

<b>TITLE:</b>	<b>CONSTRUCTION OF DETACHED FIVE BED HOUSE WITH INTEGRAL TWO CAR GARAGE AT: GARDEN PLOT ADJACENT TO 10 LOWER CLOWES, TOWNSENFOLD, RAWTENSTALL</b>
<b>APPLICATION NO:</b>	<b>2006/096</b>
<b>TO/ON:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>
<b>BY:</b>	<b>TEAM MANAGER DEVELOPMENT CONTROL</b>
<b>STATUS:</b>	<b>FOR PUBLICATION</b>

**APPLICANT: MR H RISHTON**

**DETERMINATION EXPIRY DATE: 24<sup>TH</sup> PRIL 2006**

### **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.

### **Site and Proposal**

The proposal site lies adjacent to the remaining garden curtilage of number 10 Lower Clowes and formerly formed part of a larger garden area associated with that property. It is presently accessed from Lower Clowes Road over a small bridge over Balladen Brook. The application is a full application and the site already benefits from a current residential permission for a substantial detached dwellinghouse. The proposed dwelling would be set on two levels due to the incline of the land. The upper ground floor of the development is to incorporate a garage and a games room with gymnasium above. The lower ground floor is to be the main living area with lounge, sitting room, kitchen and office and the upper ground floor it is proposed will consist of five bedrooms each with its own en suite. There would be facility to the front of the property to park four vehicles and the double garage would facilitate two cars totalling six vehicles. The proposal site is within the Urban Boundary.

### **Relevant Planning History**

2002/454 – Proposed erection of 1 no. detached bungalow with garage (Outline, Approved with conditions)

2005/334 – Outline erection of two detached dwellings (Withdrawn)

2005/379 - Erection of single detached bungalow, reserved Matters relating to 2002/454 (Approved with conditions)

2005/564 Construction of a single detached dwelling (Outline, Approved with conditions)

### **Notification Responses**

Site Notices were posted to which there were 3 letters of objection and 1 of concern. The following issues were raised:

- Transportation of materials across a weak structure, and the type of traffic generated during the construction of the dwelling.
- The inadequate access road which is narrow and in poor condition
- Weakening of the culvert which runs across the site
- Impact upon the surface of the privately owned road
- Addition of a dwelling will further increase the volume of traffic passing through the hamlet
- Noise and pollution of traffic passing Talbot Close
- Impact upon the dry stone wall which belongs to the end property of Talbot Close.

### **Consultation Responses**

#### **Lancashire County Council Highways Department**

“It is not clear from the application documents whether this is a repeat of the application 2005/ 564 to which no objections were raised or whether this is an additional dwelling. Nevertheless I do have concerns regarding further development along this unadopted private road which is poorly maintained and has extremely restricted visibility at the junction with the main road and therefore would not want to see the application approved. Regarding the bridge over Balladen Brook I would refer you to correspondence between us back in 1995 when the structure was inspected by LCC bridges at your request. The structure is privately owned and recommendations were made to have the structural integrity of the bridge inspected by a qualified engineer. The County Council has no responsibility for the maintenance of the structure or control over the type/weight of vehicles using the private road. Such a liability presumably will rest with the owners”.

#### **RBC Drainage**

“An ordinary watercourse flows in a culvert in the vicinity of the site. The culvert should be surveyed to determine the exact line, level and structural condition, the strength of the culvert should be determined to assess the ability to carry the proposed dead, live and traffic loadings and any remedial works implemented. A copy of the survey report, including photographs or a video of the internal condition must be submitted to the development control section for consideration. The council advises against the construction of any building above or adjacent to the culvert as this would be poor engineering practice and could create future problems. It would be prudent to retain a sufficient easement adjacent to the culvert to allow machinery access for any future remedial works. Any diversion, alteration or culverting of a water course will require the formal consent of the Environment Agency under the terms of the Land Drainage Act 1991. The responsibility for the repair and maintenance of the bed banks and any structure forming the watercourse, including culverts, rests with the riparian landowner. Where appropriate, the foundations of adjacent buildings should be taken down to below the invert of a culverted

watercourse or designed so not as to impose any loading on the culvert. Full details of any such works must be submitted to the Development Control section for consideration and consent”.

