

Application No: 2008/0124	Application Type: Full Application
Proposal: Erection of 3 bed detached bungalow, with integral garage	Location: Land adjoining 15 Andrew Avenue, Rawtenstall
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 15/04/2008
Applicant: Mr T Swaysland	Determination Expiry Date: 14/04/2008
Agent: Hartley Planning & Development Associates	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In	<input type="checkbox"/>
Name of Member:	
Reason for Call-In:	
More than 3 objections received	<input checked="" type="checkbox"/>

Other (please state)

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. APPLICATION DETAILS

The application site is located in a prominent position to the north of Andrew Avenue, near to its junction with Bury Road. The site presently forms a side-garden to 15 Andrew Avenue, a detached bungalow with an attached flat-roofed carport to the side. The site is level, with a mature tree and 1m high stone wall/railing on the front boundary.

Andrew Avenue is a narrow road characterised by detached bungalows of brick/render and tile-roof construction. However, immediately to the east of the application site is a traditional stone-built terrace of four properties.

2. The Current Proposal

The applicant seeks permission to erect a detached bungalow within the side-garden area of 15 Andrew Avenue. The existing flat-roofed carport would be demolished.

The proposed bungalow would be sited 3.8 metres to the east of that occupied by the applicant. It would measure 11.8 metres in width and 7.2 metres in depth, with a ridge-height of 4 metres. The dwelling would possess three bedrooms and an integral garage, and would be set back from the footway by approximately 7 metres. The submitted drawings indicate that the dwelling would be constructed of brick and tile. A 2 metre high timber post and panel fence would be erected on the rear boundary.

Although the occupiers of 15 Andrew Avenue would cease to have use of the existing carport, this bungalow would still possess two off-street parking spaces to the front.

3. Relevant Planning History

None.

4. Policy Context

National Planning Guidance

PPS1 - Sustainable Development

PPS3 - Housing

Development Plan Policies

Regional Spatial Strategy for the North West

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 2 - Main Development Locations

Policy 7 - Parking

Policy 12 - Housing Provision

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary

DC1 - Development Control

DC4 - Materials

Other Material Planning Considerations

RBC Core Strategy

RBC Interim Housing Policy Statement (December 2007)

RBC Housing Market Assessment (September 2007)

LCC Parking Standards

5. CONSULTATIONS

LCC(Highways)

No objection in principle so long as occupiers of the proposed bungalow will have the facility to park 2 cars clear of the highway and the drive has suitable visibility splays.

6. REPRESENTATIONS

A site notice was posted on 25/03/2008 as shown on the site plan. Eleven neighbours were notified by letter on 22/02/2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

Three letters have been received objecting to the proposal on the following grounds:

- Access and parking.
- Potential problems with subsidence.
- Decrease visual amenity and wildlife interest of the plot.

7. ASSESSMENT

The main considerations are : 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; & 5) Traffic & Parking.

Principle

The site is located within the Urban Boundary and reasonably accessible by means of travel other than the private car.

Housing Policy

The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.

PPS3 sets out Government guidance on a range of issues relating to the provision of housing. Paragraph 3 states that *“One of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time, whether through new development or the conversion of existing buildings. The aim is to provide a choice of sites which are both suitable and available for housebuilding. This is important not only to ensure that everyone has the opportunity of a decent home but also to maintain the momentum of economic growth”*. Paragraph 8 goes on to say *“It is an essential feature of the plan, monitor and manage approach that housing requirements and the ways in which they are to be met, should be kept under regular review. The planned level of housing provision and its distribution should be based on a clear set of policy objectives, linked to measurable indicators of change...Reviews should occur at least every five years and sooner, if there are signs of either under or over-provision of housing land”*.

Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 dwellings are required to be built within the Borough between 2001 and 2016 in order to adequately house the Borough's population. It further states that these are to be provided at the rate of 220 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, Lancashire County Council (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

In the supporting text following Policy 12 of the Structure Plan it states that: "Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable housing or special needs housing or form a key element within a mixed use regeneration project".

