

**TITLE: FULL APPLICATION FOR THE ERECTION OF 1
DETACHED DWELLING AT LAND TO THE REAR OF 183
BURNLEY ROAD, ROSSENDALE, BB4 8HY**

APPLICATION NO: 2006/227

TO/ON: DEVELOPMENT CONTROL COMMITTEE 27th June 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

STATUS: FOR PUBLICATION
PORTFOLIO HOLDER: CABINET MEMBER FOR REGENERATION

APPLICANT: MR S HARTLEY

DETERMINATION EXPIRY DATE: 28th JUNE 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 application seeks consent for the construction of a two storey dwellinghouse on a 0.1 hectare site to the rear of a row of semi detached properties on Burnley Road in Rawtenstall. The proposed dwelling in part stands three storeys in height due to the slope of the land. Part of the site is currently occupied by wooden garages which are in the ownership of the applicant and are proposed to be removed. The site is proposed to be accessed from Laund Street which is a small unadopted street, fronted by a row of terraces and there are no facilities for off street parking. To the rear of the site stands a steep slope at the top of which stand a number of detached dwellings accessed via Lime Tree Grove. The proposal site is within the Urban Boundary and has no previous planning history. The applicant has provided a detailed supporting statement identifying the policy implications of the proposal and how the applications would meet local regional and national objectives. The applicant has also demonstrated how the proposal meets design criteria and has also proposed to improve the surface of access via Laund Street by laying a tarmac surface. The applicant has amended the original plans to facilitate a turning head within the curtilage of the site to reduce the congestion on Laund Street

which is likely to be exacerbated by this development. This would accord with the requirements of the highways department.

Relevant Planning History

None

Notification Responses

Site Notices were posted. There were seven letters of objection. The following issues were raised:

- The current condition of the access to the site via Laund Street being inadequate, unadopted and owned partially and maintained by the residents of the terraces on Laund Street.
- Increased traffic and parking on Laund Street
- Effects on the quality of life of nearby local residents
- The height of the proposed building and the proximity of the building the property to the rear – the Beeches leading to a loss of privacy due to overlooking kitchen and living room windows.
- The stability of the land to the rear of the proposal site and the impacts of the development on drainage of the site.
- Future need to use the land to the rear of the site as a garden and therefore the possible need to excavate the land further.
- Stability of land
- Loss of light to properties on Burnley Road
- The quality of the retaining wall to the rear of the properties on Burnley Road and the likelihood of the wall being further damage by construction works.
- The presence of protected Trees on the site
- Flooding of Laund Street

Three letters of support/comments were received detailing that there was no objection to the proposal in principal but that should the application be refused the local residents would want to see some control over drainage and the improvement of Laund Street by the applicant.

Consultation Responses

Lancashire County Council Highways Department

The proposed development does not provide for or indicate a satisfactory means of access to the classified Burnley Road. Laund Street is currently an unadopted street in poor condition and lacking adequate turning facilities for servicing vehicles. There is also a significant amount of on street parking restricting width to single way working. Existing on street parking for residents along Burnley Road obstructs sight lines from Laund Street. Therefore it is considered that further residential development is unacceptable in the present circumstances and requested that this application be refused in the interests of highway safety and good highway planning.

Note: The applicant has not included Laund Street within the application site and is therefore unable to improve the condition of the road to a standard appropriate for modern residential use.

Rossendale Borough Council Forward Planning Department

No reply to date

Development Plan Policies

Rossendale District Local Plan

Policy DS.1 (Urban Boundary)

Policy DC.1 (Development Criteria)

Policy 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)

Joint Lancashire Structure Plan Adopted Car Parking Standards 2005

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

Planning Issues

The location for the proposed development is within the urban boundary and therefore the proposal complies 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.

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. The site is also accessible by foot and bus from the key service centre of Rawtenstall and would therefore contribute to sustainability in accordance with Policy 1 of The Joint Lancashire Structure Plan and national Planning Policy Statement 1.

The overall design and choice of building materials are considered to be in keeping with existing conditions in the area and would not look out of place within the locality and therefore are considered to be in accordance with Policy DC.4 of The Rossendale District Local Plan and Policy 1 of The Joint Lancashire Structure Plan.

The major issues which relate to the application are that of housing oversupply and the highways implications of the development.

The level of housing supply is calculated by deducting the total number of completions (992 identified in Housing Land Position Report) from the number of dwellings identified in the Structure Plan (i.e. of 1920), equating to a remaining provision of 928. The number of dwellings with planning permission equates to 1268. Therefore, the number of dwellings with planning permission, in addition to the number of dwellings lost, equates to an oversupply of 255 dwellings. Therefore, it is considered that there are sufficient residential planning permissions to meet Rossendale Borough Council's housing requirement to 2016 and that the proposed development would be contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016).

Judged against the Housing Policy Position Statement (as approved by Executive on 17th August 2005), the proposed development will result in a net gain in the number of dwellings within the borough and moreover is not located within either the Rawtenstall Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Area. Therefore the proposed development is not in accordance with the Housing Policy Position Statement.

The proposal site would be accessed via the unadopted Laund Street which is reached via Burnley Road. The highways department raised issues of highway safety with regard to access onto and from Burnley Road due to poor sightlines of emerging vehicles. Whilst this point is acknowledged, it is not considered that the volume of traffic to be generated by the development would lead to a significant or detrimental impact upon the existing conditions in the area. In addition to these comments, points were also raised regarding the parking and turning facilities for resident's vehicles taking into account the fact that Laund Street itself is used for the parking of vehicles belonging to the residents of Laund Street. The applicant has subsequently amended the proposal to show turning facilities within the curtilage of the site and has provided parking in association with the development in accordance with the Joint Lancashire Structure Plan Adopted Car Parking Standards.