### **Development Plan Policies**

#### Rossendale District Local Plan

DS.1 (Urban Boundary)

DC.1 (Development Criteria)

DC.4 (Materials)

#### Joint Lancashire Structure Plan

Policy 1 (General Policy)

Policy 12 (Housing Provision)

### **Other Material Planning Considerations**

PPS 1 (Sustainable Development)

PPG 3 (Housing)

Draft Regional Spatial Strategy for the North West of England (January 2006)

### **Planning Issues**

The proposal site is within the Urban Boundary and therefore the development would be in accordance with Policy DS.1 of The Rossendale District Local Plan. The proposed development is located within one of the main development locations, as described in Policy 2 of the Joint Lancashire Structure Plan.

Planning permission currently exists on this site and therefore the creation of a new dwelling would not lead to an exacerbation of housing figures and therefore Policy 12 of the Joint Lancashire Structure Plan relative to housing allocation and supply is not adversely impacted upon by the proposal.

The Draft Regional Spatial strategy for The North – West requires that 80% of new homes be built on brownfield sites, in comparison the adopted Joint Lancashire Structure Plan requires that 58% of new houses be built on brownfield sites. Planning Policy Guidance Note 3 favours development to take place on previously developed sites which benefit from being accessible from public transport. In this respect the proposal would be in accordance with the criteria of Policy 12 of the Joint Lancashire Structure Plan, the Draft Regional Spatial Strategy and national planning guidance in the form of PPG 3.

Whilst the construction of a dwelling at this location in principal is not considered inappropriate, issues have arisen regarding the access to the site in this most recent application. The major issues associated with the application are the highways implications and the access to the site. It is recognised that the site is legally accessible via Lower Clowes Road which is a narrow unadopted road which is currently in a very poor condition. The road is maintained by the residents of the terraces which front Lower Clowes Road and those other residents who use it to access their properties. Nearby residents have raised concerns as to the volume and type of traffic which would be using the road to access the site both during construction and by residential traffic after completion. The County Highways Authority have raised objection to the access and poor sight lines onto Bury Road, However no such objection was raised to application 2005/564 or previous applications for residential development of this site and it is not considered that circumstances have materially changed to warrant a refusal of consent to this latest proposal on highway grounds. In terms of the quality of the road through Lower

Clowes and the liability of maintenance resting with the residents, this remains a private matter on land which falls out of the control of the applicant and therefore cannot be controlled by the Local Planning Authority.

Whilst residents objections to the construction traffic which would be using Lower Clowes Road to access the site are noted it would be difficult to prescribe a different access given the previous recent consent. The applicant has confirmed that it would be his intention if legally possible to access the site during construction via Clayton Avenue and Talbot Close.

The site itself is set at the top of a fairly east facing incline and it is considered that there would remain adequate distance between the proposed dwelling and those nearby to protect neighbour and visual amenity and in this respect would be in accordance with Policy DC.1 of The Rossendale District Local Plan.

The materials which are proposed for the development and the design of the dwelling would not look out of place within the locality subject to conditional control and therefore the development would be in accordance with Policy DC.4 of The Rossendale District Local Plan. It is not considered that the development would impact upon neighbour amenity and whilst some disruption may occur during the construction of the dwelling this may be alleviated by re-routing construction traffic to access the site by Clayton Avenue. It is not considered that the increase in the number of cars visiting the site subsequent to the completion of development would create an unacceptable increase in traffic.

A full structural survey of the culvert which runs in the vicinity of the site will be required of the applicant prior to the commencement of any development on the site in accordance with the requirements of the Council's drainage engineer.

The neighbour objections are acknowledged however it is considered that the proposal in principal has not been altered significantly from those which have been approved in the past. The proposal is considered to be in accordance with all of the relevant development plan policies and is subsequently recommended for conditional approval.

### **Recommendation**

That the application is approved subject to the following conditions:

### **Conditions and Reasons**

- 1.The development 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 Act 2004)
- 2.All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings shall not be varied without the prior written permission of the Local Planning Authority. (Reason: To ensure that the development will be of satisfactory appearance.)
3. Before any development is commenced, details of a scheme for the diversion of any culvert and for dealing with any other land drainage structure or issue shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and methods of construction. The works shall be completed in accordance with the approved plans. (Reason: To ensure satisfactory provision is made for the completion of essential works to the drainage system)

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any order revoking or re-enacting that order with or without modification no development shall be carried out on the site within the terms of classes A, B, C, D, and E of Part 1 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority (Reason: To ensure that any development of the site has due regard to the amenities of the surrounding area.)

