

Application Number:	2016/0127	Application Type:	Full
Proposal:	Erection of one dwelling	Location:	Land to rear of 183 Burnley Road, Rawtenstall, BB4 8HY
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	4 th October 2016
Applicant:	Mr Peter Rawlinson	Determination Expiry Date:	11 th October 2016
Agent:	Mr Ray Booth		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more 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.

1. RECOMMENDATION

That Committee approve full planning permission subject to the conditions set out in Section 11.

2. SITE

The application relates to a vacant plot of land at the end of Laund Street that is roughly rectangular in shape and is covered by overgrown vegetation. Several trees are present on the site, as detailed in the submitted tree survey. The land rises upwards steeply to the north and east and is bounded to its west side by the rear gardens of terraced properties fronting Burnley Road.

To the south of the site lies Laund Street along which is a row of terraced houses, and at a higher level to the east is 'The Beeches', a bungalow which is set back from the boundary.

To the north there is a small parcel of land with several trees growing on it that is sited immediately adjacent to Lime Tree Grove, a narrow single track road rising upwards from Burnley Road. One of the trees (a mature Lime) is covered by a Tree Preservation Order (T2/E/T166), but this lies outside of the application site.

The site is located within the Urban Boundary of Rawtenstall.

3. PROPOSAL

The applicant seeks permission to construct a three storey detached dwelling on the land. The dwelling would have four bedrooms. It would feature a pitched roof (with an additional bay to the front / south elevation) and would have artificial stone elevations (Bradstone Buff walling blocks or similar). The ridge height of the roof would be around 9.1m, with the height to the eaves being around 7.4m.

The dwelling would feature eight windows on its front (south) elevation, five windows on its rear (north) elevation, two windows on its east side elevation and a blank gable with no windows on its west side elevation. A set of bi-folding patio doors would provide access to a private garden from the rear (north) elevation. All windows and doors would be white double-glazed UPVC units.

The plans show that there would be the need for a 4m high retaining wall to the east side of the dwelling, given the sloping nature of the site to that side. Details of the retaining wall have been provided, indicating that the retaining wall would be 4m high at its highest point, stepping down to match the contours of the land. There would be a 1.2m gap between the retaining wall and the proposed dwelling. The applicant has provided a detailed retaining wall design and calculations carried out by a structural engineer to support the application.

The dwelling would be set back from Laund Street by around 11m, and would have a porous tarmac driveway, with three off-street parking spaces. Full landscaping details have been provided by the applicant, showing that the existing boundary fences around the site would remain as existing and that several shrubs would be planted to the front (south) and west side of the dwelling. A schedule of proposed shrub species has been provided.

4. RELEVANT PLANNING HISTORY

2006/0227 Full application for 1 detached dwelling with integral garage
Approved

2007/0293 Change of house type of approval of planning application
Approved

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- 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

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 9 Accessibility
- Policy 16 Preserving and Enhancing Rossendale's Built Environment
- Policy 18 Biodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- National Planning Practice Guidance
- Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
Greater Manchester Ecology Unit	No objection subject to conditions.
LCC Highways	No objection subject to conditions.
RBC Environmental Health	No comments on the application.
Contaminated Land Consultation	No objection subject to conditions.
United Utilities	No objection.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 21/06/2016 and 16 letters were sent to neighbours on 17/06/2016.

3 letters of objection and 1 other representation has been received.

The main points raised have been summarised below:

- The condition of Laund Street (an unadopted road) is poor, concerns over who will be responsible for the repair of the road.
- Concern over how the development will affect access and parking for Laund Street residents.
- A three storey building would be too big for the plot and would have negative effects on outlook.
- The development would generate excess noise, disturbing the peace enjoyed by local residents.
- The three storey building would not be in keeping with surrounding properties.
- Intrusion of privacy for local residents.
- Loss of vegetation, trees and wildlife.
- Loss of light to surrounding properties.

8. **ASSESSMENT**

The main considerations of the application are:

1) Principle / Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; 5) Access/ Highway Safety; 6) Ecology; 7) Land Stability.

Principle / Housing Policy

The application site is sustainably located within the defined Urban Boundary and, as such, the proposed development is acceptable in principle.

Planning permission has been granted on three past occasions for a dwelling on the site (in 2006, 2007 and 2012), including most recently for a three-storey split level dwelling. It is not considered that the scheme for which permission is now sought differs significantly in principle to what has been previously approved.

