

Application Number:	2019/0329	Application Type:	PIP
Proposal:	Permission in Principle: Use of previously developed land for up to 9 no. houses	Location:	85 Grane Road, Haslingden. BB4 5ED.
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	01/10/2019
Applicant:	Mr. and Mrs. Anthony Curtis	Determination Expiry Date:	10/09/2019 Extension of Time until 04/10/19
Agent:	Mr. Steven Hartley		

Contact Officer:	Ian Lunn	Telephone:	01706-252432
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	Yes
Other (please state):	No

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**

Grant permission in principle.

2. **SITE**

The application site is an irregularly shaped plot of land of just less than 0.3 hectares in area. It is located approximately 40 metres south west of the junction of James Street and Grane Road in an area of part residential/part industrial development. The land lies within the Urban Boundary and is identified as forming part of an area of 'Greenlands' in the Council's adopted Development Plan. It is currently used primarily for the storage of caravans and motorhomes.

3. **PROPOSAL**

This application seeks to establish whether it would be acceptable in principle to erect up to nine houses on this site. An illustrative layout has been submitted with the application giving an indication of how the site could potentially be developed.

4. **PLANNING HISTORY**

None on the application site itself. However, planning permission was recently granted, on 29th August 2018, allowing for the erection of two bungalows on the land to the immediate south west (see 2018/0154).

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2019)

Section 2 Achieving Sustainable Development

Section 5 Delivering a Sufficient Supply of Homes

Section 8 Promoting Healthy and Safe Communities

Section 9 Promoting Sustainable Transport

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

RBC Core Strategy (2011)

AVP6 Strategy for Haslingden and Rising Bridge

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

- Policy 3 Distribution of Additional Housing
- Policy 8 Transport Proposals including Rawtenstall-Manchester Railway link
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements
- Appendix 1 Parking Standards

Other

National Planning Practice Guidance
RBC Strategic Housing Land Availability Assessment (SHLAA) (2017)
RBC Alterations and Extensions to Residential Properties SPD
RBC Emerging Local Plan

6. CONSULTATION RESPONSES

LCC Highways:- No objections in principle but suitable facilities for pedestrians and services would need to be provided as part of any application for Technical Details Consent. Furthermore the proposed access road would not be considered for adoption.

RBC Trees Officer:- No objections in principle but trees on the western boundary would need to be suitably safeguarded at the Technical Details Consent stage.

East Lancashire Bat Group:- No observations received.

Lancashire Badger Group:- Are not aware of there being any badger setts on the site but recommend that it is surveyed in order to establish this for certain.

Greater Manchester Ecology Unit:- Consider that the site itself is unlikely to have any ecological value but that the adjoining wooded areas may be occupied by badgers and other burrowing species.

RBC Forward Planning:- Accept that this is 'previously developed' land that has a different character from the adjoining areas of 'Greenlands'. Nevertheless, as the proposals will lead to the loss of identified 'Greenlands' consideration will need to be given to providing compensatory or better provision elsewhere, to ensuring the provision of suitable links between the 'Greenlands' areas to the north and south of the site, and to ensuring that the development will not harm wildlife and/or biodiversity and will safeguard access to the adjoining allotments. Consideration also needs to be given to the likely effect that noise from adjoining industrial/business units may have upon future occupiers of the dwellings and whether this would lead to future limitations upon the operation of those uses.

RBC Operations:- Have requested further details to demonstrate that a bin wagon can enter and exit the site in a forward gear. Have also asked whether there will be any contributions towards play equipment.

RBC Strategic Housing:- No observations received.

Coal Authority:- No objections.

Cadent Gas:- No observations received.

United Utilities:- Consider that foul and surface water from the developed site should be drained separately with the former discharged to the public sewer and the latter by means of the most sustainable method available. Want a management and maintenance plan to minimise the risk of surface water drainage having a detrimental impact upon the public sewer network should the two systems interact. Want a maintenance strip of three metres to be provided on either side of a public sewer that crosses the site to allow access. Do not want trees or deep rooted shrubs planting in the vicinity of the sewer.