5. Prior to the commencement of development a scheme of landscaping shall first be submitted to and approved in writing by the Local Planning Authority. All planting seeding comprised in the approved details shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation (Reason: In the interests of visual amenity.)

Note to the Applicant:

The applicant is requested to use his best endeavours to use an approach via Clayton Avenue for construction traffic so as to minimise any possible loading on the bridge if the alternative access via Lower Clowes was to be used.

Note 03 United Utilities Note:

The attached notes are brought to your attention for information and compliance. Our water mains may need extending to serve any development on this site. The appellant, who may be required to pay a capital contribution, will need to sign an agreement under sections 41, 42 and 43 of The Water Industry Act 1991.

A separate metered supply to each unit will be required at the applicants expense and all internal pipework must comply with current water supply (water fittings) Regulations 1999.

### **Development Plan Policies**

Rossendale District

DS.1 (Urban Boundary)

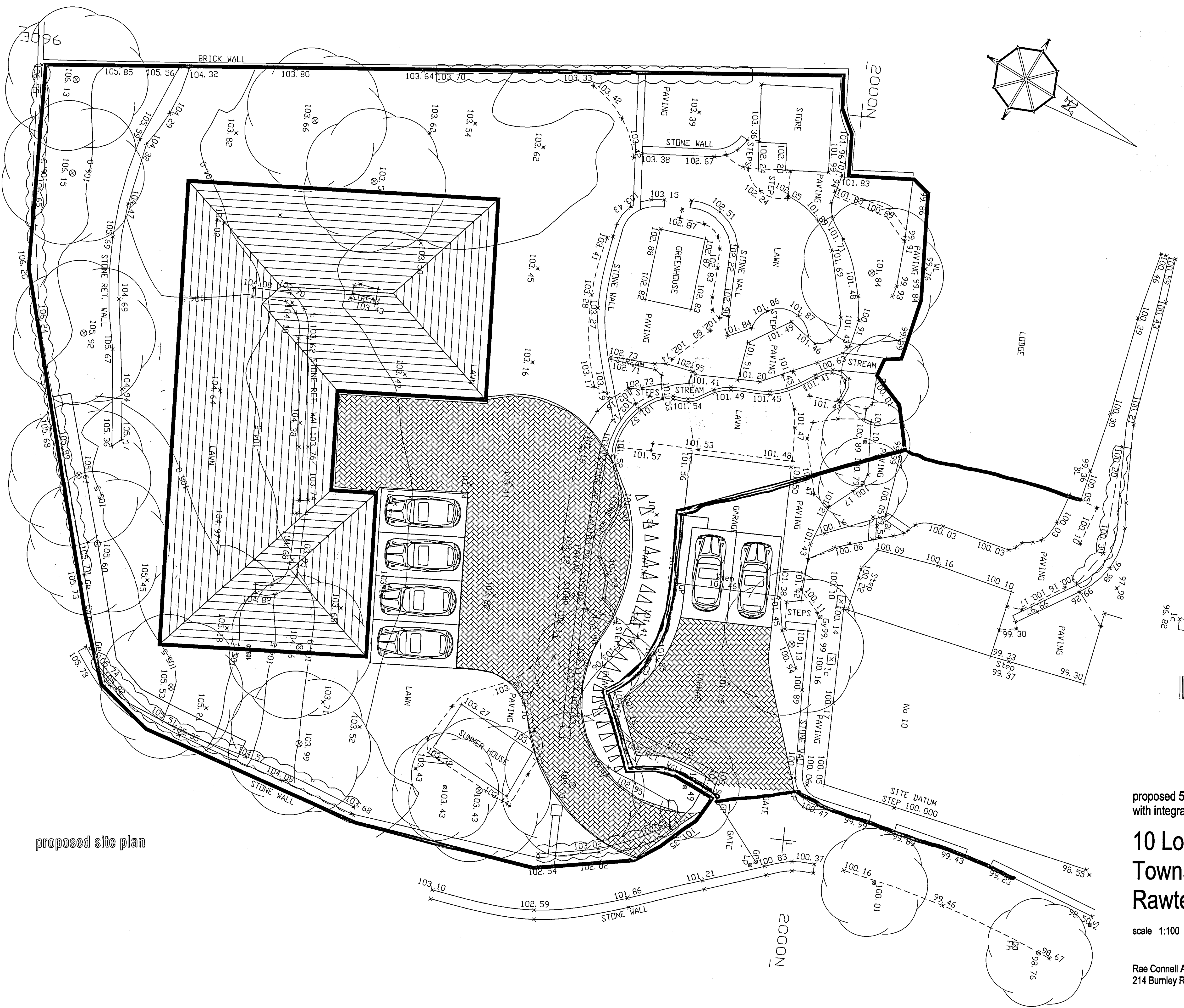
DC.1 (Development Criteria)