The Council's Interim Housing Policy Statement (December 2007) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out:

"Applications for residential development in Rossendale will be acceptable in the following circumstances:

- a) The replacement of existing dwellings, provided that the number of dwellings is not increased.*
- b) The proposal can be justified in relation to agricultural and forestry activities.*
- c) In relation to listed building and important buildings in conservation areas, the applicant can demonstrate the proposal is the only means to their conservation.*
- d) Conversion or change of use of buildings within the urban boundary of settlements within the Borough (i.e. Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.*
- e) New build proposals on previously developed land (PDL) within the urban boundary of the main development location (Appendix C) but excluding the Action Plan Areas; where the number of units is 20 or less. These proposals will only be acceptable where they make an essential contribution to the supply of affordable housing as interpreted in Appendix B.*
- f) Proposals on previously developed land (PDL) within the regeneration priority areas of Rawtenstall Town Centre APP or Bacup, stacksteads and Britannia APP that will deliver regeneration benefits. Where proposals are for 15 or more dwellings, the Council will seek to obtain 30% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirements will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*
- g) Developments that are solely for affordable or special needs housing will be supported where they address local need and are appropriate in terms of their scale and location.*

- h) Within the urban boundary of the main development location or the regeneration priority areas where residential development is part of a mixed-use scheme that will have essential regenerative benefits for the Borough. Where proposals include 15 or more dwellings, the council will seek to obtain 42% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirement will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*

Accordingly, it is appropriate to consider the application in relation to the criteria of the Interim Housing Policy Statement. The site constitutes Previously Developed Land within the Main Development Location. Appendix B of the Policy states that there is not a requirement for affordable housing contributions for the erection of 1 dwelling. Thus, the proposal conforms with criteria 'E' of the above policy, making it appropriate for permission to be granted despite the housing oversupply situation within the Borough.

Visual Amenity

Andrew Avenue is characterised by detached bungalows of broadly similar scale/design. Furthermore, the bungalows along the avenue have been constructed in a range of external facing materials, including, brick, render, and artificial stone. The terraced row to the east is natural stone and slate.

To accord with Saved Policy DC4 (Materials) of the Rossendale District Local Plan it is considered appropriate that a condition be imposed requiring construction of the proposed bungalow with local natural stone (or an alternative acceptable natural substitute). The application states that no trees are to be felled.

On this basis the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

The separation distance between the proposed bungalow and 15 Andrew Avenue is considered acceptable and no windows are proposed that will face towards 15 Andrew Avenue.

Taking into account the separation distance of approximately 8 metres between the proposed dwelling and Crabtree Terrace, and the single storey design of the proposed dwelling, it is considered that the proposed dwelling would not have an unduly detrimental effect on the light or outlook of the neighbouring houses. A bathroom window is proposed to face 4 Crabtree Terrace. It is considered appropriate to condition this to be obscure-glazed.

The scheme is considered acceptable in terms of residential amenity

Traffic and Parking

Although objections have been raised regarding obstruction of Andrew Avenue/drives to the existing properties, the Highway Authority raises no objection to the application and is satisfied that the existing and proposed dwelling will have adequate off-street parking facilities.

8. RECOMMENDATION

That Permission be granted subject to the following 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 amended plans dated 01/04/2008. *Reason : For the avoidance of doubt*
3. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development a sample of the local natural stone (or an alternative acceptable natural substitute) and of the roofing material to be used for the construction of the dwelling hereby permitted shall be submitted to and approved by the Local Planning Authority. The approved facing materials shall be used for construction of the dwelling hereby permitted.
Reason: To ensure that the materials are in-keeping with those existing and to accord with the criteria of Policy DC1 and Policy DC4 of the adopted Rossendale District Local Plan.
4. Notwithstanding any such detail which may have previously been submitted, no development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of : the protection to be afforded during construction to planting to be retained (including the mature tree on the site frontage); of the types and numbers of trees and shrubs to be planted, their distribution on site; those areas to be seeded, paved or otherwise hard- landscaped; and any changes of ground level or landform. *Reason : In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
5. All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the building, unless otherwise agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building. Any trees or plants in the approved scheme of landscaping which within a period of 5 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 similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason : In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
6. Prior to first occupation of the dwelling hereby permitted the facilities for two cars to park clear of the highway shall be provided in accordance with the approved drawings and shall thereafter be kept freely available for use as such.

Reason : In the interests of highway safety and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

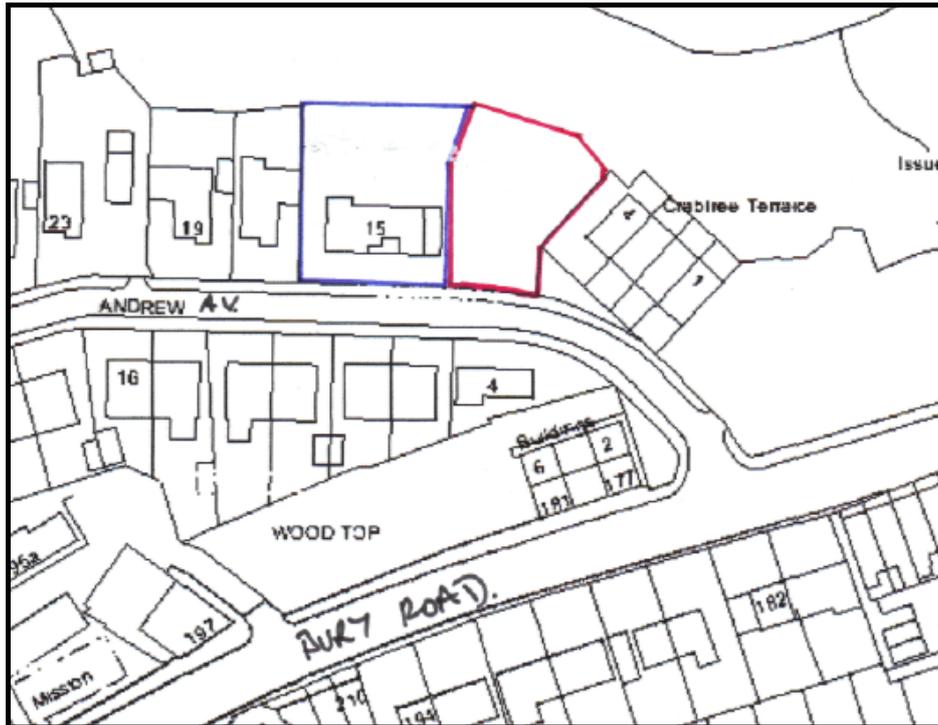
7 The bathroom window in the east elevation of the dwelling hereby permitted shall be obscure-glazing and this shall not be varied without the written approval of the Local Planning Authority. *Reason: In the interests of residential amenity and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

8 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 nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

Contact Officer	
Name	Richard Elliott
Position	Planning Assistant
Service / Team	Development Control
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Site Location Plan

Address and proposal: Proposed 3 bed detached bungalow with integral garage on land adjoining 15, Andrew Avenue, Rawtenstall, BB4 6EU

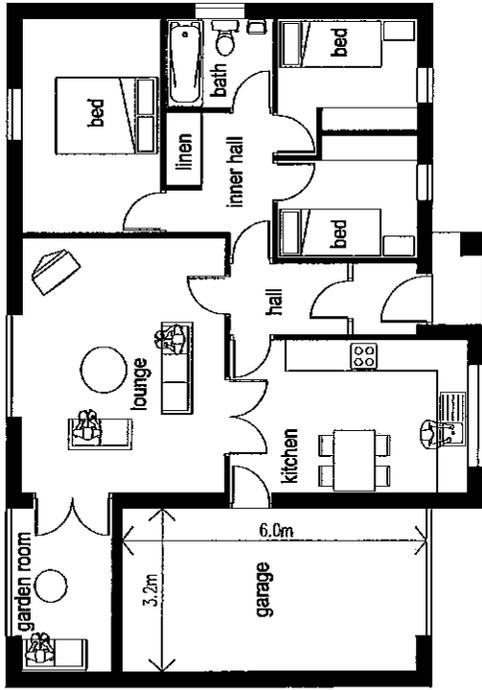


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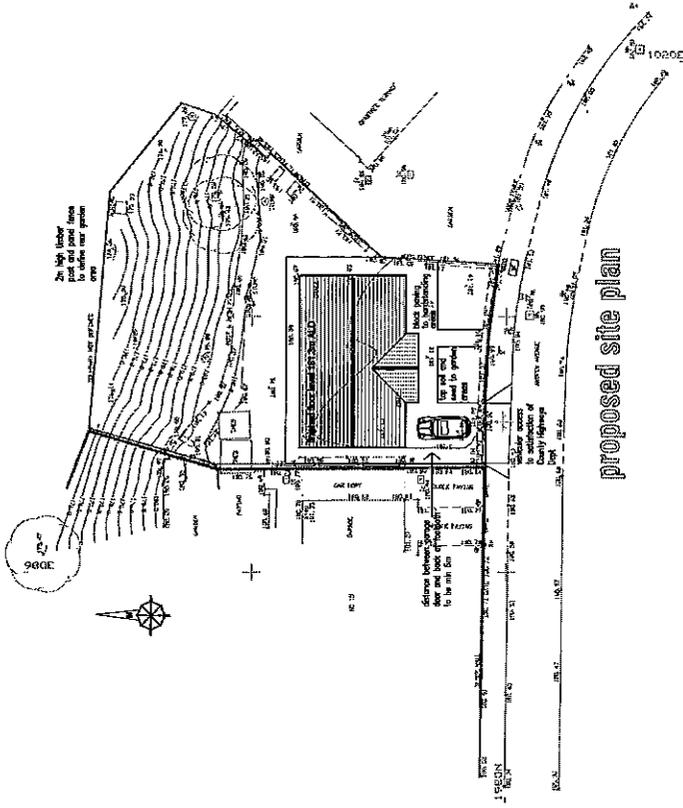


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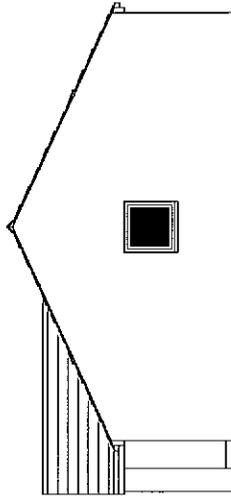
Prepared by Hartley Planning and Development Associates Ltd



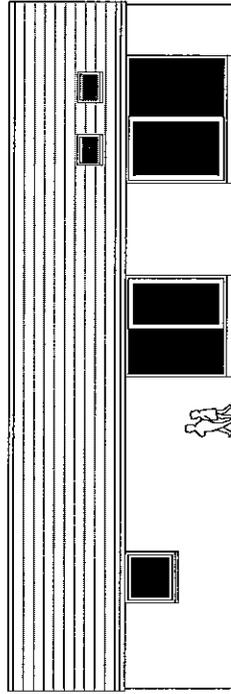
proposed floor plan



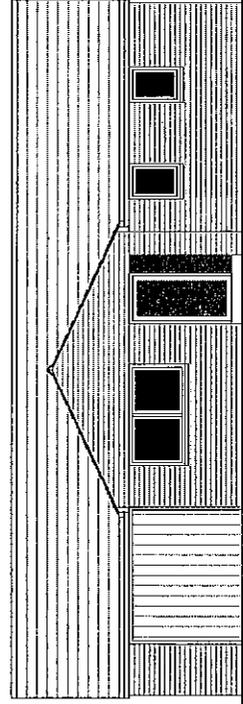
proposed site plan



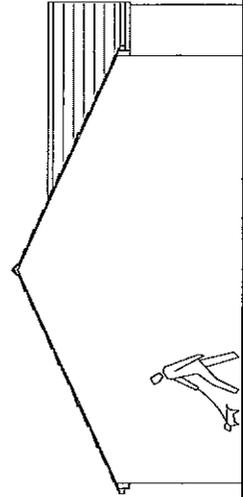
side elevation



rear elevation



front elevation



side elevation

revised 20th March 2023
 garage internal dimensions increased to 6m x 3.2m
 existing mixed 100mm cavity brick chimney to provide
 minimum clearance between garage door and back
 of chimney is 6m

proposed 3 bed detached bungalow
 with integral garage on land adjacent to
15 Andrew Avenue
Rawtenstall

scale 1:200 1:50 @ A1

