

Application No: 2010/0064	Application Type: FULL
Proposal: Erection of 2 Detached Dwellings, with Attached Double Garages	Location: Land at Highfield Park, Haslingden
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 1 June 2010
Applicant: Mr J Power	Determination Expiry Date: 26 April 2010
Agent: IOM Design	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

More than 3 objections received

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.

THE SITE

The application relates to a vacant parcel of land accessed from the end of a cul-de-sac between 39 & 41 Highfield Park.

The site has an area of approximately 0.25ha and slopes quite steeply down from east to west. It is surrounded by residential development on all sides, with Highfield Hall Nursing Home lying to the west. Such is the topography of the area, the Nursing Home and Highfield Croft (a bungalow to the north west) of the site are at a lower level, whilst 1 Victoria Drive and the other properties to the west/north west are significantly higher. The site is bounded by stone walls to all sides, with a public footpath on the west side lined by small groups of trees, and with a broad belt of mature trees running along the eastern boundary.

The site lies within the Urban Boundary of Haslingden/Helmshore, forming part of a larger site allocated in the Local Plan for residential development (although this is not now a saved Policy).

RELEVANT DEVELOPMENT CONTROL HISTORY

The site allocated in the Local Plan for residential development is now occupied by more than 50 houses and a nursing home, leaving only a few small parcels of land undeveloped (of which the application site is one).

PROPOSAL

The applicant seeks permission to erect two 4-bedroomed detached houses, each with a double-garage to the front. The houses would face south and be in part two/part three storeys in height with hipped-roofs and gable projections to the front. They will each have a chimney stack rising up the side. The houses would be constructed in reconstituted stone, under mock slate roofs, to match with the properties on Highfield Park.

As initially proposed the house proposed on Plot 1 measured approximately 11m x 15m x 9.6m at the ridge, whilst the house on Plot 2 will measure approximately 11m x 15m x 12.2m at the ridge. Following the Council's concerns over the height and massing of the houses both within close proximity to the site and at over wider views, an initially proposed roof terrace above one of the proposed garages, and the layout of the rear garden area of Plot 1 which would have provided greater views into neighbouring garden areas, amended plans have been received. The plans reduce the ridge height of the houses by 2.069 metres and include a section demonstrating that only approximately 2 metres of the roof of Plot 2 would be seen from the entrance to Highfield Park with no views of Plot 1. A revised landscaping scheme has also been proposed and the root protection zones have been added to the plans to demonstrate that the trees to the east and west boundaries will not be affected.

Both houses would be built into the slope so that the finished floor levels would be below that of the existing ground levels. This would occur to a greater extent with Plot 2. Ridge heights would be at a higher level than the nursing home to the west and lower than the houses to the east. Thus, the proposed and houses to the east and west will step down the slope.

Accompanying the submission is a Tree Survey indicating that the erection of the two houses can be completed without the need for trees to be removed. A Contaminated Land Report has indicated no indication of contamination which would preclude residential development of the site; it identifies neighbouring land to have been tipped

upon with arising from construction of the nearby M66, but later developed with housing.

POLICY CONTEXT

National Planning Guidance

PPS1	Sustainable Development
PPS3	Housing
PPS9	Biodiversity & Geological Conservation
PPG13	Transport
PPG14	Unstable Land
PPS23	Pollution Control
PPG24	Noise

Development Plan Policies

Regional Spatial Strategy for the NW (2008)

DP1-9	Spatial Principles
RDF1	Spatial Priorities
L4	Regional Housing Provision
L5	Affordable Housing
RT2	Managing Travel Demand
RT4	Management of the Highway Network
EM1	Environmental Assets
EM2	Remediating Contaminated Land

Rossendale District Local Plan (1995)

DS1	Urban Boundary
DC1	Development Criteria
DC4	Materials
E4	Tree Preservation
E6	Ground Instability
E7	Contaminated Land

Other Material Planning Considerations

4NW Draft Partial review of the RSS
LCC Parking Standards
RBC Emerging Core Strategy (2009)
RBC Interim Housing Policy Statement (May 2010)
RBC Strategic Housing Land Availability Assessment (2009)
RBC Strategic Housing Market Assessment (2009)
RBC Affordable Housing Economic Viability Assessment (2010)

CONSULTATION RESPONSES

LCC Highways

No objection in principle to the application, but express concerns about the condition of the existing access road and adopted footway which appear to have been affected by a reinstatement and ask if extra gullies can be included.

RBC Land Drainage

Recommend 2 conditions be attached to reduce the risk of flooding and provide satisfactory land drainage.