DC.4 (Materials)

### **Joint Lancashire Structure Plan**

Policy 1 (General Policy)

Policy 12 (Housing Provision)



proposed site plan

1960E

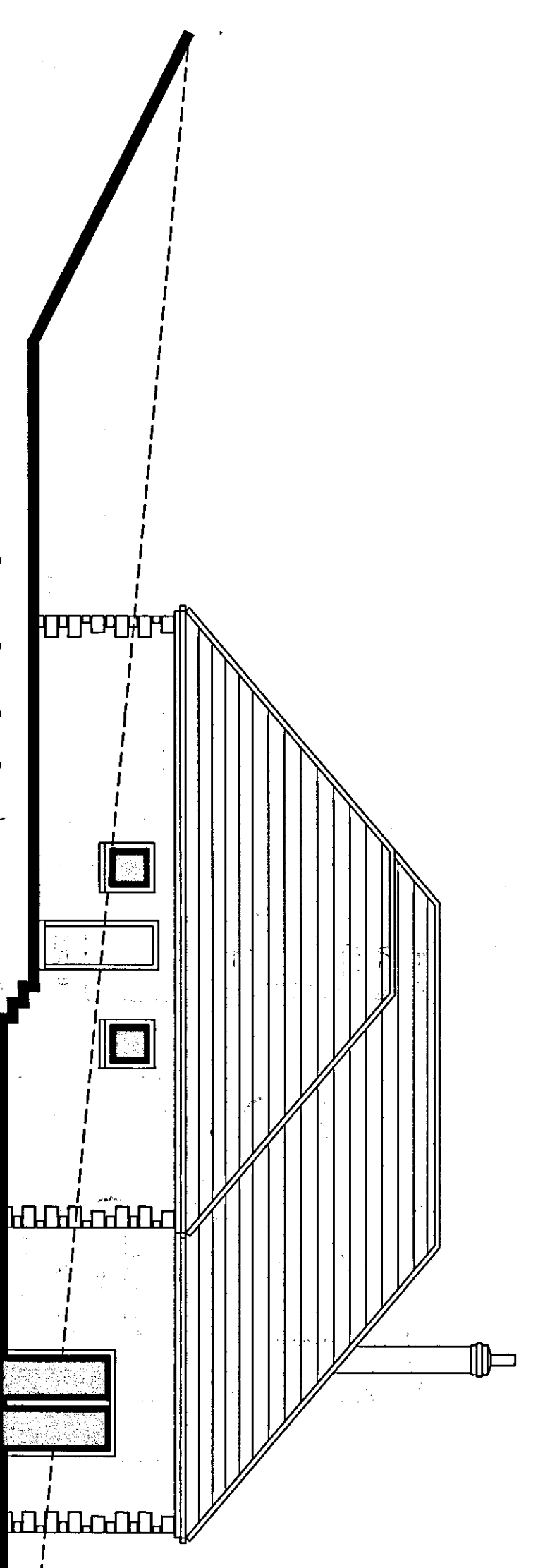


proposed 5 bed detached bungalow  
with integral 2 car garage adjacent to  
**10 Lower Clews  
Townsendfold  
Rawtenstall**

