proposed by Application 2015/0518 was refused on the grounds that it would cause unacceptable harm to trees of public visual amenity value/trees with the protection of a Tree Preservation Order, this is no longer considered to be the case in respect of the current proposals.

The dwelling now proposed is of reduced size when compared to the previous application. The applicant advises that it has been designed to reflect that of a coach-house that might have been built to serve the large Victorian house it is to sit beside. It is significantly smaller than the existing house of traditional stone/slate construction and incorporates traditional features such as a wagon-opening. To accord with LCC Highway requirements it is intended to reduce the height of the stone wall/remove part of the 4.5m high evergreen hedge on the frontage to Tonacliffe Road, thereby opening-up public view of the proposed house from this highway. However, its setback from Tonacliffe Road, with the existing house to one side and trees of greater height to the other, mean it will not form an unduly prominent or intrusive feature in views from this highway. Trees to its north side will screen it from public view from this direction. Its elevation above the level of Oakenshaw View by approx. 1.5m, with a setback from the stone retaining wall of 2.5m, mean the rear elevation will be open to public view. However, the proposed house is of traditional design/facing materials and will be bounded to one side by trees of greater height and to the other side by the existing house.

Accordingly, it is not considered that the proposed dwelling will form an unduly prominent or intrusive feature in the street-scene.

Neighbour Amenity

Notwithstanding its proximity to and elevation above Oakenshaw View, it is considered that the proposed house will be orientated and sufficiently far from houses on that cul-de-sac to avoid undue overbearing, loss of light or loss of privacy.

Trees will largely obscure view of the proposed house from the residential properties to the north side of Oakenshaw Avenue.

The proposal will have greatest impact for occupiers of the house at 39 Tonacliffe Road. It sits on the back edge of pavement, its front elevation looking directly towards the application site. Accordingly, its windows presently view towards a gated vehicular access bounded to each side by a 4.5m high evergreen hedge behind a stone wall. The occupier of 39 Tonacliffe Road has objected to the application on the grounds that the proposed dwelling will block the light and views to both the downstairs and upstairs of their home, though acknowledging that existing hedge does the same. To accord with LCC Highway requirements it is intended to reduce the height of the stone wall/remove part of the 4.5m high evergreen hedge on the frontage to Tonacliffe Road. The proposed house will have an L-shaped footprint, that part with windows facing No 39 having a setback from the highway of 12m and giving a window-to-window distance of 20m. The element of the proposed

house to step forward of this will have a gable-end setback from the highway by 8m and a separation distance from the neighbours house of 15.5m, its gable-end possessing a wagon-opening in-filled by timber-boarded doors, the downstairs WC and bedroom above having windows in other elevations. The proposed dwelling thereby meets the space-separation standards normally expected of residential developments in relation to 39 Tonacliffe Road.

Accordingly, although the site is of limited size and the form of development it can accommodate is constrained by trees, it is not considered that the proposed scheme will result in an unacceptable loss of light, outlook or privacy to the detriment of the neighbours' amenities.

Access / Parking

LCC Highways recommended refusal of the previous application (ref: 2015/0518) on highway safety grounds, concerned that the 4-bedroomed house then being proposed would not have 3 off-street parking spaces, with the facility for cars to turn and exit in forward gear.

The current application proposes erection of a 3-bedroomed dwelling, thereby requiring provision of 2 off-street parking spaces. LCC Highways are satisfied the current layout provides adequate off-street parking spaces to accord with the approved Parking Standards, together with the facility for cars to turn and exit in forward gear.

Accordingly, no objection is raised to the current application, subject to improvement of visibility at the access-point by reduction in the boundary wall height and removal of part of the high hedge on the Tonacliffe Road boundary.

The Highway Engineer has also requested that the access remains ungated and a Construction Traffic Management Plan be submitted and approved prior to commencement of development. These requests can be secured by condition.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in the Urban Boundary and, subject to the conditions, will not unduly detract from visual & neighbour amenity, biodiversity or highway safety. It is considered that the development is in accordance with Policies AVP1 / 1 / 2 / 3 / 8 / 9 / 18 / 19 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That the current proposal be approved.

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 submitted Site Plan and Drawing No 78'c'2 rev April '16, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: For the avoidance of doubt.

3. Prior to the commencement of construction of the house hereby permitted samples of the stone and slate to be used to construct external walls and the roof shall be submitted to and approved in writing by the Local Planning Authority. The approved facing materials shall be used.

Reason: In the interests of visual amenity.

4. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: For the protection of trees of particular visual amenity value/with the protection of a Tree Preservation Order.

5. Prior to the commencement of construction of the house hereby permitted a scheme of landscaping / boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, together with a timetable for their completion. The submitted scheme shall provide details of :
 - a) Existing trees & boundary treatments to be retained and the works to be undertaken to them, including for the formation of a visibility-splay to each side of the access-point;
 - b) Walls/fences/gates to be erected;
 - c) Hard-surfaced areas to be formed, including for the parking/turning areas surfacing in a porous bound material; &
 - d) Trees/shrubs to be re-located/planted.

The approved scheme shall be completed in accordance with the agreed timetable. Any trees/shrubs that are removed, die or become seriously damaged or diseased within 5 years of re-location/planting shall be replaced with others of the same siting/species/size in the next available planting season, unless a variation is first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

6. Prior to first occupation of the dwelling hereby permitted the parking/turning facilities shown on the approved drawings shall be provided, together with the visibility-splay to each side of the access-point. Thereafter the parking/turning facilities shall remain freely available for the parking of vehicles, the access-point shall remain un-gated and the visibility-splays shall remain free of any obstruction above 0.9m in height.

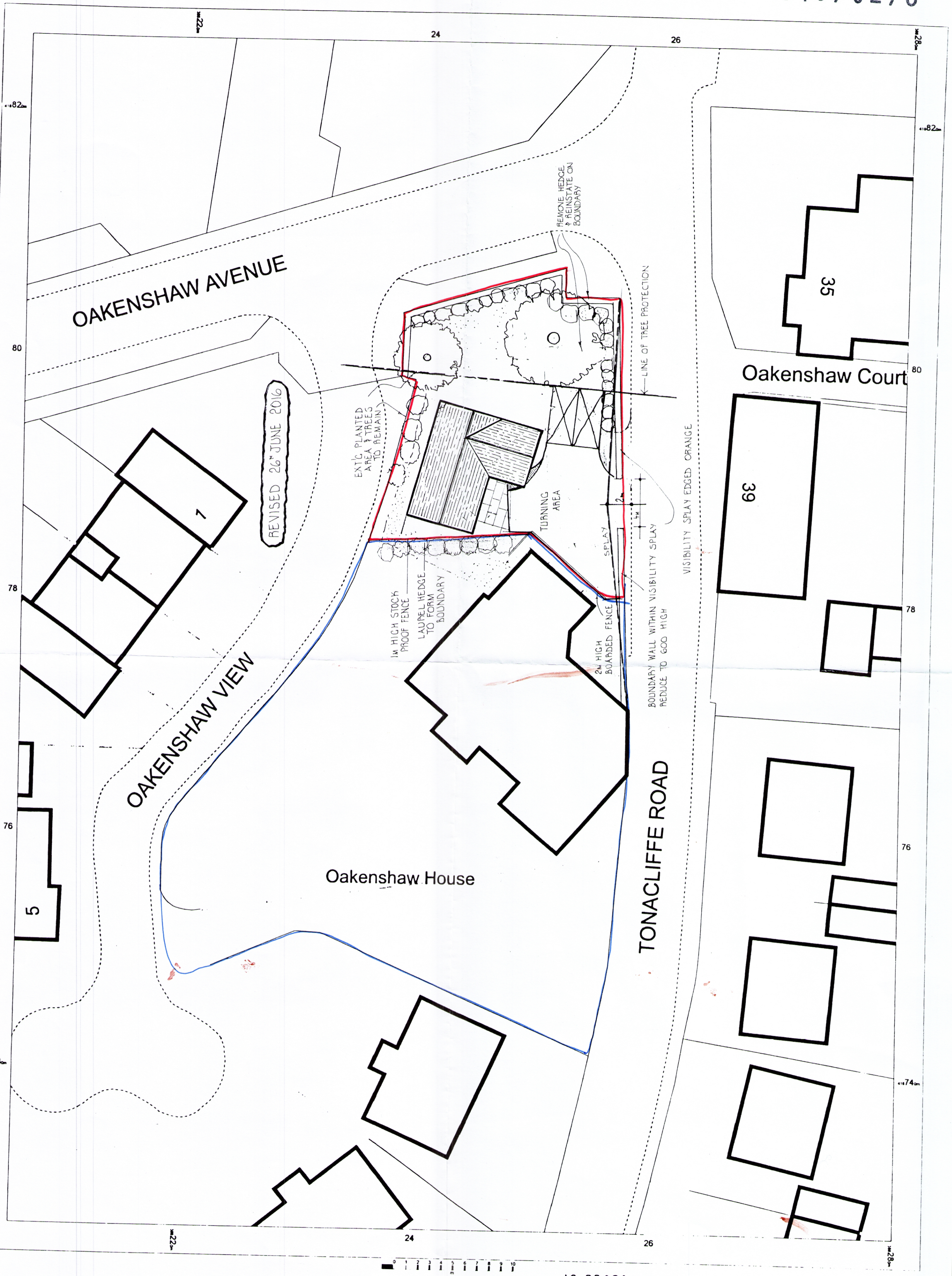
Reason: In the interests of highway safety.