RBC Environmental Health

Potential for contamination is low. However, in accordance with the conclusions of the submitted contaminated land report, request conditions to determine the most appropriate gas protection measured required, if needed.

NOTIFICATION RESPONSES

To accord with the General Development Procedure Order two site notices were posted on 26/03/10 and 27 neighbours were notified by letter.

Five letters has been received objecting to the proposal on the following grounds:

- Loss of privacy to the residential properties to the north and west of the site
- Loss of open space
- Contrary to housing policy
- Would affect bats and great crested newts
- Impact on trees
- Potential for land slip which occurred on development to the rear of No.1 Victoria Drive as a result of the developer for that development not constructing adequate retaining walls.
- Light, privacy and outlook to properties to the north and west of the site would be seriously diminished due to the height of the buildings and that the land is higher than those properties to the north and west. Privacy to the Nursing Home would also be seriously diminished, as would the outlook of properties to the south.

Following the receipt of amended plans neighbours were re-notified by way of letter on 30/04/2010 and two site notices were posted on 04/05/2010.

ASSESSMENT

The main issues for consideration are: 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; 5) Highway Safety; & 6) Other Matters.

Principle

The site is located within the Urban Boundary where the Council seek to locate most new development. Accordingly, to this extent the development is acceptable in principle.

Housing Policy

The application site is located within the Urban Boundary of Haslingden, wherein the Council's Interim Housing Policy Statement (July 2008) indicates new residential development will be encouraged where the proposed development:

- uses existing buildings/previously developed land; &
- makes an essential contribution to the supply of affordable housing; &
- will be built at a density of between 30 and 50 dwellings per hectare; or
- is solely for affordable &/or special needs housing.

As the proposal is for 2 houses it does not need to provide any affordable housing. Taking into consideration the site constraints, the proposed density is considered acceptable.

However, the application is not strictly in accordance with the IHPS as it does not relate to existing buildings/previously developed land. Consideration must be given, however, to the site context and history. The site is located within the Urban Boundary of a Main Development Location and forms one of the few remaining parcels of land within a site allocated in the Local Plan for residential development that is now occupied by more than 50 houses and a nursing home. Accordingly, in this instance I do not consider a refusal of this application for 2 houses could be substantiated on appeal.

Visual Amenity

PPS1 sets out the Government's national policies on different aspects of land use planning and stresses the importance it attaches to good design. In similar vein, Policy DP7 of the RSS and EM1 (amongst other things) seek to promote environmental quality, whilst PPS3 has as its key goal ensuring that *"everyone has the opportunity of living in a decent home"* and speaks of *"desirability of achieving high quality, well-designed housing"*. PPS3 also states, however, that unnecessary prescription or detail should be avoided and the overall scale, density, massing, height, landscape, layout and access should be guided - the LPA should not attempt to impose architectural styles or particular tastes.

The site is surrounded by detached house types and a nursing home differing in terms of size/height/design/facing materials - there is no uniform character to the area.

The proposed houses differ from those surrounding the site in terms of size/design. However, the applicant has demonstrated that the large houses proposed will not be unduly prominent or intrusive, stepping down the slope in an appropriate manner. Their facing materials will match those of the properties on Highfield Park. The retention of the trees, which contribute positively to the character of the area, will also help the development to sit appropriately in its surroundings. The applicant has agreed to remove the roof terrace over the garage on one of the plots, which I considered not to be in-keeping.

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

Neighbour Amenity

It is considered that there would not be a detrimental impact on Highfield Hall Nursing Home. It is at a significantly lower level and the tree screen is to be retained.

Window-to-window distance to Highfield Croft would be approximately 27 metres and 40 metres to Curwen Lodge. The Council normally seeks a separation distance of 20m. Due to the height of the proposed houses there would be a degree of overlooking to the garden area of Highfield Croft but not such as to warrant refusal of the application the applicant having submitted amended drawings revising the extent of landscaping proposed for the rear gardens.

The houses would be sited so that there would be no windows directly facing the property to the, which would be at a higher level than the resulting buildings. Window-to-window separation distances from the house north east of the site would be approximately 18 metres. However, the windows do not directly face each other and it is the existing house which is higher. Accordingly, privacy/outlook/light to this house would not be significantly harmed.

For similar reasons, relating to separation distances / level differences / mature trees, other neighbouring properties beyond these would also not be unduly affected.

The proposed dwellings are not considered to unduly detract from the amenities any neighbours could reasonably expect to enjoy.