Visual Amenity

The proposed dwelling would not be unduly prominent from public vantage points and would be of a design, height and appearance that would not unduly detract from the character and appearance of the area. Although the three storey design of the dwelling would differ from the surrounding two storey dwellings, given the location of the application site at the end of Laund Street and up against a steeply rising banking it is not considered that the dwelling would appear incongruous in the street scene.

The applicant has proposed the use of Bradstone Buff reconstituted stone blocks (or similar) for the elevations, and grey concrete tiles for the roof of the dwelling. Whilst some form of reconstituted stone blocks may be acceptable for the elevations of the dwelling, it is considered that the use of natural blue slates would be required for the roof as the majority of other properties in the area have slate roofs and the use of concrete roof tiles would cause the dwelling to appear incongruous.

The case officer has indicated to the applicant's agent that the use of natural blue slate on the roofs would be required, to ensure a satisfactory visual appearance. It is considered appropriate to impose a condition requiring the submission and approval of all external facing materials prior to the commencement of development to ensure that appropriate materials are used.

Given the significant scale of the proposed retaining wall to the east of the site and its visibility from Laund Street, it is considered appropriate to include a condition that it is faced in the same material as used in the construction of the elevations of the proposed dwelling.

The submitted scheme of landscaping and boundary treatment is considered acceptable, and the proposed measures to protect the trees (and their roots) to the north of the site are appropriate.

Accordingly, the scheme is considered acceptable in terms of visual amenity subject to the above.

Neighbour Amenity

The windows on the front elevation of the proposed dwelling would not directly face windows on the properties on Laund Street, given that the proposed dwelling would be offset from those properties. In any case, the separation distance of around 21m between those properties and the proposed dwelling is considered to be adequate to prevent any unduly harmful impacts on privacy, daylight and outlook.

The separation distance between the blank side elevation facing properties on Burnley Road, at a distance of around 20m would also meet the standard set out in the SPD. Taking into account the existing hedges/shrubs in the residents' gardens, the orientation of those properties and the previous permissions for a dwelling on the site, on balance it is not considered that there would be a significant loss of privacy, light or outlook to the properties on Burnley Road.

The rear (north) elevation of the proposed dwelling would overlook land to the rear of No. 187 Burnley Road. Whilst it is not clear whether this is garden area associated with 187 Burnley Road the overlooked part would be the furthest part from that dwelling and is largely covered by trees and therefore would not be the main, usable part of the garden. As such, it is not considered that the level of potential overlooking would be unduly detrimental to the privacy of the occupants of No. 187.

The dwelling would be separated by around 13m from the dwelling to the east (The Beeches), which is also situated at a significantly higher level to the application site. Two windows would face east from the new dwelling, but these would only serve the stairwell of the house. With this in mind, and taking into account the difference in levels, it is not considered that the development would result in an undue loss of privacy for residents of The Beeches. In any case, it is considered appropriate to include a condition that the windows on the proposed east side elevation of the dwelling be obscure glazed to reduce any perception of overlooking to occupants of The Beeches.

It is also considered that given the difference in levels, the development would not cause an undue loss of outlook or daylight to The Beeches. The applicant has provided plans indicating the floor level of the proposed dwelling and those of surrounding dwellings. From the information provided, it is not considered that the proposed dwelling would have an unacceptable impact on the light, outlook or daylight enjoyed by any neighbouring residents.

Given that the site is in a predominantly residential area, it is considered appropriate to impose a condition restricting the hours of construction to mitigate noise nuisance and disturbance to neighbours.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access / Highway Safety

Adequate parking and turning within the site would be provided and it is not considered that the resulting increase in traffic along Laund Street and using the junction with Burnley Road would not cause a significantly greater harm to the highway network than existing. The scheme is considered acceptable in terms of highway safety. Additionally the Local Highway Authority has raised no objection to the scheme.

It is noted that members of the public have raised concerns about the condition of Laund Street (an unadopted road), and the repair of the road following any construction works. However, such issues would be a private matter between the developer and the respective owners of the land on which Laund Street is situated.

The scheme is considered acceptable in terms of access / highway safety.

Ecology

The applicant has provided information demonstrating that two conifers and an additional small tree will be lost as a result of the development. The mature trees to the north of the site (outside the site boundary) will be retained and protected. A landscaping scheme has been provided, and it is considered that the proposed planting is appropriate to mitigate any losses on site.

As such, the scheme is considered acceptable in terms of its ecological impact.

