

<b>Application Number:</b>	2016/0143	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 1 no. detached dwelling house including parking and gardens	<b>Location:</b>	Land off Green Street, Rawtenstall
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	30 <sup>th</sup> August 2016
<b>Applicant:</b>	Mr Iain Hunt	<b>Determination Expiry Date:</b>	2 <sup>nd</sup> September 2016
<b>Agent:</b>	Mr Steven Hartley		

<b>Contact Officer:</b>	James Dagleish	<b>Telephone:</b>	01706-238643
<b>Email:</b>	planning@rossendalebc.gov.uk		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<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

Approve full planning permission subject to the conditions.

## 2. SITE

The application relates to an irregularly shaped parcel of land within the urban boundary of Rawtenstall that fronts Green Street, a narrow unadopted road to the north of Newchurch Road. The plot currently contains a number of shrubs and trees. The land rises steeply to the north. Recently development has begun on several new dwellings on land at Hurst Platt to the east of the application site.

The area is characterised by residential properties to the west (principally stone/render and slate terraced properties), a public house with associated car parking to the south and a single storey detached stone church immediately opposite the site, with further detached and semi-detached residential properties to the east.

## 3. PROPOSAL

The application seeks permission for the erection of 1 detached house identical to that approved under applications 2013/0089, 2009/0448 and 2005/0144.

The proposed dwelling would be a modern design, comprising natural stone elevations with an element of timber (cedar) cladding and an asymmetrical concrete tile roof. It would measure around 8.4m to the ridge of the roof, and would have two different eaves heights of around 5.0m and 6.8m. On the south (front) elevation facing Green Street, the dwelling would have a large glazed element.

Accommodation would be on three floors. There would be a double integral garage / car port accessed from Green Street. The site would be split in terms of levels, with steps on each side of the dwelling leading to a higher ground level to the rear.

The scheme would result in the loss of all the existing trees/shrubs on site. A landscaping scheme comprising of buff coloured paving to the front with planting and seeding to the sides and rear is proposed. The property would be bounded by timber fencing to a height of 1 metre to the front and 1.4 to the sides and rear.

## 4. RELEVANT PLANNING HISTORY

2003/0045 Erection of 4 bed detached dwelling house  
Approved

2003/0602 Construction of 4 bed detached house  
Approved

2005/0144 Erection of 1 no. 3 bed detached house  
Approved

2009/0488 Erection of 1 no. 3 bed detached dwelling  
Approved

2013/0089 Erection of 3 bedroom detached dwelling  
Approved

## 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 11 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

- AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

### **Other Material Planning Considerations**

- National Planning Practice Guidance
- Alterations and Extensions to Residential Properties SPD

## 6. **CONSULTATION RESPONSES**

### **Ecology Consultation**

No objection, but recommend condition relating to the protection of nesting birds.

### **LCC Highways**

No objection subject to conditions limiting the height of boundary treatment along the Green Street frontage, and ensuring that the covered parking area is kept available for use as such.

### **Contaminated Land Consultation**

Recommend condition requiring a Preliminary Risk Assessment prior to commencement of development.

### **United Utilities**

No objection to the proposed scheme, but comment that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

## 7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order 2 site notices were posted on 14/07/2016 and 26 letters were sent to neighbours on 12/07/2016.

6 letters of objection have been received.

The main points raised have been summarised below:

- Noise nuisance would be generated by the development
- Objection to the layout and density of the proposed scheme
- Unsympathetic design of the dwelling for the area
- Potential to cause traffic congestion
- Lack of off-street parking
- Visual impact of the development
- The development would impact on the privacy of neighbouring residents
- The proposed house is too large for the plot, leaving little garden space
- Disturbance to residents during construction
- The development would affect the amount of light reaching neighbouring gardens

## 8. **ASSESSMENT**

The main considerations of the application are:

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

### Principle / Housing Policy

The application site is sustainably located within the defined Urban Boundary and, as such, the proposed development is acceptable in principle.

