

**Application No: 2006/261**

**Application Type: Full**

**Proposal:** CONSTRUCTION OF AN INDOOR POOL FACILITY

**Location:** MICKLEDORE BARN, HASLINGDEN OLD ROAD, RAWTENSTALL

**Ward:** Cribden

**Report of:** Development Control Team Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 12 September 2006

**Applicant:** MR & MRS R HINDLE

**Determination Expiry Date:**  
12 July 2006

**REASON FOR REPORTING**                      **Tick Box**

**Outside Officer Scheme of Delegation**                      X

**Member Call-In**

Name of Member:

Reason for Call-In:

**3 or more objections received**                                              X

Other (please state) .....Additional information received since consideration of this application at the Committee meeting on 25 July.

**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.

**APPLICATION DETAILS**

**1. Background**

This application was considered at the meeting of Committee on 25 July 2006. A copy of the Officers Report that was considered at that time is reproduced in full below.

Although local residents had expressed amongst their concerns low water pressure, it will be seen that the Officer Recommendation was for permission to be granted. United Utilities had been consulted on the application and raised no objection to the proposal. However, in relation to this particular issue the following comment was made “....could the applicants fill the pool slowly at off peak times (ie at night) to ensure that water pressures in the area are not affected”.

The Committee resolved to refuse permission for the following two reasons :

The operation of the proposed indoor swimming pool has the potential to adversely affect public water supplies in the locality to the detriment of the amenities of neighbours and would thereby be contrary to Policy 1 of the Adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

The proposed extension situated in the Green Belt, would be contrary to national planning policy in that it would result in a disproportionate addition to the dwelling house and as such fails to accord with adopted national planning policy and also Policy DS3 of the adopted Rossendale District Local Plan.

Prior to issue of the decision notice refusing permission for the proposal the applicant's Agent wrote on the client's behalf clarifying the position with regard to water supply :

*“Following the discussion of the planning application at the last meeting of the Development Control Committee I should like to confirm that the proposed swimming pool will not, as was thought to be the case at the meeting, have any affect on the water pressure in the mains supply as the house and curtilage is served by my private spring water/well supply. I am not connected to the water main nor do I intend to connect to it with regard to the swimming pool.*

*The effect of the proposed development on the mains supply was by far the most important consideration at the meeting and the anticipated consequence was the essential reason for refusal. As this was based on a false premise I should be grateful if the application can be reconsidered by the Committee at its next meeting.”*

Rather than issue the decision notice with a reason for refusal the Council could not substantiate, I agreed to report the application back to Committee for its re-consideration.

## **2. Assessment**

**The additional information has been forwarded to United Utilities and it has responded as follows :**

**Following a telephone conversation on the 31 August 2006, United Utilities confirmed that since the property is served by a private water supply, United Utilities have no further comments to make.**

In the light of the additional information about water-supply, and the advice from United Utilities, I do not consider that a refusal of the proposal by reason of its potential to adversely affect public water supplies can be substantiated. The Committee is advised not to refuse permission to the application in-line with Reason 1 of its previous resolution.

I previously advised that, in my view, the siting/size/design of the proposed building and glazed-link would not detract unacceptably from the openness of the Green Belt, nor from visual or residential amenity, or in respect of any other material planning consideration. It remains my view that the application should be permitted subject to the conditions appearing below (and which are drawn from the previous Officer Report). However, the Committee may wish to refuse the application in-line with Reason 2 of its previous resolution.

### **3. CONCLUSION**

The application site lies within the Green Belt. However, the Council is satisfied that the proposed development will not detract to an unacceptable extent from the openness of the Green Belt, from visual or residential amenity, or in respect of any other material planning consideration.

### **4. RECOMMENDATION**

That permission is granted subject to the following conditions :

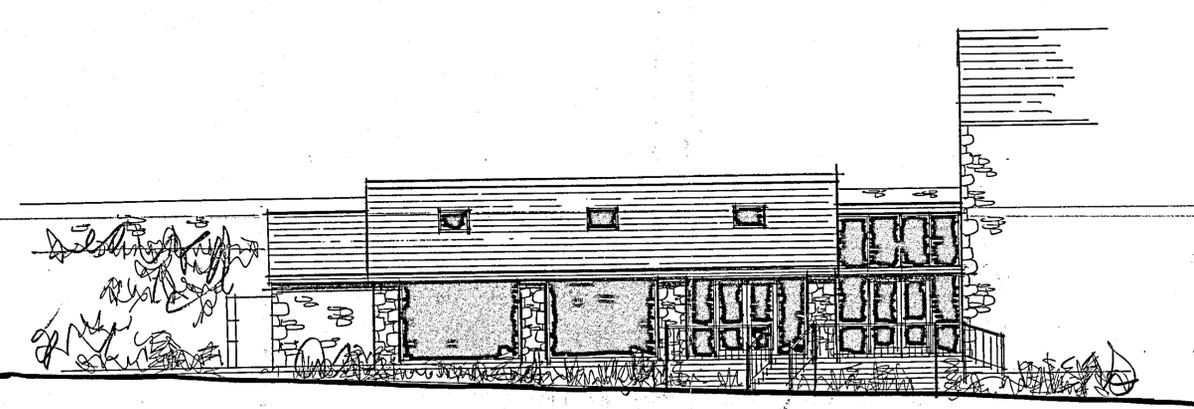
1. The development permitted shall be begun before the expiration of five years from the date of this permission.

*Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.*

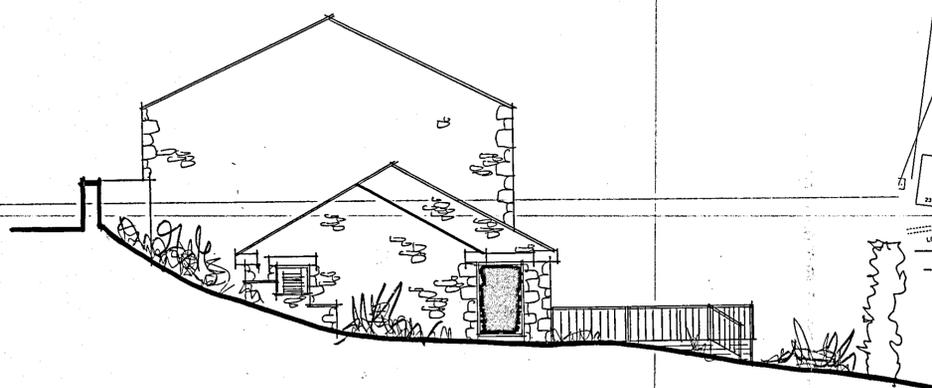
2. Notwithstanding any indication on the approved plans or application forms, all external elevations of the proposed garage shall be faced in natural stone samples of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The development shall thereafter not be carried out otherwise than in complete accordance with the approved details and shall be maintained as such for as long as the development remains in existence. Reason: In order to safeguard the appearance of the building and the surrounding area, in accordance with the criteria of Policy DC1 of the Rossendale District Local Plan.

3. 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: For the avoidance of doubt and to accord with the criteria of Policy DC1 of the Rossendale District Local Plan.

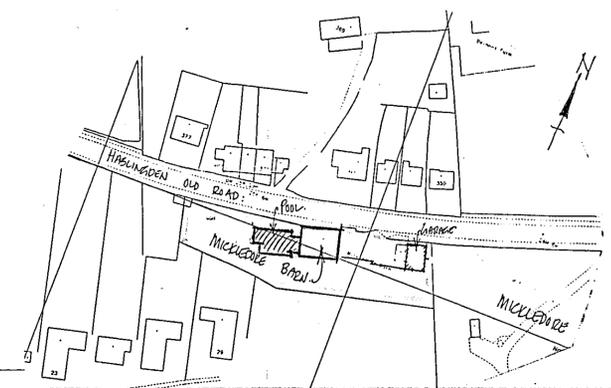
<b>Contact Officer</b>	
Name	Paul Talbot
Position	Planning Assistant
Service / Team	Development Control
Telephone	01706 238637
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**Front Elevation**