Land Stability

Land levels vary significantly across the application site, and the property to the east (The Beeches) is situated at a higher level. The implementation of the development would require some alteration of ground levels and alteration of the slopes to the north and east sides of the proposed dwelling, and the construction of a retaining structure.

Details have been provided of the proposed design of the retaining structure, and calculations carried out by a structural engineer have been submitted to demonstrate the suitability of the retaining wall design.

9. RECOMMENDATION

That Committee grant full planning permission subject to the conditions set out below.

10. SUMMARY REASON FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to the conditions, it is considered that the proposed development will not result in unacceptable detriment to visual & neighbour amenity or highway safety, having regard to Sections 4, 6, 7, 8, 10 and 11 of the National Planning Policy Framework and Policies 1, 9, 16, 18, 23 and 24 of the Council's adopted Core Strategy DPD.

11. CONDITIONS

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

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following:
 - Application Form date stamped 10th June 2016 by the Local Planning Authority
 - Retaining wall design by Speartech Services date stamped 12th September 2016 by the Local Planning Authority
 - 'Site Sections' (Drawing Number 1606/PR/05 Revision A) date stamped 12th September 2016 by the Local Planning Authority
 - 'Proposed Site Layout showing Landscaping and Boundary Treatment' (Drawing Number 1606/PR/02 Revision B) date stamped 12th September 2016 by the Local Planning Authority
 - 'Proposals' (Drawing Number 1606/PR/01 Revision C) date stamped 27th June 2016 by the Local Planning Authority

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

3. Notwithstanding the submitted details no development shall take place until details of all external facing materials (including those used to face the retaining wall) have been submitted to and approved in writing by the Local Planning Authority. The roof of the dwelling hereby permitted shall be constructed of natural blue slate. Samples of the proposed materials to be used in the construction of the elevations, roof and retaining wall will be made available on site. The development will thereafter be carried out in accordance with the approved details.

Reason: Details of the materials have not been provided with the planning application and are required prior to the commencement of the development to ensure that the materials, including those to be used for the retaining wall are visually acceptable within the locality.

4. The development shall be implemented in accordance with the approved landscaping and boundary treatment scheme (drawing number 1606/PR/02 Rev. B) and list of shrubs (drawing number 1606/PR/06). No tree or shrub removal required to facilitate the scheme shall be undertaken during the optimum period for bird nesting (March to July inclusive). All retaining walls and hard-surfaced areas forming part of the approved scheme shall be completed prior to first occupation of the dwelling. All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following substantial completion of the building, and any trees or plants which within a period of five 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.

Reason: In the interests of visual amenity of the area

5. The dwelling shall not be occupied unless and until its associated vehicular access and parking provision has been completed and made available for use. Such provision shall thereafter be kept available for use.

Reason: In the interests of highway safety and to ensure adequate off street parking is provided.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) no enlargement of the dwelling nor the provision of any building or enclosure within the curtilage of the dwelling house permitted by Class A and E of Part 1 of Schedule 2 of that Order shall be

allowed without prior written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any proposed future extensions to ensure that the amenities of the neighbours are protected.

7. All windows in the east side elevation of the dwelling hereby permitted shall be fitted with obscure glass. Obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.

8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) no windows shall be inserted in the west elevation (facing the properties on Burnley Road) of the dwelling without planning permission first having been granted by the Local Planning Authority.

Reason: To preserve the amenity and privacy of neighbouring properties.

9. Prior to commencement of any development, tree protection fencing shall be erected in accordance with the specifications recommended by BS5837:2012, in the locations specified on drawing 1606/PR/02 Rev. B ("Proposed Site Layout showing Landscaping and Boundary Treatment"). The protective fencing shall be retained in perpetuity during the construction period.

Reason: In order to avoid damage to trees to be retained adjacent to the site in the interests of visual amenity.

10. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

11. Prior to the commencement of development a site investigation report (which should include a ground gas investigation and assessment in line with current guidance) shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment.

Should the site investigation report indicate that remediation of the land is necessary, details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development.

The approved remedial works shall be implemented during the course of construction and completed prior to occupation of the development.

A verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development. The verification report shall confirm that all remedial works undertaken on site were completed in accordance with the details agreed by the Local Planning Authority.

Reason: To safeguard future occupants from risks associated with potential land contamination.

12. 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 neighbours, in accordance with Policy 24 of the adopted Core Strategy DPD.

12. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at http://www.rossendale.gov.uk/a_to_z/service/309/core_strategy, and operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage.

As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The applicant's attention is drawn to the letter from United Utilities (copy enclosed).

3. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA.