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| Application Number: | 2019/0504 | Application Type: | Full |
| Proposal: | Erection of 1 no. four-bedroom detached dwelling and associated works/landscaping, including creation of a new vehicular access off Helmshore Road. | Location: | Land Off Helmshore Road Adjacent To 1A Deansgrave Haslingden Rossendale Lancashire BB4 4BZ |
| Report of: | Planning Manager | Status: | For Publication |
| Report to: | Development Control Committee | Date: | |
| Applicant: | Mr and Mrs Murdoch | Determination Expiry Date: | 6 th March 2020 |
| Agent: | Mr Anthony Flanagan | | |

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|-------------------------|-------------------------------------|-------------------|---------------------|
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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

Grant planning permission subject to the conditions set out in section 11.

APPLICATION DETAILS

2. SITE

The application relates to a sloping piece of land to the west of No. 1A Deansgrave and to the north east of No. 4 Deansgrave. The site is currently covered in grass and patches of low-lying vegetation and therefore is 'greenfield' in planning terms.

The site is bounded to the east by a dry stone wall and a timber fence and to the west by an incomplete post and rail fence. The front (south) of the site is bounded by a dry stone wall. The rear (north) side of the site is at a notably higher level than the front and abuts the garden of No. 4 Victoria Drive, from which it is separated by hedging and timber panel fence.

Access to the site is currently via Deansgrave, a narrow lane which leads from Helmshore Road to the east. The lane serves several other dwellings. Public footpath No. 342 runs in an east-west direction to the south of the site (along Deansgrave).

The site is located within the defined urban boundary.

3. RELEVANT PLANNING HISTORY

2005/0372 – Outline: erection of split level bungalow with detached garage (Refused, and appeal dismissed ref: APP/B2355/A/051194749)

2005/0434 - Demolition of summer house and workshop and erection of one dwelling (Refused, but allowed at appeal ref: APP/B2355/A/05/1192889) (relates to land adjacent to the current application site)

2009/0158 - Erection of dormer bungalow (Amended house type to previously approved application) (Approved) (relates to land adjacent to the current application site)

2016/0082 - Full: Erection of detached dwelling with integral garage, parking and gardens (Refused and dismissed at appeal)

2017/0552 – Full: Erection of 1 no. three-bedroom detached dwelling and associated works, including creation of a new vehicular access off Helmshore Road (Approved with conditions).

4. PROPOSAL

The application is essentially a resubmission of the scheme approved with conditions under 2017/0552 (with an additional bedroom), but with an amended interior layout as well as other external additions and amendments. Such additions include an additional dormer window and a new front entrance door as well as other ground floor windows on the east facing elevation, the insertion of full length bi folding doors on the lower ground floor south facing elevation, the removal of the two doors on the south facing elevation to be replaced by a single door opening on the rear elevation as well as other window openings on the side elevation facing west and the insertion of a Juliet balcony on the south facing elevation as proposed on an amended site plan.

The applicant seeks planning permission for the erection of a single detached split level four-storey dwelling, and for associated access and landscaping works. The dwelling would have four

bedrooms, with its principal elevation facing east towards other properties on Deansgrave and the proposed turning head/parking area.

The parking arrangements remain the same to those approved under application 2017/0552 as two parking spaces would be provided, along with a turning head.

Steps would lead up on either side of the dwelling from the lawn area adjacent to the lower ground floor off the south facing elevation by the pedestrian access gate of Deansgrave.

Measured from lower ground floor level, the dwelling would be around 6.83m to the eaves and around 8.5m to the ridge of its roof.

The dwelling would have window openings on all elevations, and doors on the north and east elevations.

The proposed dwelling would be constructed of natural coursed stone, with Marley modern tiles in blue slate. Door and window units would be light oak-effect UPVC, and rainwater goods would be brown UPVC.

It is proposed that the dwelling would be surrounded by a paved patio area on all side and a landscaping scheme has been submitted showing a new hedgerow would be planted on the site's northern boundary and in the area adjacent to the proposed driveway to screen this from other properties on Deansgrave.

Unlike application 2017/0552, the proposal submitted as part of this application seeks to incorporate a pathed access to the proposed new front entrance on the east facing elevation.

Since submission of the application, amended plans have been received following discussions between the case officer and the applicant's agent. The amended plans were sought to remove the proposed balcony and replace it with a Juliet balcony and amendments were also sought to illustrate that the proposed first floor windows on the east facing elevation are to be obscure glazed.

Following concerns raised by the Officer, Lancashire County Council Public Rights of Way Officers and members of the public, further amendments were sought to amend the submitted proposed site plan and landscaping plan to illustrate the location of the existing PROW 14-2-FP 342 that runs adjacent and through the application site to the far south. The amended plans now clearly demonstrate that the proposed boundary to the south of the property is set back from the PROW.

5. POLICY CONTEXT

National

National Planning Policy Framework (2019)

- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 9 Promoting Sustainable Transport
- Section 12 Achieving well-designed places
- Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 6 Haslingden and Rising Bridge

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| Policy 1 | General Development Locations and Principles |
| Policy 2 | Meeting Rossendale's Housing Requirement |
| Policy 3 | Distribution of Additional Housing |
| Policy 8 | Transport |
| Policy 9 | Accessibility |
| 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

| | |
|--------------------|---|
| LCC Highways | No objection subject to conditions |
| United Utilities | No objection subject to conditions |
| Ecology | No objection subject to conditions |
| Land Contamination | No objection but requested further information which will be dealt with by condition. |
| LCC PROW | No objection following the submission of amended plans. |

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 11.11.2019 and 19 neighbour letters were sent out on 7.11.2019.

Five objections have been received raising the following issues:

- Unsuitable access along Deansgrave for any increased volumes of traffic
- Risk of damage to neighbouring property by heavy vehicles
- Risk to highway safety
- Concerns over land stability
- Harm to neighbour amenity
- Harm to visual amenity
- Harm to biodiversity
- Land ownership issues
- Surface water drainage issues and flood risk
- Concern over the existing Public Right of Way
- Landscaping
- Noise

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety

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.

This aside it is considered that, in this instance, there is no conflict between the housing policies as set out in the Core Strategy and the aims of the NPPF.

It is noted that the application site is located within the urban boundary where Policy 1 of the Core Strategy seeks to locate most new development. The proposed dwelling would be located in an area surrounded by other residential development but the application site is 'greenfield' in planning terms, meaning that it has not been previously developed.

In light of the above, the requirements contained within Policy 2 of the Core Strategy relating to residential developments on unallocated Greenfield land are not considered up-to-date and at the time of writing can only be afforded very limited weight in the decision-making process.

It is considered that the site is sustainably located lying within the urban area of Haslingden, as identified by the Development Plan. This meets the requirements of Sections 2 and 9 of the NPPF, the former stating, in paragraph 11, that 'decisions should apply a presumption in favour of sustainable development' and the latter, in paragraph 103, that 'significant development should be focused on locations which are or can be made sustainable'. Additionally the proposals are considered to be 'in line' with the requirements of Policies 1 and 9 of the adopted Core Strategy, the former stating that 'The Council will seek to enhance the quality and sustainability of places' and the latter that 'new development within the urban boundary should be concentrated close to main public transport corridors...or within 400 metres of a bus stop with regular services.'

In conclusion the Officer considers that the principle of the proposed scheme has already been established by the approval of planning application 2017/0552 which granted consent with conditions for the erection of 1 no. three-bedroom detached dwelling and associated works, including creation of a new vehicular access off Helmsore Road.

Accordingly, the proposed scheme is acceptable in principle.

Visual Amenity

Paragraph 124 of the Framework states that:

- The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the Framework aims to ensure that planning policies and decisions ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposed design of the dwelling is considered to be appropriate in the site's wider setting, and its proposed position, scale and massing would be acceptable.

A number of surrounding properties and walls incorporate the widespread use of natural stone and slate, and the use of such materials on the proposed dwelling is considered to be necessary to ensure visual compatibility. The applicant has proposed to use natural stone for the dwelling's elevations and a blue slate roof, which are appropriate.

The proposed planting of a new hedge along the northern boundary of the site as well as the area adjacent to the driveway and other properties on Deansgrave is considered appropriate. However, in order to ensure a high quality appearance to the development, it is considered appropriate to include a condition requiring the submission and approval of full details of all hard and soft landscaping proposed for the site, prior to development taking place.

Following discussions between the case officer and the applicant during the determination of the previous application, it is noted that amended plans were received showing a significant reduction in the scale of the proposed access driveway, which would now stop well short of the dwelling, to

which there is now a link provided by a pedestrian path to the newly proposed front entrance door on the principle elevation facing east.

To the rear and south west of the proposed dwelling, the position of the south west boundary has now been revised and relocated away from the existing Public Right of Way and this boundary is proposed to incorporate a 1m high stone wall and a pedestrian access point to the dwelling.

The proposed addition of various other window openings in contrast to the dwelling approved under application 2017/0552 is considered both proportionate and appropriate. Overall, the dwelling's design will not detract from the appearance or general character of the area.

It is considered that the visual impact of the revised scheme is acceptable subject to conditions requiring the submission and approval of full details of facing materials and hard and soft landscaping as was considered under application 2017/0552.

Neighbour Amenity

Objectors' comments are noted and since receipt of such comments amended plans have been received which have now proposed to remove the balcony to the south elevation and the amended plans have also clearly incorporated annotations stating that the first floor windows on the east elevation will be obscure glazed.

As above, the east side elevation of the proposed dwelling would have three windows at first floor level facing habitable room windows at No. 1A Deansgrave, with a separation distance of around 12m, which is less than the minimum 20m required by the Council's Alterations and Extensions to Residential Properties SPD. In addition, it is acknowledged that the three first floor windows could provide an opportunity for the overlooking of the garden area of No. 1A Deansgrave, given the close proximity of the proposed dwelling to that garden.

It is also noted that one of the three proposed first floor windows in question would serve a corridor within the new dwelling whilst the other two would serve habitable rooms (bedrooms). Nevertheless, it is considered that a condition should be included on any planning approval requiring the windows to be obscure glazed and non-opening above a height of 1.7m from floor level, to prevent any loss, or perceived loss, of privacy to the occupants of No. 1A Deansgrave.

It is not considered that the proposed scheme would have any other unduly detrimental impacts on the daylight, outlook or privacy enjoyed by residents of neighbouring properties owing to its siting and orientation.

Given the proximity of the site to other residential properties it is considered appropriate to include a condition restricting the hours of construction, to prevent noise nuisance.

It is acknowledged that concerns have been raised by objectors relating to the stability of the site. In this regard, there is no reason to suspect that the site cannot be developed without adversely impacting land stability – however as identified in the previous application (2017/0552), given that other historic developments in proximity to the site have resulted in land instability (requiring remedial works), it is considered necessary to include a condition requiring confirmation from a suitably qualified structural engineer that the proposed foundation design for the dwelling will not cause any adverse impacts on land stability, or the stability of neighbouring properties.

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

Access, Parking and Highway Safety

The Local Highway Authority has no objection to the proposed scheme, and has stated the following conditions are attached:

- Submission and approval of a construction method statement.
- Wheel washing facilities must be available on site.
- The vehicular crossing on Holcombe Road and driveway shall be completed to at least base course level prior to the commencement of any other works to provide a safe access and turning area for construction traffic and shall be completed in its entirety prior to the first occupation of the dwelling.

Subject to the above, the scheme is considered acceptable in terms of highway safety.

Ecology and Landscaping

The Council's ecology consultant has raised no objection to the proposed scheme, subject to a condition preventing works (including site clearance) to any trees and scrub taking place during bird breeding season (March to August inclusive). They have also suggested an informative in relation to reptiles and hedgehogs.

The ecology consultant has also recommended that opportunities for biodiversity enhancement should be incorporated into the new development for:

- Bat bricks and/or tubes/boxes
- Bird boxes
- Native tree and shrub planting.

The submitted landscaping proposals are considered appropriate owing to the screening it will provide between the driveway/parking area and the existing properties on Deansgrave. Nevertheless, it is still considered necessary to include a condition requiring full details of hard and soft landscaping and boundary treatments to be submitted prior to development taking place to ensure that the final scheme is of appropriate appearance.

Subject to the above, the scheme is considered acceptable in terms of ecology and landscaping.

Drainage

United utilities have recommended that a condition be attached requiring the submission and approval of a surface water drainage scheme for the site prior to any development.

9. RECOMMENDATION

Approve planning permission subject to conditions.

10. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle within the urban boundary and subject to conditions; it is not considered that it will have an unacceptable impact on visual amenity, neighbour amenity or highway safety. As such, it is considered that the proposed development

accords with the National Planning Policy Framework and Policies 1, 2, 3, 8, 9, 18, 23 and 24 of the 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: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the following plans and documents:

- Application form signed on the 29th October 2019
- Site Location Plan.
- Proposed Site Plan, Section and Elevations (drawing number 19/2337/02 Rev.C).
- Proposed Floor Plans (drawing number 17/2266/02 Rev. A).
- Proposed Landscaping Scheme (drawing number 19/2337/03 Rev.A).

Reason: For the avoidance of doubt.

3. No development shall take place until full details (including samples) of the proposed facing materials for the elevations and roof of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be constructed with natural coursed stone elevations and a natural slate roof. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. No development shall take place until full details of all proposed hard and soft landscaping (including planting), and boundary treatments forming part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. All boundary treatments shall be erected prior to first occupation of any of the dwellings hereby approved. All planting shall take place in the planting season immediately following substantial completion of the development, or first occupation of the dwelling hereby approved (whichever is the sooner). Any plants that are removed, die or become diseased within five years from the date of planting shall be replaced by plants of the same size and species in the following planting season.

Reason: Insufficient information has been provided with the application. This is needed before the development commences to ensure that appropriate landscaping is incorporated before building starts; in the interests of visual and neighbour amenity.

5. No development shall take place until full details of the proposed design of the foundations of the dwelling hereby approved (and any associated retaining structures) have been submitted to

and approved in writing by the Local Planning Authority. The submitted foundation and retaining structure designs shall be by suitably qualified persons. The development shall thereafter be implemented in accordance with the approved details.

Reason: Insufficient information has been provided with the application. This is needed before the development commences to ensure that the development will not increase the risk of land instability.

6. All windows at first floor level on the east elevation of the dwelling hereby approved shall be fitted with obscure glass, and shall be non-opening below a height of 1.7m from the associated room floor level. The windows shall be retained as such 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.

7. Prior to commencement, including any works of demolition, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: Insufficient information has been provided with the application. This is needed before the development commences to ensure that highway safety is not compromised.

8. No other works shall take place on site until the vehicular crossing on Holcombe Road and the approved access driveway and turning facilities have been completed to at least base course level. The vehicular crossing and driveway shall be completed in their entirety prior to the first occupation of the dwelling. The new access shall be used by all construction traffic associated with the development hereby approved. No vehicles associated with the development shall access the site via Deansgrave.

Reason: In the interests of highway safety and residential amenity.

9. The driveway, turning and parking spaces forming part of the development hereby approved shall be provided prior to first occupation of the dwelling, and shall be retained and maintained thereafter for the purposes of parking and turning vehicles.

Reason: To ensure the provision of adequate parking and turning facilities for the lifetime of the development.

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. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: Insufficient information has been provided with the application. This is needed before the development commences to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

12. Notwithstanding any information submitted with the application, no development shall take place until a site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall comprise:

i) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. 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, groundwater and the wider environment; and

ii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of

development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

Reason: Insufficient information has been provided with the application. This is needed before the development commences to safeguard future occupants of the site from hazards associated with land contamination, and in the interests of preventing pollution.

13. Pursuant to condition 12 and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard future occupants of the site from hazards associate with land contamination, and in the interests of preventing pollution.

14. No works to trees or scrub shall be undertaken in the main bird breeding season (March to July inclusive), unless a survey has been carried out immediately prior to works taking place by a suitably qualified ecologist, and a report confirming the absence of nesting birds has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting nesting birds.

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/downloads/download/331/core_strategy_local_plan_part_1_adop ted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. 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 grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

3. All common species of reptile are protected against killing and injuring (W&CA) and are UK Biodiversity Priority Species (Natural Environment & Rural Communities Act 2006) along with hedgehog. There is a small but unlikely possibility that slow worm and grass snake could be unexpectedly encountered during site clearance as both these species can occur in urban/suburban situations, have large ranges/territories and often seek dense cover.

Hedgehogs hibernate between October and March and use wood piles and other materials/vegetation for cover. We would therefore suggest that in the interest of best practice, between October and March any wood piles or other suitable materials and scrub vegetation within the area should be checked for hibernating hedgehogs before disturbance/clearance. If hedgehogs are found at any time during works they should be moved to a safe place outside of the working area where they will be safe from predators.

4. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
5. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

6. Obstruction of a Public Right of Way

Planning permission if granted does not provide the applicant with the right to obstruct a Public Right of Way either permanently or temporarily without the legal order in place (a certified diversion) if it is an intention to build or obstruct on a permanent basis or (a temporary closure notice) if the right of way is to be obstructed on a temporary basis for good reason.

Landscaping

Any intention to landscape in the vicinity of a public right of way must be at least 3 metres away in order to prevent overgrowth or undergrowth affecting and potentially obstructing a Right of Way e.g. overhanging branches or roots encroaching the footpath.

Land level and drainage

Any change in ground level must ensure it is not higher than a public right of way and drainage should also ensure there is no surface water runoff onto the footpath to prevent flooding issues.

Temporary closure

If planning permission is granted and works relating to the site may cause a health and safety issue to users of Public right of Way **14-2-FP342** a temporary closure will need to be applied for prior to works commencing on site. The right of way should not be used as a storage facility for materials/vehicles etc. during construction and if a temporary closure is granted the right of way must be restored to its previous condition.