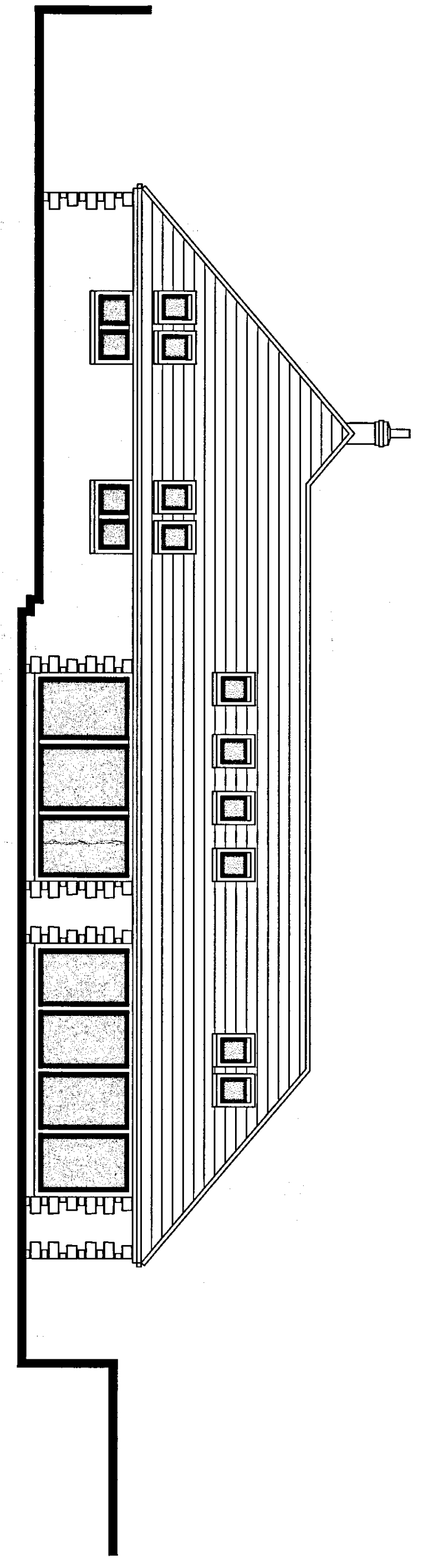
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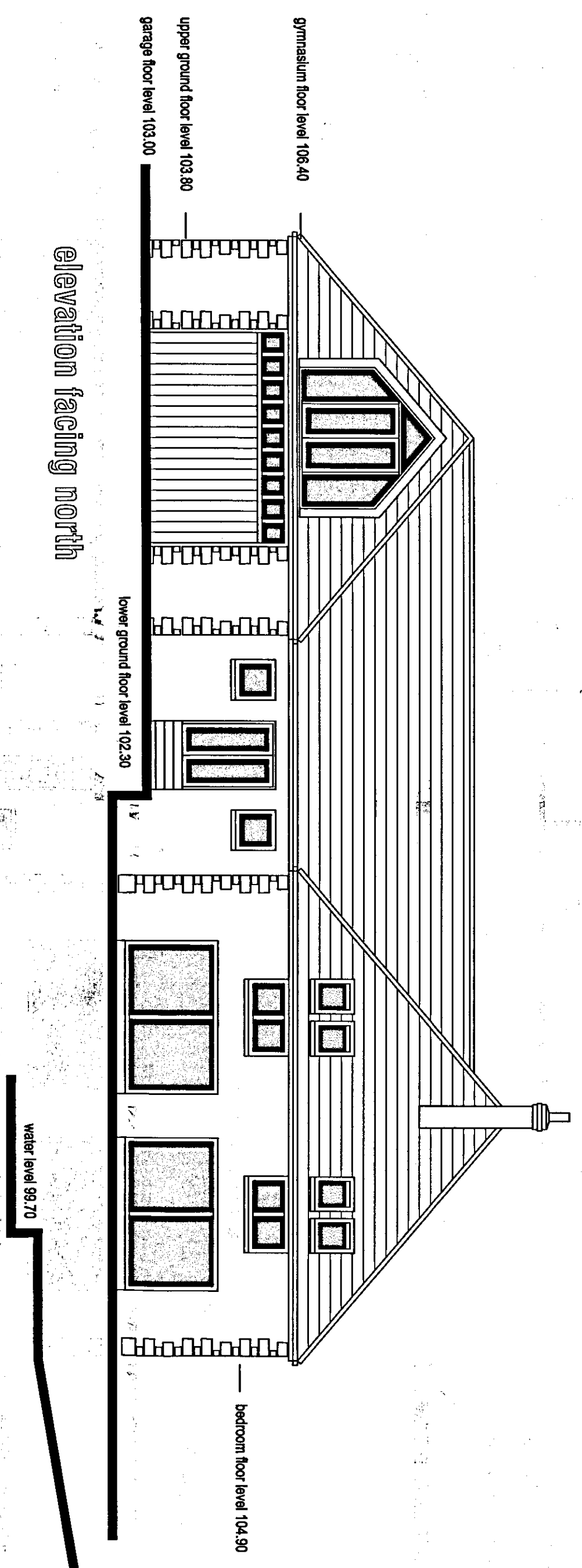
elevation facing east