Policy 1 of the Council's Core Strategy states that the majority of new development should take place in Rawtenstall, and that development should take place within the Urban Boundary.

Currently, the Council considers that it is not currently in a position to demonstrate an up to date five year housing land supply based on Full Objectively Assessed Need (FOAN). That being the case it is considered in accordance with paragraphs 49 and 14 of the Framework that the policies in the Council's Core Strategy insofar as they relate to housing are out of date and should be afforded limited weight.

Accordingly, the starting point for assessment of the application is that permission should be granted for the proposed scheme unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### Visual Amenity

The proposed dwelling would be reasonably prominent from public vantage points on Green Street, and Newchurch Road.

Planning permission has previously been granted for an identical scheme on three separate occasions (in 2005, 2009 and 2013). The local context and street scene has altered somewhat since the previous approvals, in that dwellings are now under construction on the adjacent Hurst Platt site to the east of the application site. There is some concern that the modern design of the proposed dwelling would not address this new context, as it would contrast with the simpler aesthetic of the permitted houses on the Hurst Platt site, as well as the design of the nearby Spiritualist Church.

In addition, the orientation of the proposed dwelling on the plot would address Green Street at an angle, unlike the dwellings on Hurst Platt and the Church whose frontages follow a linear pattern. The orientation of the proposed dwelling on its plot also leaves relatively limited private amenity space, for a three-bedroom family house.

Notwithstanding the above however, given that the design of the dwelling is identical to that previously approved, it is not considered that the acceptability of its design and appearance (in the context of the application site) has changed to a degree that would warrant refusal of the application.

As such, the proposed scheme is considered acceptable in terms of visual amenity.

### Neighbour Amenity

The separation distances between the proposed house and other residential properties in the area are above the minimum stated within the Council's Alterations and Extensions to Residential Properties SPD.

The concerns raised in the representations received are noted, however it is considered that the development would not detract to an unacceptable extent from the light, privacy or outlook of neighbours given the separation distances involved, and the scale, orientation and siting of the proposed dwelling.

Given that the site is in a predominantly residential area, it is however considered appropriate to impose a condition restricting the hours of construction to mitigate noise nuisance and disturbance to neighbours.

I note that the contaminated land consultee has recommended a condition requiring that a Preliminary Risk Assessment be carried out prior to commencement of development. However, such a condition was not imposed on any of the previous approvals, and it is considered that it would be unreasonable to now impose such a condition on what is an approval for an essentially identical scheme.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

### Access / Highway Safety

The proposal is identical to the previously approved applications 2009/0448 and 2013/0089 to which the Highway Authority raised no objection subject to a condition relating to the boundary treatment along the Green Street frontage being below 1 metre to maximise sightlines for drivers and other highway users. It is again considered appropriate to impose such a condition.

It is also considered appropriate to impose a condition requiring that the covered parking area is kept freely available for the parking of cars, in order to retain the availability of the off-street parking spaces.

### Ecology

The ecology consultee has commented as follows:

*“The application site is not of substantive nature conservation value and I therefore have no objections to the development scheme on ecological grounds.*

*I would recommend that no vegetation clearance required to facilitate any approved development should be undertaken in the optimum period for bird nesting (March to July inclusive). All nesting birds, their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).”*

In line with the above, it is considered appropriate to impose a condition preventing the clearance of vegetation in during the optimum period for bird nesting.

Subject to the above, the scheme is considered appropriate in terms of ecology.

## **9. RECOMMENDATION**

That Committee be minded to grant planning permission subject to the conditions set out below.

## **10. SUMMARY REASON FOR APPROVAL**

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to the conditions, it is considered that the proposed development will not result in unacceptable detriment to visual & neighbour amenity or highway safety, having regard to Sections 4, 6, 7, and 11 of the National Planning Policy Framework and Policies 1, 9, 18, 23 and 24 of the Council’s adopted Core Strategy DPD.

