

<b>Application Number:</b>	2014/0425	<b>Application Type:</b>	Full
<b>Proposal:</b>	Proposed construction of single detached two bedroom bungalow	<b>Location:</b>	Land at northern end of Hollin Way, to rear of Nos. 19-21 Billington Avenue, Rawtenstall, BB4 8TF
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	16 <sup>th</sup> December, 2014
<b>Applicant:</b>	Mrs Jean Mercer C/O Agent	<b>Determination Expiry Date:</b>	1 <sup>st</sup> December 2014
<b>Agent:</b>	A.J. Cocker Associates, New Century House, 176 Drake Street, Rochdale, OL16 1UP		

<b>Contact Officer:</b>	James Dagleish	<b>Telephone:</b>	01706 238643
<b>Email:</b>	jamesdagleish@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

That the Committee approve planning permission for the reasons set out in Section 9.

## 2. SITE

The application site is a plot of land at the north end of Hollin Way, with residential properties located immediately to the east. To the north of the site there are fields and currently a construction compound used for a nearby residential development. The site has an informal path running through it, and is largely covered with low lying vegetation. A group of TPO trees is situated immediately west of the site.

The site is located within the Urban Boundary.

### 3. **RELEVANT PLANNING HISTORY**

2014/0262 – Erection of detached dwelling (withdrawn)

### 4. **PROPOSAL**

Permission is sought for the construction of a detached two bedroom bungalow on the site.

The bungalow would have a single storey and a footprint of approximately 13.5m x 6.9m. It would measure 2.4m in height to the eaves and measure approximately 4.7m to the apex of its pitched roof.

The building would have an oblong footprint with a small projection to the front (facing Hollin Way). The front elevation would feature a main door and two windows, and the rear elevation would feature a single window and a set of French doors. The west side elevation would have a single window and a door, and the east side elevation would feature a single small window.

The elevations would be constructed of brick, but the projecting front section would be rendered. The building would have a hipped tiled roof, and stone window sills. UPVC window and door units would be installed.

A driveway would be located on the east side of the dwelling, containing adequate space for two cars to be parked.

### 5. **POLICY CONTEXT**

#### **National**

##### **National Planning Policy Framework (2012)**

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 8	Promoting Healthy Communities
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 4	Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable & Supported Housing
Policy 8	Transport

Policy 9	Accessibility
Policy 18	Biodiversity 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

## 6. CONSULTATION RESPONSES

### United Utilities

No objection to the proposed scheme.

### RBC (Environmental Health)

No objection subject to a condition to limit the hours of construction.

### LCC Highways

No objection to the scheme, but requested a condition requiring the proposed driveway to be constructed of bound porous material to minimise surface water run-off.

## 7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order 12 notification letters were sent to neighbouring properties on 10/10/2014. A site notice was also posted on 15/10/2014.

Five objections have been received, as summarised below:

- The site has an existing path running through it which is in regular use.
- The proposed dwelling is not in keeping with surrounding properties.
- The proposed dwelling would have a negative effect on the light, outlook and privacy enjoyed by residents of surrounding properties.
- The site should be kept open as green space, rather than being developed.
- The development would result in highway safety issues for pedestrians and vehicular traffic.
- The development would be detrimental to wildlife.
- Trees covered by a Tree Preservation Order will be affected by the development.

## 8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access

### Principle

There is no objection in principle to the development in this location within the Urban Boundary, and it is not contrary to the Council's Housing Policy.

### Visual Amenity

I am satisfied that the design of the proposed dwelling would not unduly detract from the character of the area when viewed from Hollin Way. The relatively modest height of the proposed dwelling would ensure that it did not appear unduly dominant in the wider street scene. The facing materials to be used in the development can be agreed by condition, as can the soft landscaping of the site.

The site is largely covered by low lying vegetation and is bordered to the west by several trees, which are subject to a Tree Preservation Order. The proposed development would not result in the loss of any existing live trees which are subject to a TPO, and is considered acceptable in this regard subject to a condition requiring the submission and approval of measures to be taken to protect the nearby TPO trees on the western boundary of the site during the construction works.