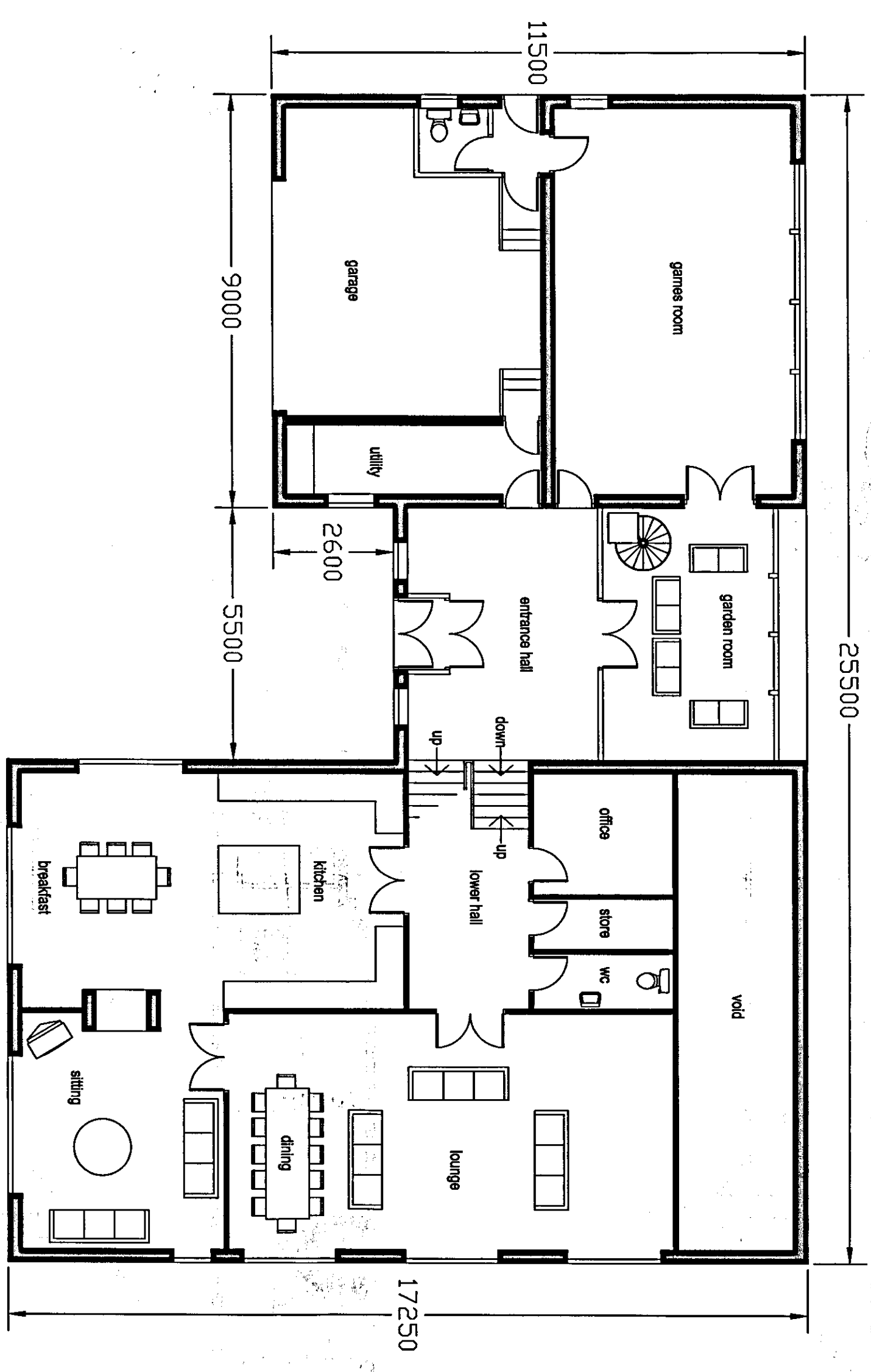