Whilst the objections of the nearby residents are acknowledged it is considered that the design and scale of development in relation to the size of the plot and its spatial relationship to neighbouring properties renders the proposal acceptable. The issues of the standard of Laund Street remain a private matter between the residents of these properties and the applicant, and although the applicant has demonstrated a willingness to improve the road surface, the street falls outside of the land within the applicant's control.

The incline to the rear of the site is not such that ground stability would be unduly or detrimentally affected as the land slopes by a total of three metres over a six metre distance. The applicant does not intend to cut away into the bank as part of the development and therefore there would be no issues of the ground being undermined.

There would be no issues of privacy or overlooking and it is considered that the applicant has addressed all of the design issues associated with the building of a dwelling on this plot by ensuring that all facing habitable windows are a minimum of 21 metres apart and leaving adequate distance between boundaries to protect neighbour amenity and privacy.

Whilst the proposal is considered to be acceptable in all other respects, or could be rendered so through the imposition of suitable conditions it is considered that the concerns regarding housing supply outweigh all other considerations in this instance and that no exceptional circumstances or other material planning consideration exists to warrant a grant of permission in this instance.

Recommendation

That the application is refused for the following reason;

Reason

1. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to

the provisions of Policy 12 of the Joint Lancashire Structure Plan 2001 – 2016 and the Housing Policy Position Statement.

Development Plan Policies

Rossendale District Local Plan

Policy DS.1

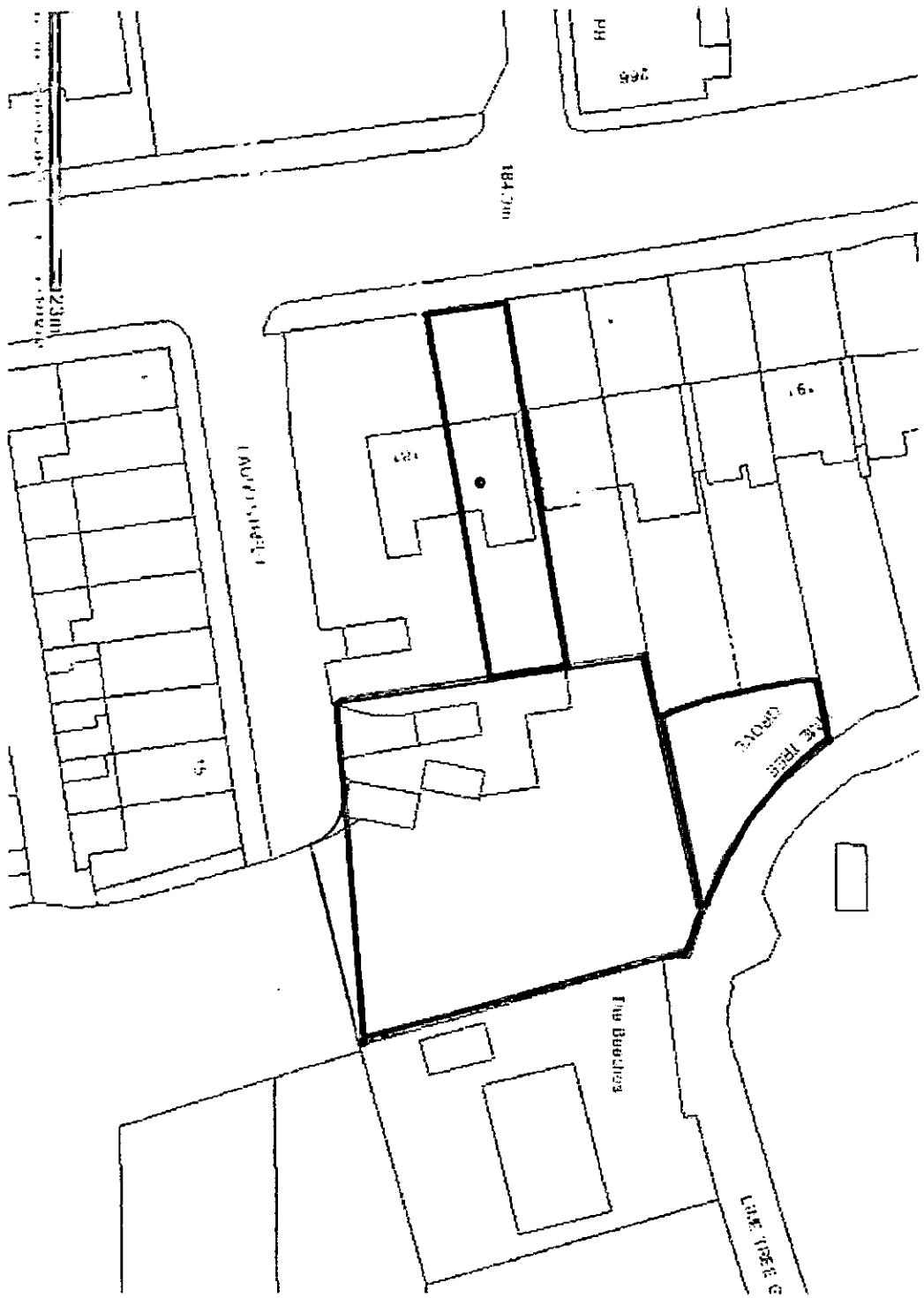
Policy DC.1

Policy DC.4

Joint Lancashire Structure Plan

Policy 1

Policy 12



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