Environment Agency:- No observations received.

LCC Lead Local Flood Authority:- No observations received.

LCC Planning Contributions:- No observations received.

LCC Rights of Way:- No observations received.

Land Contamination Officer:- Consider that the site is likely to be contaminated given the way it has previously been used and as it lies within 250 metres of a historic landfill site. Also consider that radon gas could be present. Contend therefore that the land is likely to need remediating before it is suitable for human habitation.

7. NOTIFICATION RESPONSES

The application was advertised by sending individual letters to the surrounding properties and by posting a site notice next to the site. These were sent/posted on 6th and 15th August 2019 respectively giving 21 days to comment. The publicity period has now expired and five letters of objection have since been received. The objections are:-

- a) that this is not 'previously developed' land and the development would be inappropriate.
- b) that the proposed development adjoins a Conservation Area and would appear out of keeping with its surroundings.
- c) that an approval of these proposals would not be in the best interests of highway and pedestrian safety in the locality. They would lead to an unacceptable increase in traffic using the substandard rear access road, the substandard James Street/Grane Road and Whittle Street/Grane Road junctions, and Grane Road itself; they would lead to

additional 'on-street' parking on Grane Road (especially in Winter) leading to added congestion on that highway; they would make inadequate provision for gaining vehicular access to and from the site for refuse and emergency vehicles.

- d) that the development would adversely affect the level of light and privacy currently enjoyed by neighbouring properties.
- e) that the development would lead to increased noise, odour and pollution.
- f) that the development would adversely affect local ecology.
- g) that the development would put a strain on existing community facilities and infrastructure.
- h) that the applicants have not consulted local residents for their views on the proposals either before submitting the application or during its 'life'.
- i) that they generally just dislike the proposals.
- j) that the applicants are solely seeking to increase the value of this land by submitting this application.

Ward Councillors have also been notified of the proposals but none have responded.

The agent has submitted a Planning Statement in support of their proposals in which they state that the development of this site would meet the requirements of adopted planning policy:-

- a) they propose the development of 'previously developed' land that lies within the Urban Boundary.
- b) whilst the land is identified as 'Greenlands' in the Core Strategy it has been used for commercial purposes for some time.
- c) the development will not encroach onto the adjoining embankment which is identified as the main corridor for wildlife.
- d) part of the site already has planning permission for residential development (see planning permission number 2018/0154).
- e) the Council cannot currently demonstrate a five year supply of deliverable housing land and consequently its housing policies should be considered out of date. The National Planning Policy Framework advises that in those circumstances planning permission should be granted unless:-
 - i) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or

- ii) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- f) the development would be sustainable as the site is located near to the Town Centre and is well served by public transport.

The agent has also indicated that the site does not lie within a flood risk area.

8. **ASSESSMENT**

Principle

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land. The Council is currently unable to demonstrate this based on Full Objectively Assessed Need (FOAN) so its Core Strategy policies relating to housing supply are considered to be out of date and can therefore only be afforded limited weight.

Putting the above aside, Policies 1 and 9 of the Core Strategy and Sections 2 and 9 of the NPPF both place emphasis upon securing sustainable forms of development. It is considered, despite views to the contrary, that the development proposed by this application could reasonably be viewed as meeting this aim in so far as it seeks the development of 'previously developed' land that is located within the defined Urban Area and that lies in close proximity to a bus route and approximately 400 metres from Haslingden Town Centre.

Additionally the proposals could be seen as assisting in meeting the housing needs of the Borough. This would be 'in line' with the aims of Section 5 of the NPPF, which states that medium sized sites such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, and with Policies 2 and 3 of the adopted Core Strategy which respectively seek to demonstrate how the housing needs of the Borough will be met and where that housing should be located.

The land is identified as forming part of an area of 'Greenlands' in the adopted Development Plan. These are areas that are protected for their amenity, recreation and nature conservation value, for their positive contribution to landscape value, and for the 'breathing space' that they provide between built-up areas. Policy 17 of the Core Strategy seeks to resist the fragmentation of these areas and the fragmentation of the green infrastructure network in general. This particular site, however, is not particularly prominent or 'open', and it is considered to have a distinctly different character from the adjoining 'greenlands' areas. It occupies a relatively secluded 'backland' position behind housing; it is largely enclosed by existing housing and trees; and it is currently used for the storage of caravans and motorhomes which gives the land a more 'urban feel'.

Furthermore:-

- a) the main body of the site does not contain any trees;
- b) the land is not currently known to be the habitat of any protected flora or fauna; and
- c) there does not currently appear to be any public right of access to the land.

The combination of the above factors means that, in the Council's view, the site currently has no significant amenity, landscape, recreational or ecological value. Furthermore, because it already lies in between existing housing and industrial development, is currently used for storage purposes, and has mature trees along the western boundary, its development for residential purposes would not, it is contended, lead to the loss of a 'breathing space' between built up areas in this instance.

The scheme does not propose the provision of replacement 'greenlands' elsewhere to compensate for that lost by this development. However, planning permission number 2018/0154 was recently granted for the two bungalows to the immediate south west of this site without being required to make such provision and with this in mind it is considered that it would be difficult to require such provision to be made in this case.

In view of the above, and as it should be reasonably possible to provide suitable links between this site and the 'Greenlands' areas to the north and south of the site along with access to the adjoining allotments, it is considered that allowing this site to be developed for residential purposes would not significantly harm the wider function of the 'Greenlands' that surround this site.

In conclusion, it is considered the development of this site for residential purposes would be sustainable, would assist in meeting housing need and would reasonably safeguard the function of the wider 'greenlands' area. In view of this the proposals are considered to be acceptable in pure planning policy terms meeting the requirements of Policies 1, 2, 3, 9 and 17 of the Core Strategy and Sections 2, 5 and 9 of the NPPF in this regard.

Visual Amenity

No details of the proposed design and scale of the proposed dwellings have been included with this application, and the submitted housing layout is only for illustrative purposes. However, it is considered possible, at the Technical Details Consent stage, to design and position properties that, in pure design, scale and positional terms, would be satisfactory and in view of this it is contended that, despite concerns to the contrary, there would be no reasonable grounds for opposing this development on visual amenity grounds. In coming to this view consideration has been given to the fact that this is a quite secluded 'backland' site and that the new dwellings are unlikely to appear unduly prominently in the surrounding street scene/landscape. With this in mind it is considered that the proposals could reasonably be viewed as satisfying the requirements of Policies AVP6, 1, 23 and 24 of the adopted Core Strategy and Sections 12 and 15 of the NPPF in this regard.

Neighbour Amenity

a) Light

The agent has submitted an illustrative layout indicating how nine dwellings might be accommodated on this site. This shows the properties located a minimum of 15 metres from the nearest of the adjoining dwellings. In view of this it is considered that, despite concerns to the contrary, it should be possible to satisfactorily accommodate up to nine dwellings on the site without adversely affecting the level of light currently received by neighbouring properties.

b) Overlooking

If the dwellings were to be positioned as shown on the illustrative layout the distance between some of the new units and the existing properties would be less than 20 metres. Consequently it is possible, depending upon the nature and position of newly installed windows, that some direct overlooking could, in those circumstances, occur between the two. However, given the size of the site, and the fact that it lies at a lower level than the adjoining dwellings, it is considered that it would be reasonably possible to overcome this concern as part of any subsequently submitted Technical Details Consent application:-

- a) by re-positioning the dwellings further away from the existing properties so as to ensure that they all stand a minimum of 20 metres away from them, and/or
- b) by positioning newly installed windows in the new dwellings in such a way that they do not overlook neighbouring properties.

With this in mind it is considered that, despite concerns to the contrary, it should be possible to satisfactorily accommodate up to nine dwellings on this site without giving rise to unacceptable overlooking of neighbouring properties.

c) Overdevelopment

It is considered that the illustrative layout reasonably demonstrates that up to nine dwellings could potentially be accommodated on the defined site without leading to it becoming overdeveloped.

d) Noise

The application site lies near to industrial and business units. Consequently there is the potential for future occupiers of the new dwellings to be unduly disturbed by noise from those units and this could, in turn, lead to complaints from residents that may result in future restrictions on the existing industrial/business operations. However, given that the new dwellings would stand only marginally nearer to the industrial/business units than the existing dwellings, and given that there would be a substantial belt of trees in between that would be likely to act, at least in part, as a barrier to sound, it is considered that a refusal of this application on these grounds would be difficult to sustain in this instance.

Concern has been expressed by some local residents that the development of this site for residential purposes would lead to an unacceptable increase in noise, odour and pollution in the area. However, whilst accepting that there would be some limited disruption during the construction works it is not envisaged that nine dwellings, once completed and occupied, would cause significant problems of this nature and certainly not to the extent that a refusal could reasonably be justified on such grounds.

In view of the above it is considered that, subject to the new dwellings being suitably sited and/or the new window openings being suitably positioned, the proposals would reasonably safeguard the amenities currently enjoyed by surrounding properties. On this basis it is considered that in pure neighbourhood amenity terms they would reasonably satisfy the requirements of Policy 24 of the adopted Core Strategy and Section 15 of the National Planning Policy Framework in this regard.

Highway Safety

The illustrative layout shows vehicular access to the site being gained from the north eastern end with the access road continuing along the 'line' of the rear access road. It also shows eighteen car parking spaces, two per dwelling. These arrangements have been assessed by County Highways who consider them to be acceptable in principle. No provision is currently made for the turning of refuse or emergency vehicles as part of the scheme, some of the car parking spaces shown are slightly substandard in size, and details of facilities for pedestrians and services are also not currently available. However given the size of the site it is considered that these issues could reasonably be addressed as part of any subsequently submitted Technical Details Consent application.

County Highways have indicated that the proposed access road would not be considered for adoption as it would not connect with the adopted highway network. This could lead to up to eleven dwellings (the nine potentially proposed by this development and the two bungalows approved under planning permission number 2018/0154) being served by an unadopted highway. This has been raised with Highways but they have clarified that it

would not be a barrier to the development as technically there is no limit on the number of dwellings that can be served by an unadopted road.

Concern has been expressed by some local residents that an approval of these proposals would not be in the best interests of highway and pedestrian safety (for the reasons set out in the 'Neighbour Notification Responses' section above). However:-

- a) it is considered that an adequate level of 'off street' parking provision could reasonably be provided within the defined site to serve the new dwellings. Consequently, it is not envisaged that the development would lead to additional 'on-street' parking on Grane Road,
- b) given that County Highways have raised no objections in principle to the proposals it is considered that a refusal on them on the grounds that they may lead to an unacceptable increase in the use of the existing access roads and nearby junctions would now be difficult to sustain.

In view of the above it is considered that up to nine houses could potentially be accommodated on this site whilst still satisfying all relevant highway requirements. Accordingly the proposals are considered to be acceptable in highway safety terms reasonably satisfying the requirements of Policy 24 of the Core Strategy in this regard.

Tree Issues

There are mature trees on the perimeter of the site but there are none within the main body of the land. Consequently it is considered that the site could reasonably be developed for residential purposes in some form without significantly impacting upon them. The proposals have been considered by the Council's Tree Officer who raises no objections to them in principle. Accordingly the scheme is at this stage considered to be acceptable in terms of its likely impact upon trees reasonably satisfying the requirements of Policy 24 of the Core Strategy in this regard.

Ecology

The site is not known to be the habitat of any protected flora and fauna, a view supported by both the Greater Manchester Ecological Unit and the Lancashire Badger Group. Furthermore it is largely devoid of trees and is currently used for caravan and motorhome storage. In view of this it is considered that, despite concerns to the contrary, there are currently no substantive ecological reasons for opposing the development of the site. In pure ecological terms therefore the proposals are considered to be acceptable reasonably satisfying the requirements of Policies 18 and 24 of the Council's adopted Core Strategy DPD (2011) and Section 15 of the National Planning Policy Framework in this regard.

Drainage

The applicants have not, at this stage, identified how foul and surface water is to be discharged from the developed site. However, the proposals have been assessed by

United Utilities who consider that they would be capable of being satisfactorily drained in some way. They have indicated that they may not be willing to allow the development to be built over, or within three metres of, a sewer that crosses this site and this could constrain the development. However, this may not be insurmountable as they have also indicated that the prospective developer could seek to have this diverted at their expense. With this in mind it is considered that there are currently no substantive drainage reasons for opposing the development of this site. The proposals are therefore considered to be acceptable in drainage terms at this stage reasonably satisfying the requirements of Policies 19 and 24 of the Core Strategy in this regard.

Flood Risk

The site lies within Flood Zone One. It is therefore contended that future occupiers of the dwellings would not be at significant risk of flooding and that the development would be unlikely to significantly exacerbate problems of flooding elsewhere. With this in mind, it is considered that there are no reasonable flood risk grounds for opposing this development and as such it is contended that it will satisfy the requirements of Section 14 of the NPPF in this regard.

Land Contamination

The proposals have been considered by the Council's Land Contamination Officer. They consider that the site is likely to be contaminated, given the way it has previously been used and as it lies within 250 metres of a historic landfill site, and that radon gas could also be present. They therefore recommend that the land is investigated for contaminants and gas before development commences, and that measures for remediating the land are established and subsequently carried out should contamination/gas be found. It is considered that these measures could reasonably be addressed as part of any subsequently submitted Technical Details Consent application. In view of this it is considered that there are no reasonable land contamination reasons for opposing this development and that as such it will reasonably meet the requirements of Policy 24 of the Council's adopted Core Strategy DPD (2011) and Section 15 of the National Planning Policy Framework in this regard.

Other Issues

The concerns raised by objectors to the development, as outlined in the 'Neighbour Notification Responses' section above, have been considered. However, they are not accepted for reasons given earlier in the report and below:-

- a) this site does not lie within, or adjoining, a Conservation Area.
- b) it is not envisaged that a development of up to nine dwellings would significantly impact upon existing community facilities and infrastructure.
- c) there is no formal requirement for the applicants to consult local residents for their views on proposals of this scale either before submitting the application or during its

'life'. This aside the application has been fully advertised as part of the planning process giving residents the opportunity to comment.

- d) the applicants are not required to give any reasons for submitting this application in this instance.
- e) a planning application cannot legitimately be refused purely because of a general dislike of the proposals.

In addition the Council's planning policies do not currently require developments of up to nine dwellings to make contributions towards the provision of play space or equipment.

Conclusion

The proposals are considered to be acceptable in principle as they involve the development of sustainably located 'previously developed' land that is located within the defined Urban Area. Furthermore, whilst they will lead to the loss of an area of 'greenlands' it is contended that they will not harm the wider function of the 'Greenlands' that surround this site.

The development can be designed so that it is of an appropriate design and scale for this location, so that it reasonably safeguards trees and the amenities currently enjoyed by neighbouring properties, and so as to ensure that it meets all relevant highway safety, drainage, ecological and land contamination requirements. The proposals are therefore considered to be in accordance with the requirements of Policies AVP6, 1, 2, 3, 9, 17, 18,19, 23 and 24 of the Council's adopted Core Strategy DPD (2011) and Sections 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

9. RECOMMENDATION

Grant permission in principle

10. CONDITIONS

None

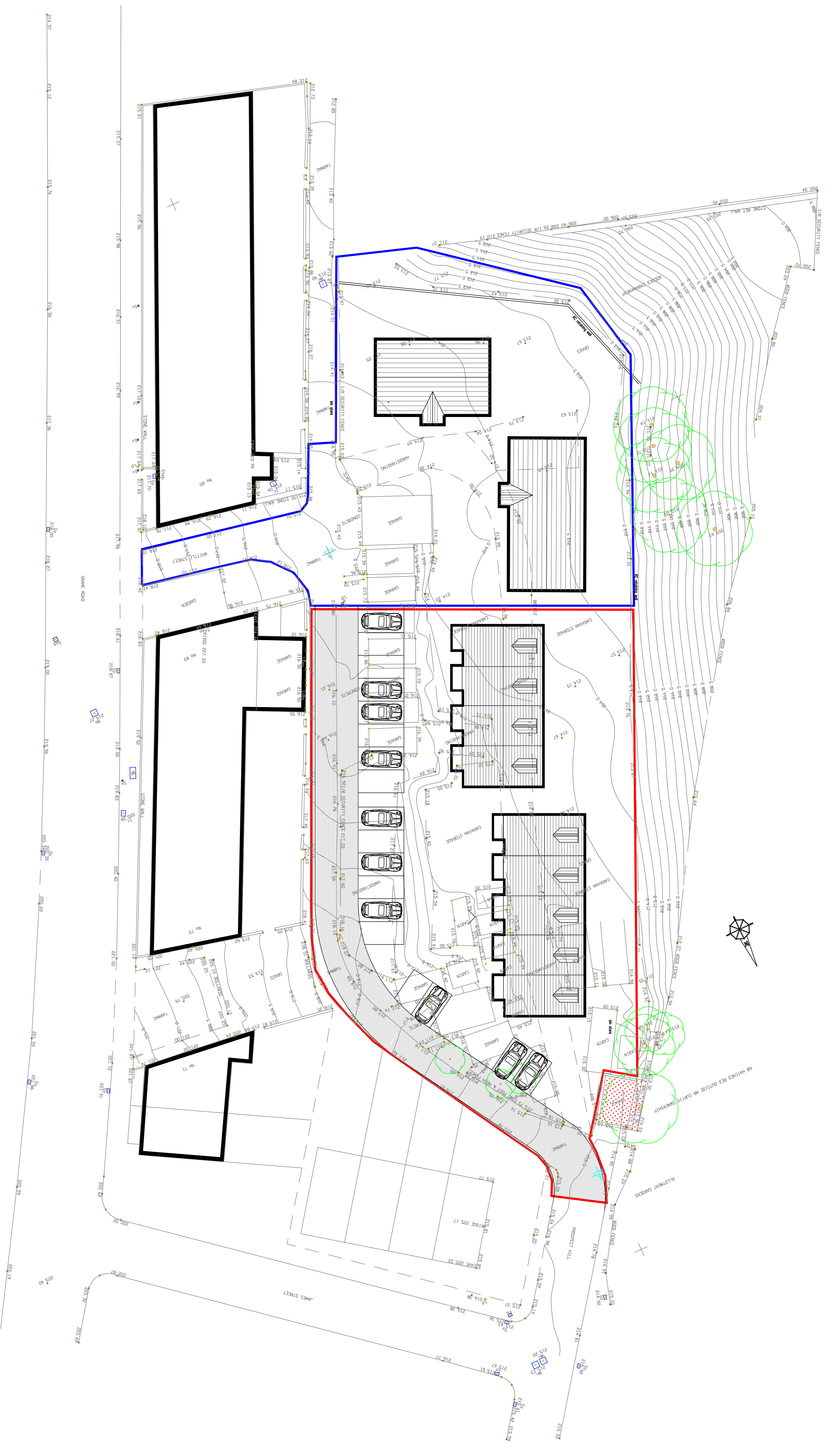
INFORMATIVES

Please note that the Local Planning Authority considers that the following information should be submitted with any subsequently submitted application for Technical Details Consent:-

- a) a site layout plan, at a scale of 1:200, showing the proposed positions of the new houses and their associated gardens, the proposed positions of any boundary treatment and the proposed position and layout of all parking spaces, access roads and turning facilities. The dwellings should be positioned taking into account the need to allow access to a public sewer that crosses the site; the access roads should make provision for

pedestrians; and the turning facilities should make provision for the satisfactory turning of refuse and emergency vehicles.

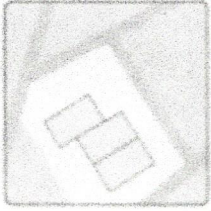
- b) Floor Plans and Elevations of the proposed dwellings, at a scale of either 1:50 or 1:100, including full details of the proposed materials of construction of the new properties.
- c) Elevational details, at a scale of either 1:50 or 1:100, of any walls or fences to be erected as part of the development, and details of any trees, hedges or other vegetation to be planted.
- d) An assessment of the likely impact that the development will have upon surrounding trees and local flora and fauna.
- e) A Preliminary Risk Assessment Report (Phase 1) to identify whether there are potential risks to future occupiers of the dwellings from land contamination/radon gas, and a Phase 2 Site Investigation Report to quantify that risk if contaminants and radon gas are found to be present.
- f) Details of the proposed measures for draining foul and surface water from the developed site. These should include a plan for maintaining and managing the latter.



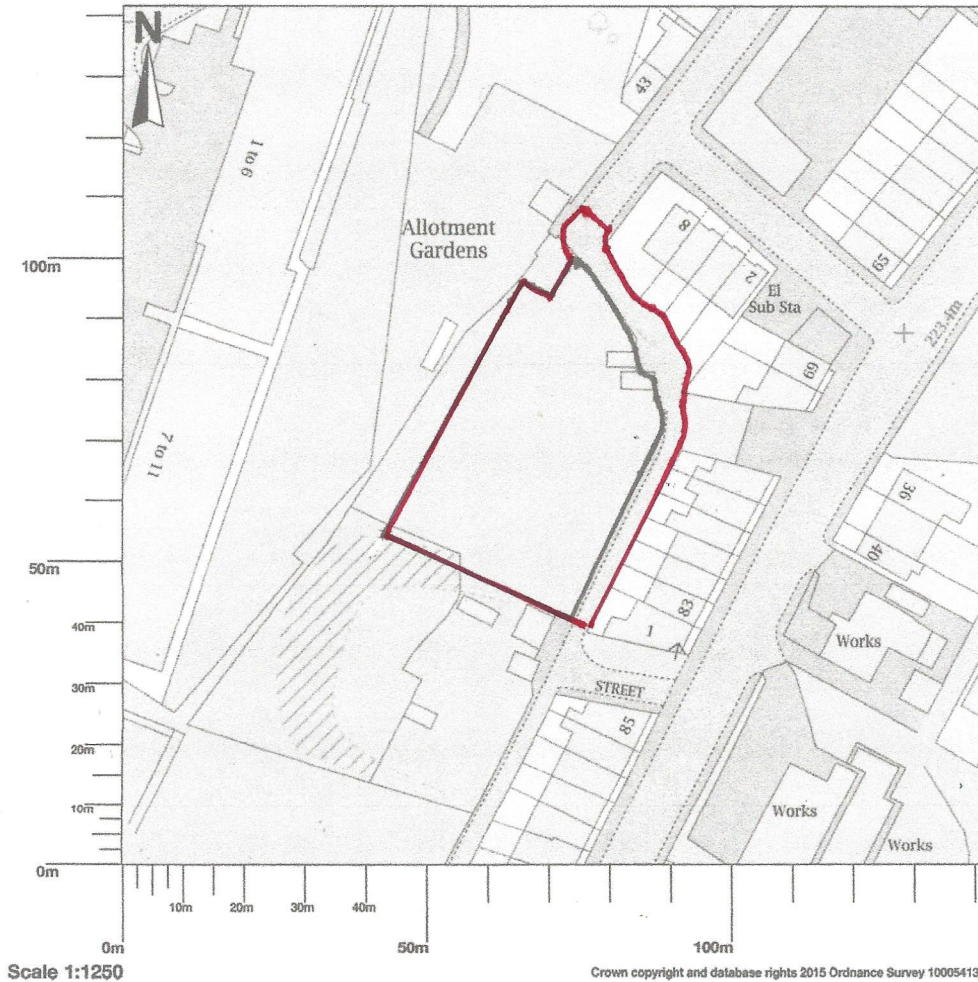
proposed residential development
on land to the rear of
85 Grane Road
Haslingden

0m
scale 1:200 @ A1
20m

drawing number AC-24-06-19-B



85 Grane Road, Haslingden, Rossendale, BB4 5ED



*LOCATION PLAN TO IDENTIFY THE SITE
AMENDED 4 SEPT. 2019.*