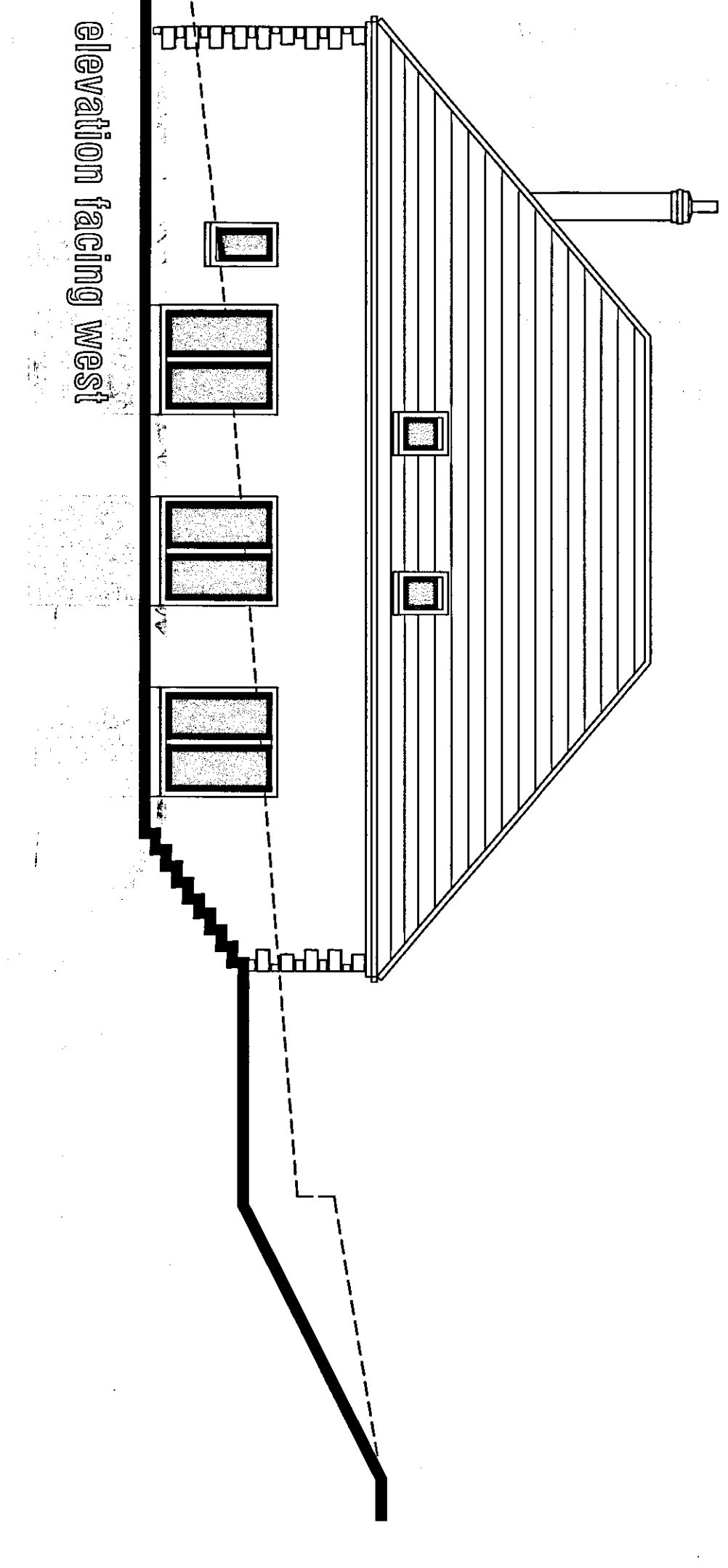
elevation facing south