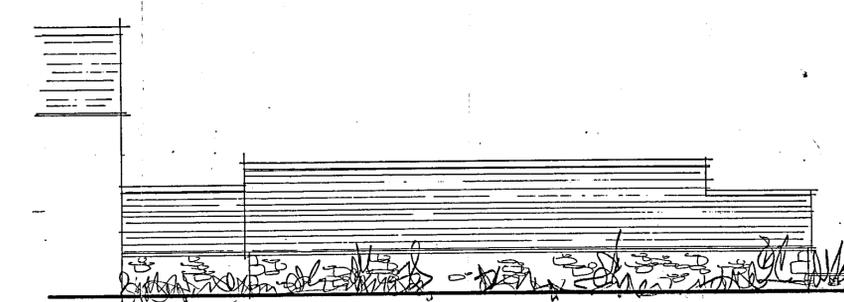


**Side Elevation**



Location Plan scale: 1/1250<sup>th</sup>

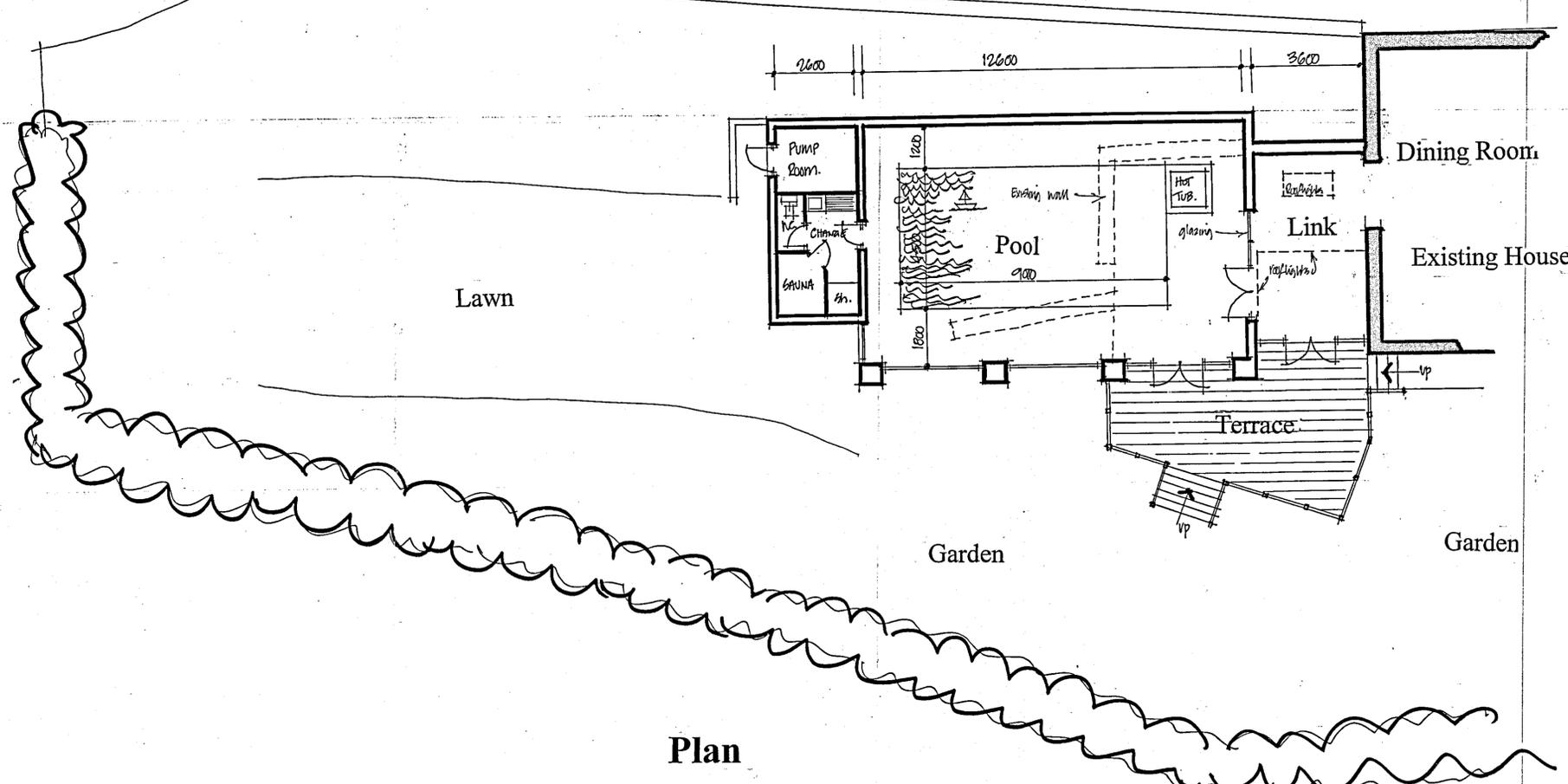
- Slate roof to sample to be approved by the Local Authority
- Gutters and fascia details to match the existing
- Natural stonework all round
- Double glazed windows and rooflights



**Rear Elevation**  
to Haslingdon Old road

Haslingdon Old Road

This drawing is prepared for Town Planning purposes only



**Plan**



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2000/261  
17 MAY 2005

**Proposed Pool**

**Mickledore Barn**  
Haslingdon Old Road  
**Rawtenstall**  
for  
Mr. and Mrs. R. Hindle

Scale: 1/100<sup>th</sup> Drawing no: 04/342/6  
Date: April 06

<b>TITLE:</b>	<b>CONSTRUCTION OF AN INDOOR POOL FACILITY AT MICKLEDORE BARN, HASLINGDEN OLD ROAD, RAWTENSTALL, ROSSENDALE</b>
<b>APPLICATION NO:</b>	<b>2006/261</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>
<b>PORTFOLIO HOLDER:</b>	<b>CABINET MEMBER FOR REGENERATION</b>

**APPLICANT: MR & MRS R HINDLE**

**DETERMINATION EXPIRY DATE: 12 JULY 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**

This proposal seeks consent for the construction of a single storey extension to provide a swimming pool with a link and associated pump room and sauna. The building would be accessed by a glazed link between the applicant's property and the extension. The proposal also involves the construction of a terraced area which would be situated to the front of the link and would overlook the applicant's garden area. The link would be 3.6m in length, the pool area would be 12.6m and the pump room 2.6m. The building would be constructed in stone and slate to match the existing building.