## **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 following:
  - Application form date stamped 6<sup>th</sup> July 2016 by the Local Planning Authority.
  - Plans and Elevations drawing date stamped 6<sup>th</sup> July 2016 by the Local Planning Authority.
  - Site Plan / Topographical Survey drawing date stamped 6<sup>th</sup> July 2016 by the Local Planning Authority.
  - Proposed Landscaping and Boundary Treatment drawing date stamped 6<sup>th</sup> July 2016 by the Local Planning Authority.Reason: To ensure the development complies with the approved plans, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.
3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved plans (date stamped 6<sup>th</sup> July 2016 by the Local Planning Authority).  
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD.

4. All walls, fences, gates, planting or hedges that that would affect sight lines to the east and west of the site shall be constructed/maintained at a height no greater than 1 metre, and any gates should open inwards and not onto the highway, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD.

5. No vegetation clearance required to facilitate any approved development shall be undertaken between the months of March to July (inclusive).

Reason: To prevent harm to nesting birds.

6. The covered parking area hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: In the interests of highway safety, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD.

7. 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.

## 12. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at [http://www.rossendale.gov.uk/a\\_to\\_z/service/309/core\\_strategy](http://www.rossendale.gov.uk/a_to_z/service/309/core_strategy), and operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage.

As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

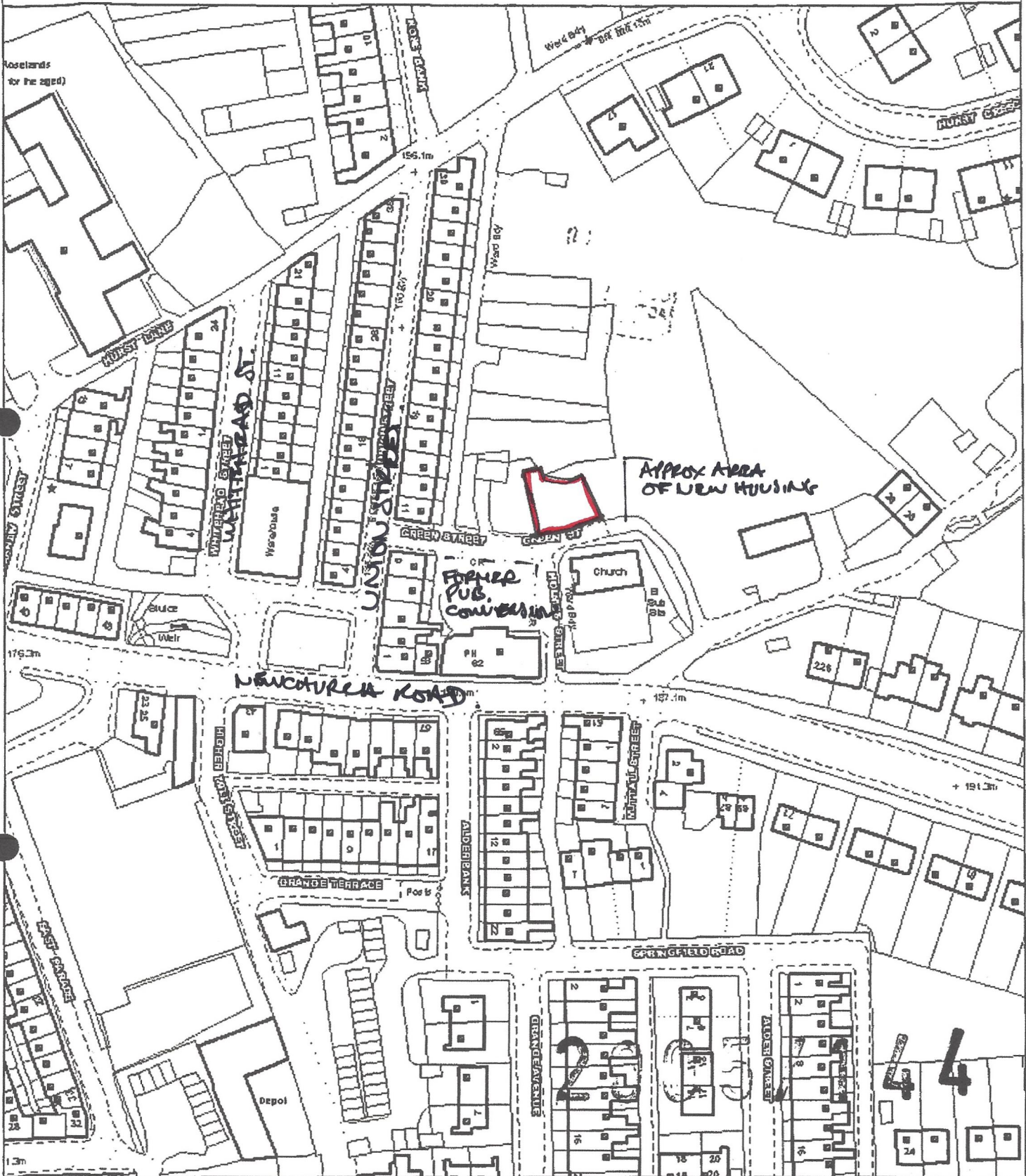
2. The applicant's attention is drawn to the consultation response received from United Utilities (copy enclosed).

3. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA.





Land at Green Street, Rawtenstall



**LOCATION PLAN**

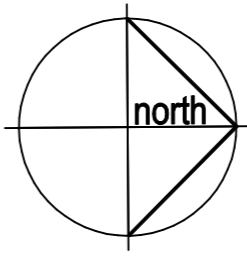
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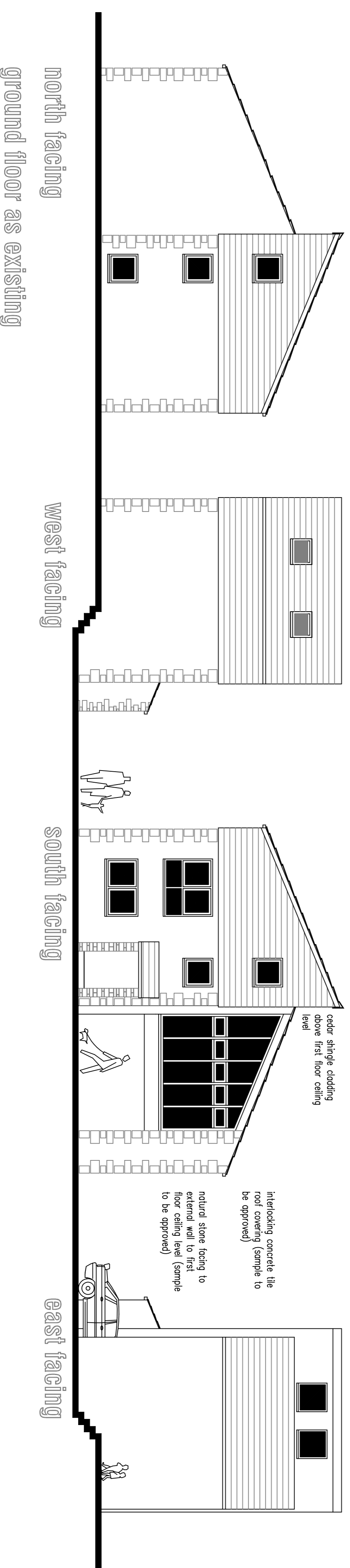
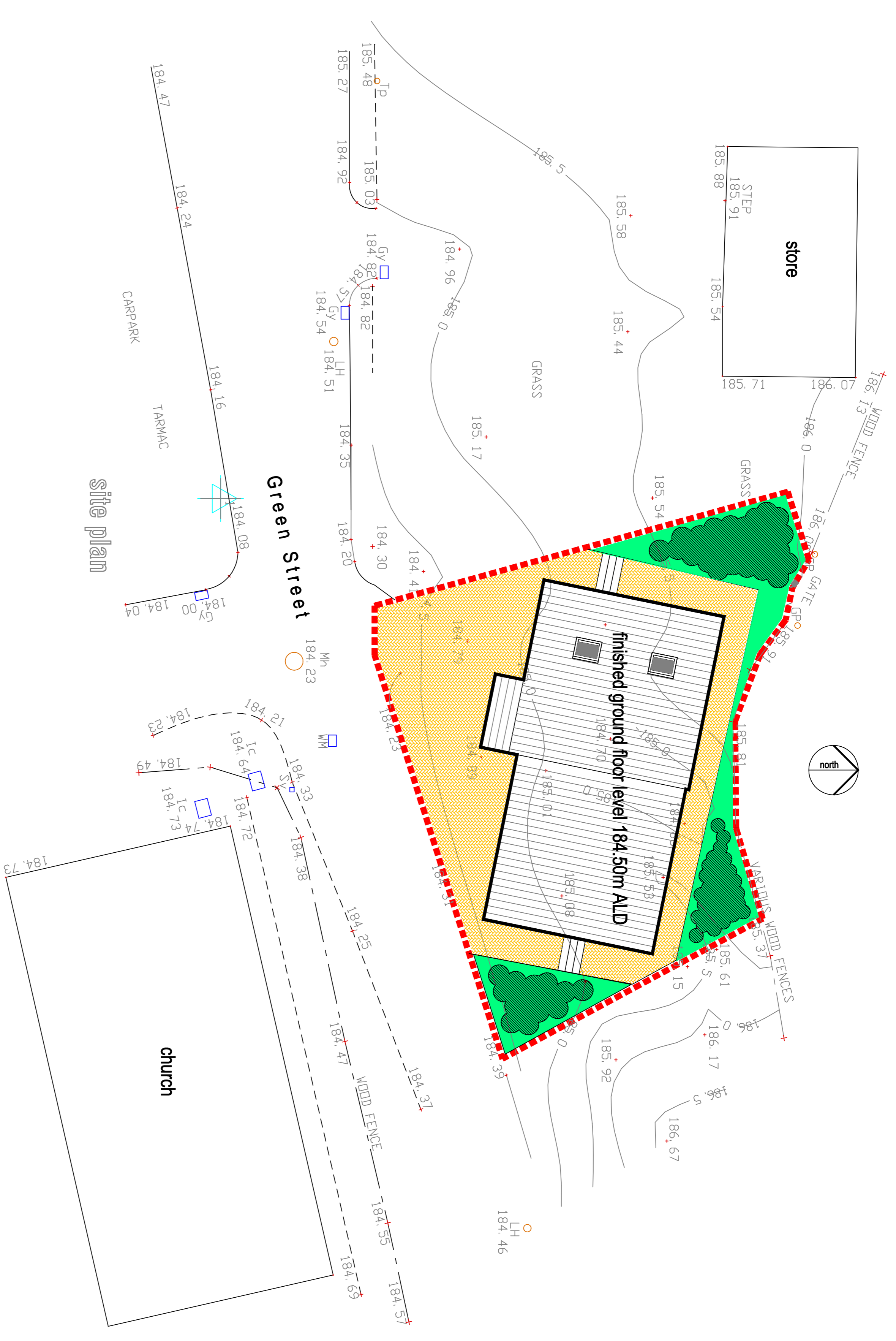
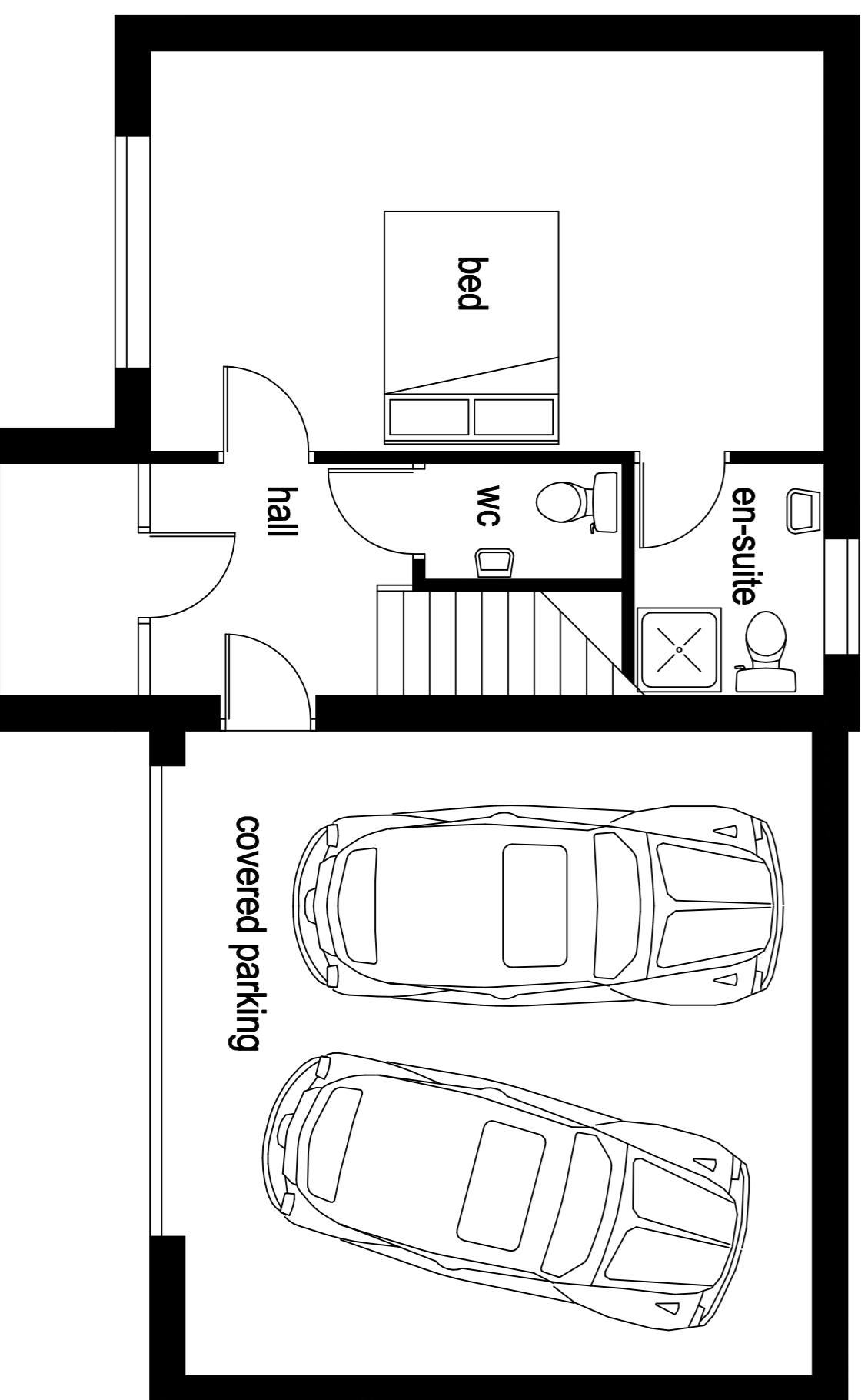
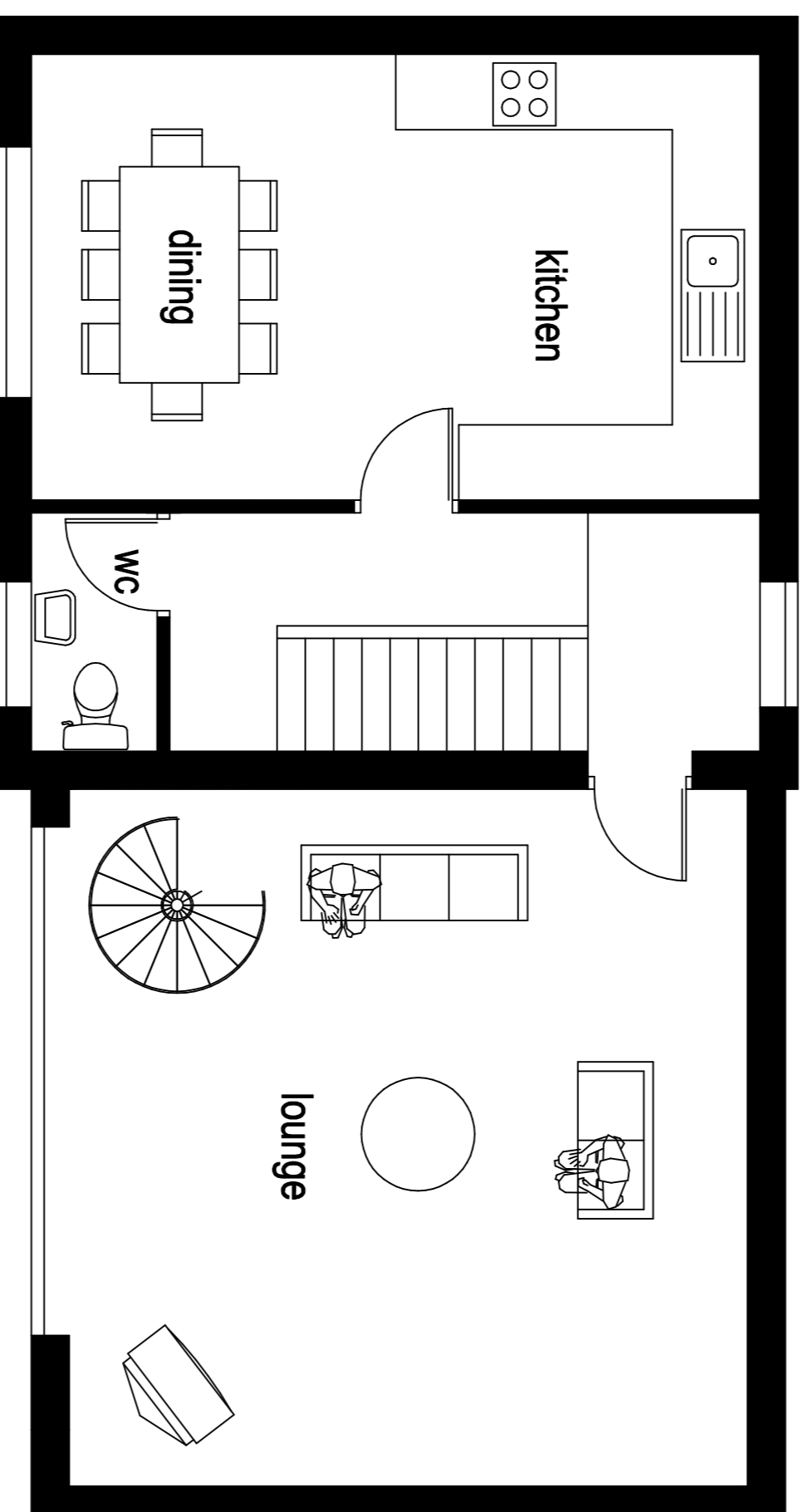
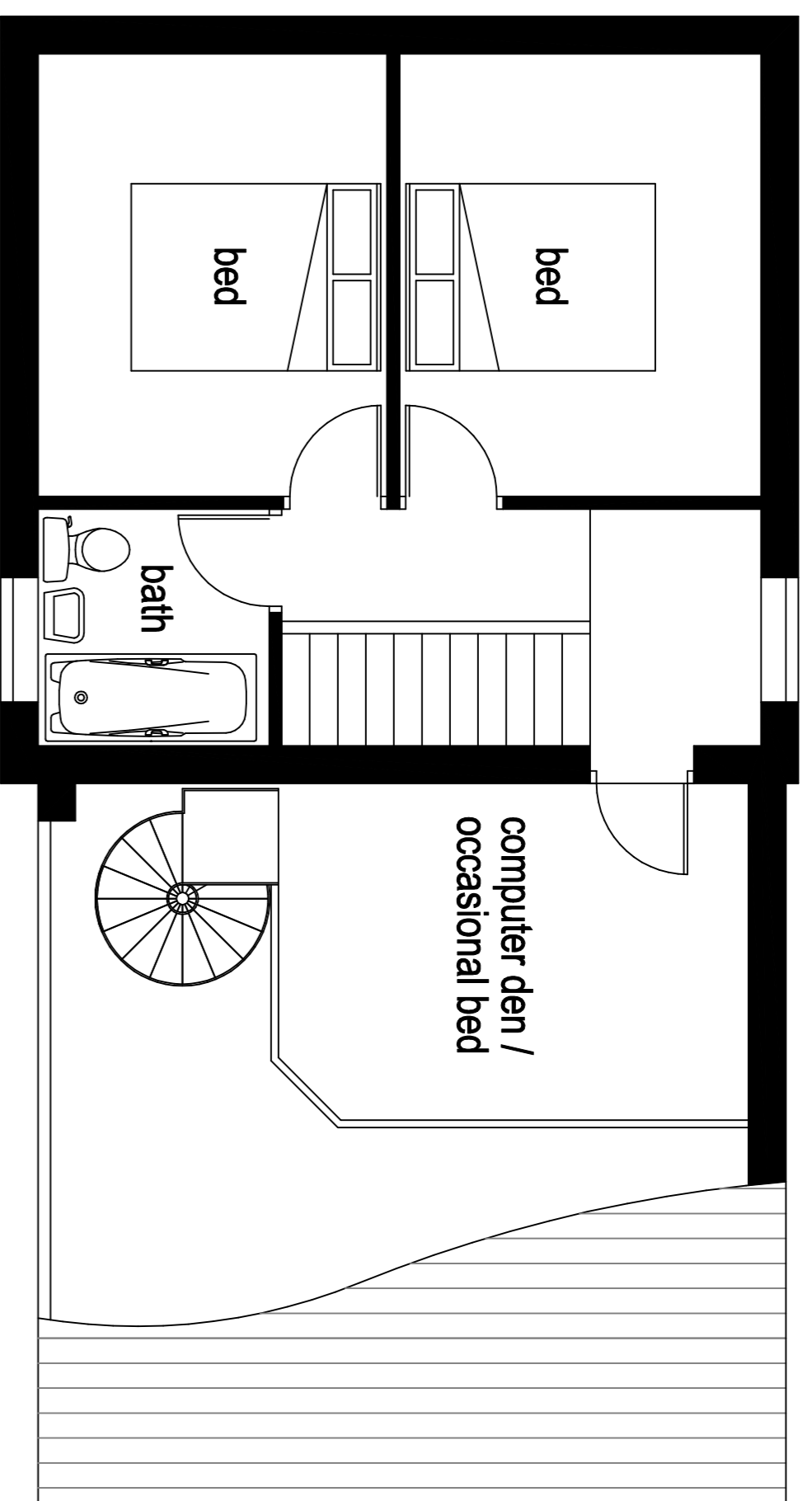
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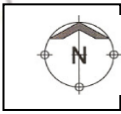


proposed residential development at  
**Green Street**  
**Rawtenstall**

scale 1:100 @ A1  
 0m 10m



**Proposed landscaping and boundary treatment. Green Street, Rawtenstall**



Wooden fencing to sides and rear. 1.4m high with 2 rails and wooden posts

Wooden fencing to frontage 1m high with 2 rails and wooden posts

Areas shaded yellow to be porous pavements, buff coloured.

Green areas to be soiled and seeded. Dark green areas to be planted to occupiers' own specification

Scale 1 to 100