Highway Safety

The proposed parking facilities and turning areas are considered acceptable. Sight-lines in the vicinity of the site access would be good and traffic speeds in the area are low. Adequate parking/turning facilities are proposed within the site to serve the proposed houses.

The Highways Authority has expressed concerns over the condition of the access road and footway, including the need for additional gullies to control surface water run-off to Highfield Park. Such works can be secured by condition; the applicant has agreed to an appropriate condition being imposed. Street lighting has also been suggested by the Highway Authority. As no street lighting was required for the unadopted road serving four nearby dwellings (51-57 Highfield Park) it is considered that to require the provision of street lighting for the 2 houses now proposed cannot be justified.

The proposal is considered acceptable in terms of highway safety.

Ground Conditions

A contaminated land report has been provided concluding that the potential for contamination is low. The Council's Environmental Health Department consider that further works are required to establish if any protection measures are required with respect to landfill gas. This can be controlled by condition in this instance.

The potential for land-slip in the area has been highlighted as a result of the neighbour consultation procedure. The Council's Building Control Section, advises that there was an issue on land adjacent to the site as a result of the removal of a retaining wall. It considers any potential for land slip can be suitably addressed through a Planning Condition and the Building Regulations.

The Council's Drainage Engineer considers that the development is acceptable subject to two conditions relating to land drainage

Ecology

An objector has indicated that bats and great crested newts may exist in the area. No evidence has been provided by the objector. The case officer considers that without any substantive evidence it would be unreasonable to refuse an application on this basis. Accordingly an informative would be attached to the decision notice.

SUMMARY REASON FOR APPROVAL

The site is located within the Urban Boundary and it is considered that the proposed development would not undermine the Council's housing strategy, or result in unacceptable detriment to visual & neighbour amenity or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/PPS3/PPG13, Policies DP 1-9 / L4 / RT4 / EM1 of the Regional Spatial Strategy, Policies DS1 / DC1 of the Rossendale District Local Plan, and the Council's Interim Housing Policy Statement (July 2008)

RECOMMENDATION

Approve

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 plans numbered 01, 02 – Rev A, 03-06 Rev B (amended) and numbers 3767.01 Rev A– 03 (amended) unless otherwise requested by the conditions below or otherwise first agreed in writing by the Local Planning Authority
Reason: For the avoidance of doubt.
- 3 Prior to the commencement of development samples of the facing materials to be used in the elevations and roof of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall not be varied without the prior written permission of the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC1 of the Rossendale District Local Plan (1995).
- 4 Prior to the commencement of development a scheme of landscaping/boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before development commences. The submitted details shall include the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and the measures to be taken to protect them during construction of the development; the planting proposed; the areas to be hard-surfaced; the fences/walls/gates to be erected and any changes of ground-level proposed.
Reason: In the interests of visual & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan (1995).

- 5 All hard landscaping, gates, walls, fences in the approved scheme of landscaping/boundary treatment shall be implemented prior to the first occupation of the dwellings, unless the Local Planning Authority gives written consent to any variation. All planting in the approved scheme of landscaping/boundary treatment shall be implemented in accordance with the approved timetable, and any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation.
Reason: In the interests of visual amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 6 Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 6:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To safeguard the amenities of nearby residential properties, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 6 The proposed parking and turning areas shall be constructed in accordance with the approved plans and shall be retained for use as such.
Reason: In the interests of highway safety in accordance with Policy DC1 of the Rossendale District Local Plan.
- 7 Prior to first occupation of the dwellings hereby approved details of a scheme to improve/repair the access road and footway between the application site and the point where the access road meets Highfield Park cul de sac, including the provision and servicing of gullies shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the details approved and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to prevent surface water run-off onto the highway in accordance with Policy DC1 of the Rossendale District Local Plan.
- 9 Notwithstanding what is shown on drawing No.PLanning-06 Rev B there shall be no terrace erected above the attached garage to the house on Plot 2.
Reason: To protect that character and appearance of the area and the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 10 Prior to the commencement of development, 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 by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in the interests of land drainage, in accordance with Policy DC1 of the Rossendale District Local Plan.

- 11 Prior to the commencement of development on site a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 12 Prior to the commencement of development on-site gas monitoring and a gas risk assessment of the site shall be carried out, submitted to and approved in writing by the Local Planning Authority in order to determine the most appropriate gas protection measures to be incorporated in the scheme, together with information about the adequacy of ground stability to support the development. The development shall be carried out in accordance with the approved measures and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety, in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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