It is acknowledged that the proposed development would however result in the removal of two saplings which are subject to a TPO. The saplings were planted in accordance with a Replacement Notice which was served following the unauthorised removal of two mature TPO trees on the site. The Council's Tree Officer visited the site on 03/12/2014 and has confirmed that the two saplings are dead.

Section 207 (2) of the Town and Country Planning Act 1990 places a four year time limit on enforcement action to require the replacement of a TPO tree which has died. The applicant claims that the dead saplings are outside the enforcement period, and the Council has no evidence to contest this.

In light of the above, the amenity value of the two TPO saplings must be assessed in accordance with their current state as opposed to any potential replacement trees.

As the saplings are dead, and have not grown to any considerable size it is considered that their value in terms of visual amenity is very limited. As such, their removal as part of the proposed scheme is not considered inappropriate.

Overall, subject to conditions I am satisfied that the development would be of a standard of design which would not be detrimental to the visual amenity of the area.

#### Neighbour Amenity

Given the single storey design of the proposed dwelling, in conjunction with the separation distance (of around 12m) I am satisfied that there would not be any undue loss of privacy, outlook or daylight to numbers 19-25 Billington Avenue. The proposed 1.8m panelled boundary fence would also assist in mitigating any privacy concerns.

The site is not elevated in relation to other properties, and as such the proposed single storey dwelling would not reduce the outlook of any neighbouring dwellings to an unacceptable degree.

The existing informal path which runs through the site is not a designated public footpath and it appears to be used as a convenient cut through between the designated public footpath to the west of the site and Hollin Way. As such limited weight can be given to the loss of the informal path as part of the proposed scheme. An alternative route between roughly the same points is provided by the designated public footpath around 20m west of the site.

Overall it is considered that the development would not be unduly detrimental to neighbour amenity.

#### Access / Highway Safety

Subject to a condition requiring the proposed driveway to be constructed of a bound porous material, the Local Highway Authority has no objection to the scheme and I have no reason to disagree.

It is considered that the proposed development is acceptable in terms of access / highway safety.

**9. SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate in principle within the Urban Boundary and subject to conditions would not unduly detract from visual and neighbour amenity or access / highway safety. It is considered that the development is in accordance with Sections 1, 6 and 7 of the National Planning Policy Framework and Policies 1, 2, 3, 8, 23, 24 and AVP4 of the adopted Core Strategy DPD.

**10. RECOMMENDATION**

That the application be approved.

**11. 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 drawing numbered H347/003 dated as received 6<sup>th</sup> October 2014 by the Local Planning Authority unless otherwise required by the conditions below.

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 samples of the facing materials to be used in the construction of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. 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.

4. The parking facilities hereby approved shall be constructed with a hard permeable surface ensuring no surface water run-off onto the highway prior to first occupation of the dwelling hereby approved. These areas shall thereafter be kept freely available for use as such, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety, in accordance with Policies 1 and 24 of the Council's Core Strategy.

5. Prior to construction of the bungalow hereby approved a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority to include details of: boundary walls/fences/gates/hard-surfaced external areas; measures for the protection of nearby TPO trees; the size, siting and species of trees/shrubs to be planted. Any boundary walls/fences/gates/hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of the dwelling hereby approved. Any measures for the protection of TPO trees shall be complied with for the duration of ground works / construction works associated with the development. Any planting forming part of the approved scheme shall be carried out in the following planting season and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing 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 (November 2011).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A, B, C, D, E, and G other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and the amenities of neighbours, and to comply with Policy 1, 23 and 24 of the Adopted Core Strategy (2011).

7. Any ground / construction works associated with the development hereby approved, including deliveries to the site, shall not take place except between the hours of 8:00am and 6:00pm Monday to Friday and 8:00am and 1:00pm 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 Policies 1 and 24 of the Council's Core Strategy.

## 12. NOTE FOR APPLICANT

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).