The site forms part of the applicant's garden area and slopes steeply from Haslingden Old Road. Currently the boundary is delineated by recent planting of new trees however, under planning permission reference 2005/141, the issue of

boundary treatment was raised and at that time, a stone wall was proposed which by virtue of its size would have been permitted development. Arising out of the topography of the site, the submitted drawings indicate that, at its highest point, 3.8m of the building would be visible from Haslingden Old Road, stretching for 13.3m.

### **Relevant Planning History**

2005/141 - Demolition of garage and erection of a detached garage at Mickledore Barn, Haslingden Old Road, Rawtenstall, Rossendale - Approved 23.6.05

### **Notification Responses**

Neighbours were notified by letter. Three letters of representation have been received which make the following summarised points:

- Low water pressure
- Steam emanating from the building
- Loss of view
- Devaluation of property
- Land use designation

### **Consultation Responses**

United Utilities – No objection  
Environmental Health – No objection

### **Development Plan Policies**

#### **Rossendale District Local Plan**

Policy DS3 (Greenbelt)  
Policy DC1 (Development Criteria)  
Policy DC 4 (Materials)

### **Other Material Planning Considerations**

PPG 2: Greenbelts

### **Planning Issues**

The first issue to consider is land use. The proposed development is located within the Greenbelt but it is accepted that provided that the proposal does not result in disproportionate additions over and above the size of the **original** building, the extension or alteration of dwellings is not inappropriate development in Green Belts.

The extension would house a swimming pool and sauna together with plant to support the facility. The extension would be accessed by a glazed link between the applicant's property and the extension and involves the construction of a terraced area which would be situated to the front of the link. It would overlook the applicant's garden area. The link would be 3.6m in length, the pool area would be 12.6m and the pump room 2.6m. The building would be constructed in stone and slate to match the existing building.

The design is considered to be appropriate and is in scale with the existing building. Turning to the points raised arising out of the consultation;

- Low water pressure

United Utilities have been consulted on this proposal and raise no objections in relation to this issue. The company do, however raise the issue “...*could the applicants fill the pool slowly at off peak times (ie at night) to ensure that water pressures in the area are not affected*”.

- Steam emanating from the building

The Council’s Environmental Health Officer makes the following comment “*the amount of steam would not cause a nuisance or health hazard and that the issue of the water pressure is not something the department would be concerned about. The swimming pool can be filled at night when demand on the supply is at its lowest*” It is recommended that a copy of the response from United Utilities is attached as a note to any planning consent granted.

- Loss of view

Loss of view is not a material planning consideration and cannot therefore be taken into account.

- Devaluation of property

Similarly, this issue is not a material planning consideration and cannot therefore be taken into account.

- Land use designation

Development in the Greenbelt of this nature is judged against Planning Policy Guidance Note 2. The guidance accepts that provided that the proposal does not result in disproportionate additions over and above the size of the **original** building, the extension or alteration of dwellings is not inappropriate development in Green Belts. It is considered that this proposal accords with this criteria.

The building uses materials that complements the dwelling to which it is to be attached and it is considered that it would not look out of place in the immediate locality.

### **Summary of reasons for conditions to appear on the decision notice**

The proposed development falls within the Greenbelt of the Rossendale District Local Plan. The design and scale of the proposal respects the immediate locality and due to the topography of the site would have minimal visual intrusion. It is considered arising out the foregoing that the proposal, subject to conditional control, accords with Policy DC1 of the Rossendale District Local Plan.

### **Recommendation**

That planning permission should be granted.

## **Conditions and Reasons**

01 The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

02 Notwithstanding any indication on the approved plans or application forms, all external elevations of the proposed garage shall be faced in natural stone samples of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The development shall thereafter not be carried out otherwise than in complete accordance with the approved details.

Reason: In order to safeguard the appearance of the building and the surrounding area, in accordance with policy DC.1 of the Rossendale District Local Plan.

03 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: For the avoidance of doubt and to accord with Policy DC1 of the Rossendale District Local Plan.

## **Development Plan Policies**

DS3 - Greenbelts

DC1 – Development Criteria