7. Prior to the commencement of development details of the siting for the construction compound/parking area for construction workers and a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and adhered to for the duration of the construction works.

Reason: In the interests of highway safety.

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.



REVISED 26th JUNE 2016

EXIST'G PLANTED AREA & TREES TO REMAIN

REMOVE HEDGE & REINSTATE ON BOUNDARY

LINE OF TREE PROTECTION

VISIBILITY SPLAY EDGED ORANGE

BOUNDARY WALL WITHIN VISIBILITY SPLAY REDUCE TO 600 HIGH

1M HIGH STOCK PROOF FENCE

LAUREL HEDGE TO FORM BOUNDARY

2M HIGH BOARDED FENCE

TURNING AREA

OAKENSHAW VIEW

OAKENSHAW AVENUE

Oakenshaw Court

TONACLIFFE ROAD

Oakenshaw House

0 1 2 3 4 5 6 7 8 9 10

AS PROPOSED

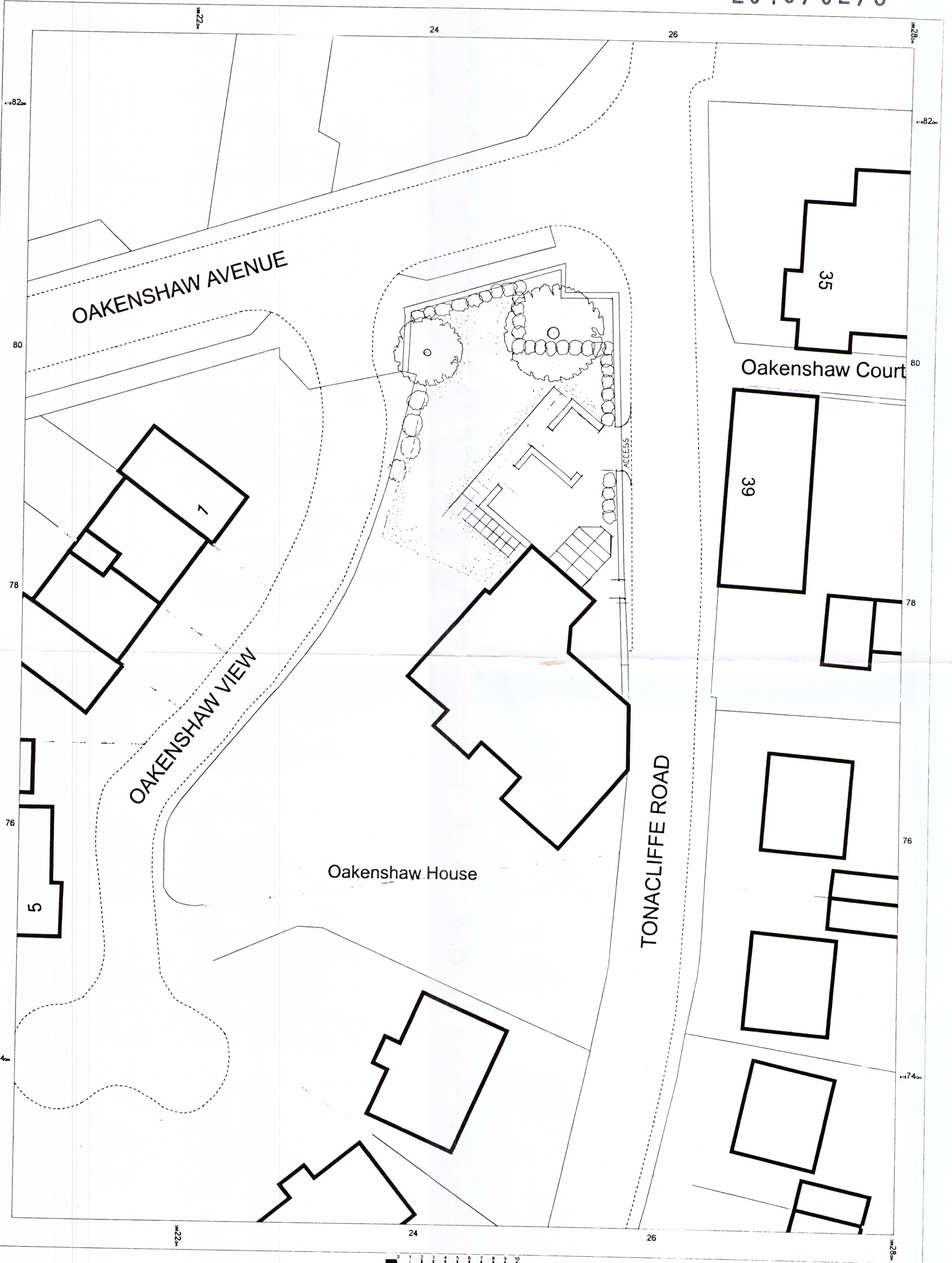
Oakenshaw House
Whitworth
Rochdale
OL2 8SP

OS MasterMap 1250/2500/10000 scale
24 September 2015, ID: MDP-00465032
www.malcolmhughes.co.uk

1:200 scale print at A2, Centre 388243 E, 416777 N



MALCOLM HUGHES
LAND SURVEYORS



Oakenshaw House

OAKENSHAW AVENUE

OAKENSHAW VIEW

TONACLIFFE ROAD

Oakenshaw Court

22m

24

26

28m

82m

82m

80

80

78

78

76

76

74m

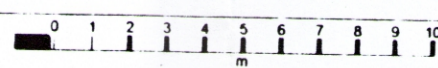
74m

22m

24

26

28m



AS EXISTING.



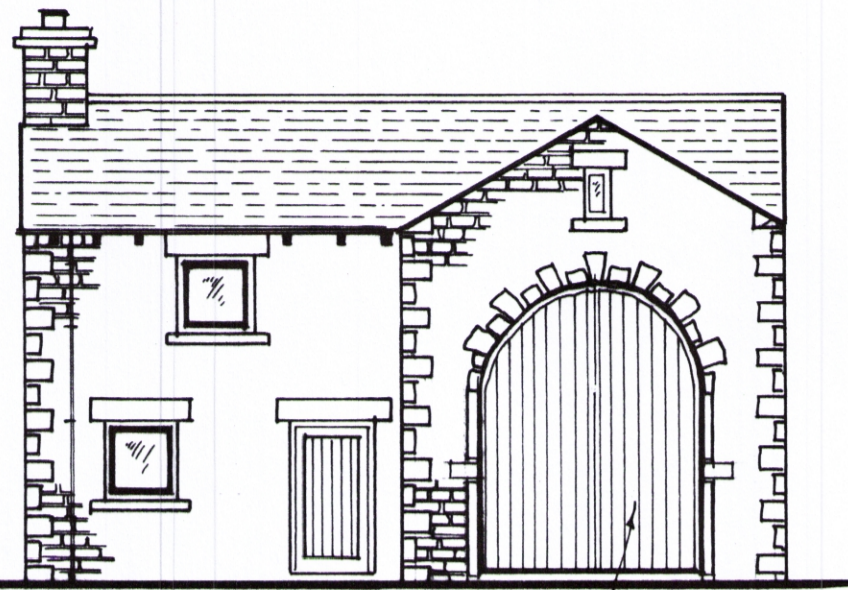
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OS MasterMap 1250/2500/10000 scale
24 September 2015, ID: MCFP-00465932
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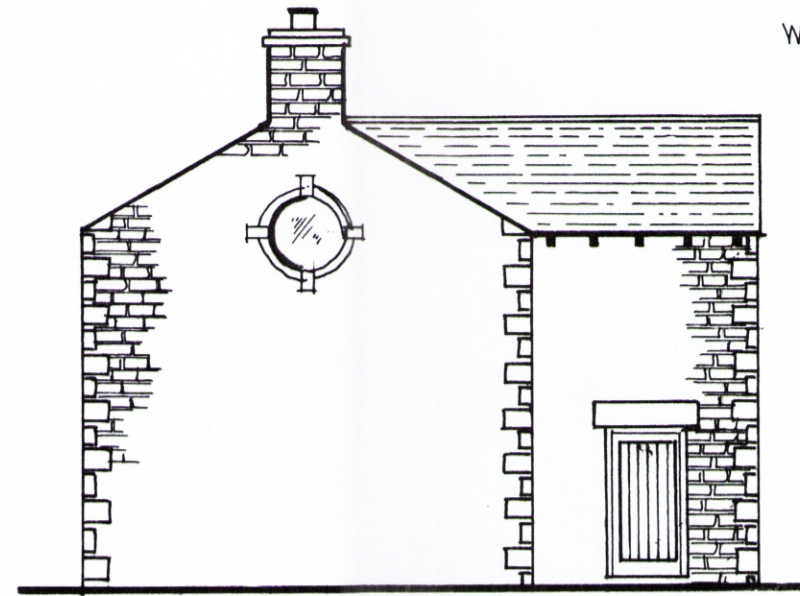
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MALCOLM HUGHES
LAND SURVEYORS

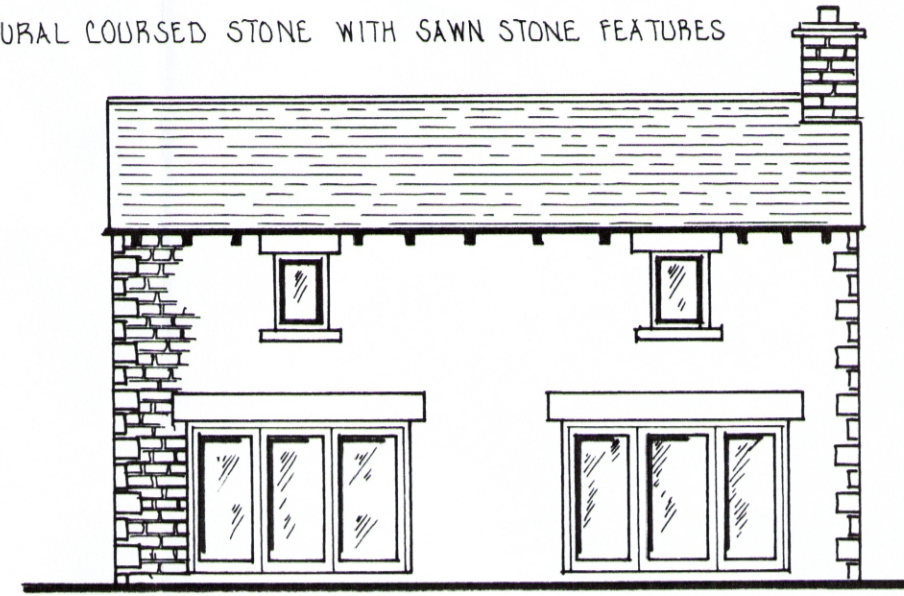
ROOF: BLUE SLATE
 SEAMLESS ALUMINIUM GUTTERS ON STONE CORBLES
 BLACK ROUND P.W. PIPES
 WALLS: NATURAL COURSED STONE WITH SAWN STONE FEATURES



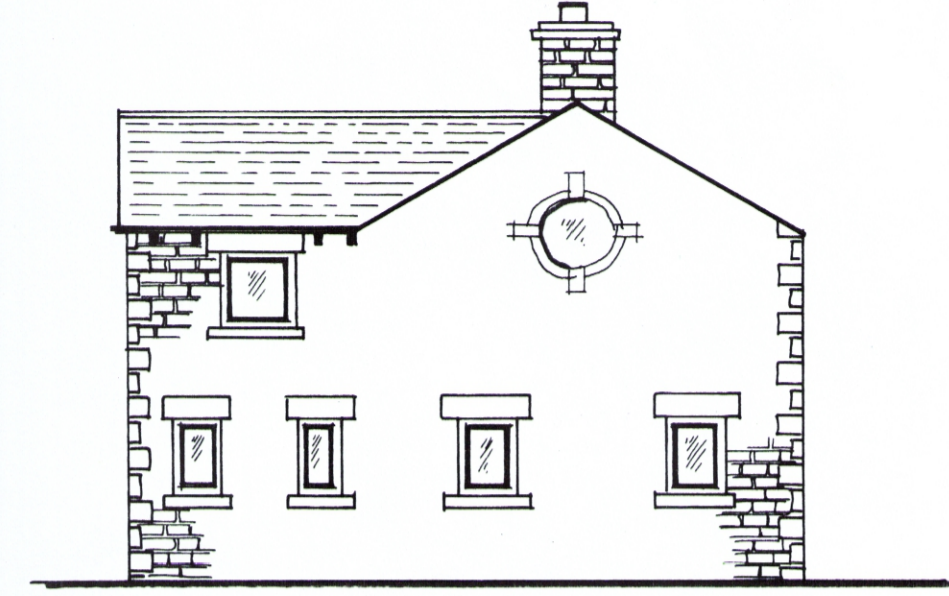
EAST ELEVATION. DARK BOARDED FRAME



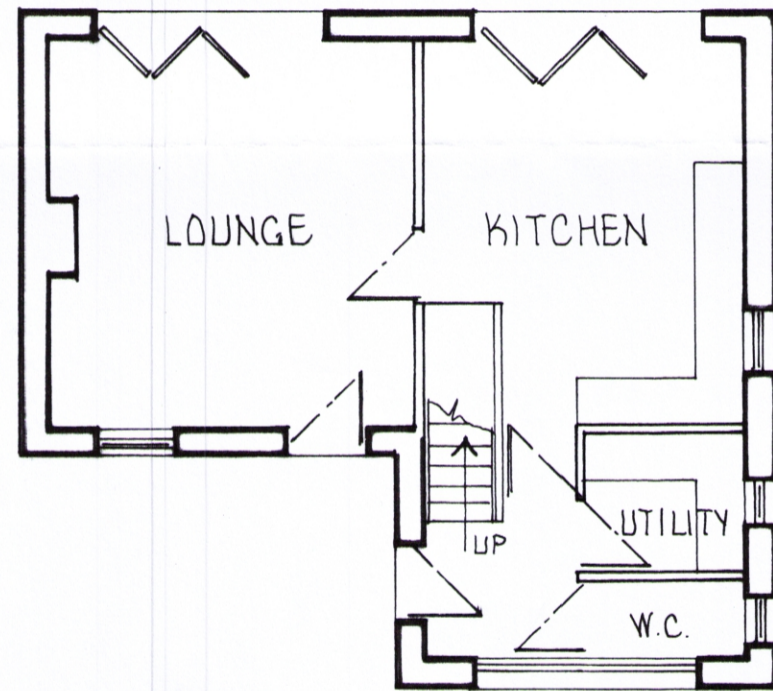
SOUTH ELEVATION.



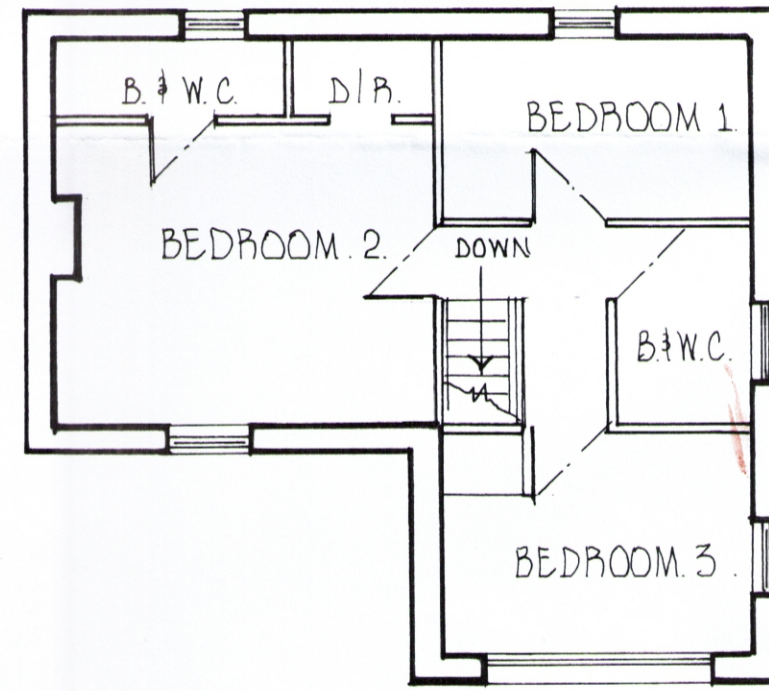
WEST ELEVATION.



NORTH ELEVATION



GROUND FLOOR PLAN.



FIRST FLOOR PLAN

2016/0278

CLIENT JOHN MERCER
PROJECT DETACHED HOUSE
LOCATION OAKENSHAW HOUSE WHITWORTH
S. INGRAM & ASSOCIATES Building Surveyors & Design Consultants CIVIC TRUST AWARD 2002 - COMMENDATION FOR GOOD DESIGN
DESIGN STUDIO HEIGHTS LANE HEIGHTS DELPH OLDHAM OL3 5TU Telephone: 0145 787 6500 Mobile: 07753 834 352
SCALES: 1:100
DRAWN BY: S. INGRAM A.B.Eng.M.R.S.H.
DATE: OCTOBER 2015 REV: APRIL '16
DRAWING No. 78'0'.2