elevation facing north

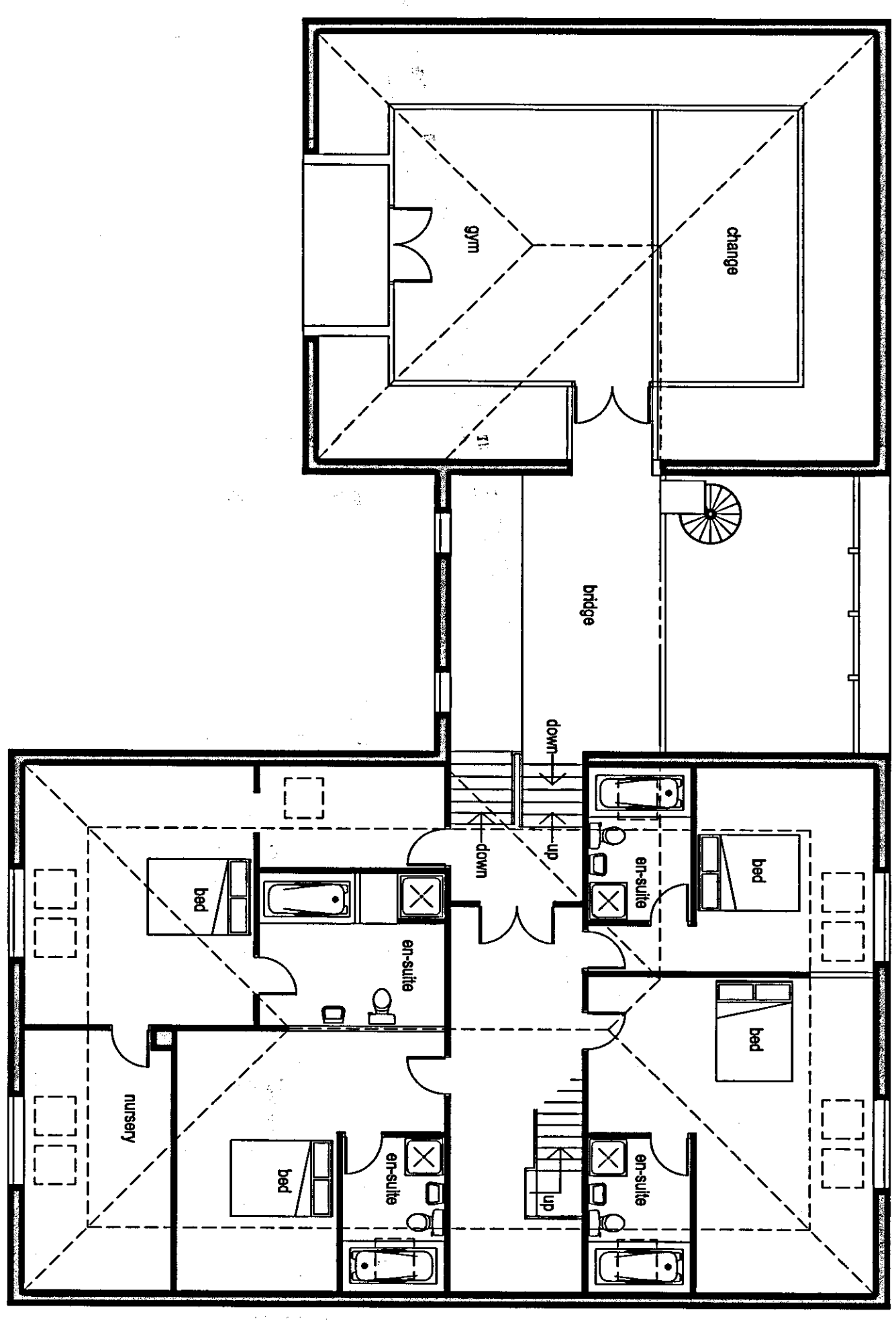


elevation facing west



upper ground floor level

lower ground floor level



upper first floor level

lower first floor level

proposed 5 bed detached bungalow  
with integral 2 car garage adjacent to  
**10 Lower Clews  
Townsendfold  
Rawtenstall**

scale 1:100

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