

<b>Application Number:</b>	2020/0198	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full: Erection of 4 no. new dwellings, with associated works and access.	<b>Location:</b>	Land South of Holme Cottages Cowpe Road Cowpe
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	06/07/2020
<b>Applicant(s):</b>	B & E Boys Ltd	<b>Determination Expiry Date:</b>	24/07/2020
<b>Agent:</b>	Mr Daniel Connolly		

<b>Case Officer:</b>	<b>James Dalglish</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<b>Other (please state):</b>	

## 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

Approval subject to the conditions set out in this report.

## **APPLICATION DETAILS**

### **2. SITE**

The site comprises land (in recent times occupied by a smallholding) on the east side of Cowpe Road south of Holme Cottages, and north of the War Memorial. It is greenfield land in planning terms. A small river (Cowpe Brook) runs along the eastern side of the site.

The land in question is designated entirely as countryside. The site is not within or adjacent to a conservation area, and there are no listed buildings within the vicinity. Within the Council's emerging Local Plan, the site is proposed to remain as countryside.

Surrounding land uses are predominantly open fields to the north and east, with a ribbon of mainly housing development (of various designs and styles) along Cowpe Road. The wider landscape around the area is characterised by a wide valley with open fields and scattered properties.

### **3. RELEVANT RECENT PLANNING HISTORY**

None.

### **4. PROPOSAL**

The applicant seeks planning permission for the construction of four dwellings on the site. Three of the dwellings would be 3-bed units, and one would be a 4-bed unit. Two would be detached, and two would be semi-detached.

The submitted plans show that the dwellings would be constructed in a linear arrangement fronting Cowpe Road, each fronted by small front gardens and having driveways to the sides. To the rear, the dwellings would have more spacious private garden areas.

The proposed dwellings would be of coursed natural stone construction on their front and side elevations, with white rendered rear elevations. All would have natural blue slate roofs. UPVC window units and composite doors are proposed on all of the dwellings.

### **5. POLICY CONTEXT**

#### **National**

#### **National Planning Policy Framework**

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 6	Building a strong, competitive economy
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**

AVP 3	Area Vision for Waterfoot, Lumb, Cowpe and Water
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 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 21	Supporting the Rural Economy and its Communities
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

## **Other Material Considerations**

National Planning Practice Guidance  
National Design Guide  
RBC Alterations and Extensions to Residential Properties SPD

## **6. CONSULTATION RESPONSES**

### Cadent

No comments have been received.

### Coal Authority

No objection, standing advice to applicant.

### Ecology

No objection subject to conditions.

### Environment Agency

No objection subject to conditions.

### Land Contamination

No objection subject to conditions.

### LCC Lead Local Flood Authority

No comments to make on the application.

### LCC Highways

No objection subject to conditions.

### RBC Environmental Health

No comments have been received.

### RBC Forward Planning

No comments have been received.

### RBC Tree Officer

No objection.

### United Utilities

No objection subject to conditions.

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 26/05/2020 and 18 neighbour letters were sent out on 21/05/2020.

8 letters of objection have been received, raising the following points in summary:

- Increased traffic / highway & pedestrian safety problems
- Disruption to residents
- Inadequate parking
- Flood risk
- Undesirable precedent
- Inadequate infrastructure
- Unsuitable location for housing / shops and services distant and hard to access
- Harm to the rural character of the area
- Harm to neighbour amenity
- Inaccurate information
- Outside the urban boundary

## **8. ASSESSMENT**

### Principle

The Framework contains a presumption in favour of sustainable development, and as such a key consideration in this case is whether the proposed scheme represents sustainable development or not.

The Framework also promotes the integration of development with sustainable modes of transport, and paragraph 110 states that developments should *“give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas”*.

Paragraph 150 of the Framework states that *“new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design.”*

Policy 1 of the Core Strategy requires that developments:

*“Maximise access by public transport, walking and cycling in a manner that promotes safe and inclusive communities and promote co-location of services and facilities.”*

Policy 9 of the Core Strategy states that the transport user hierarchy will form the basis of consideration of planning applications, in order to promote sustainable travel and better designed places. The hierarchy is as follows, and consideration is given to the impact of the proposal on users higher up the hierarchy first:

- Pedestrians and mobility impaired users
- Cyclists and equestrians
- Emergency Vehicles and refuse collection
- Public Transport, motorcycles and taxis
- Freight movement
- Private cars

The site is located around 1.1km from Waterfoot centre (where the nearest shops and services are located). Journeys to such services and facilities would have some sections along roads without continuous footways.

Given the nature, inclination and length of the route it would be quite likely that occupants of the proposed dwellings choose to use motor vehicles to access shops for their basic needs, particularly in times of inclement weather.

It would nevertheless be possible to travel to Waterfoot on foot or by cycle to access basic shops and services including schools. Waterfoot is served by good public transport links which connect to Rawtenstall, providing links to destinations further afield.

That said, it is not the case that the development would be located in such a way as to promote or prioritise pedestrian access to shops and services.

Policy 9 of the Core Strategy seeks to locate development within 400m of a bus stop with regular services. The application site is in this case located well outside of a 400m radius of any bus stops with regular services.

The applicant has submitted a Transport Accessibility Appraisal in support of the application, which concludes as follows:

*“Given the small scale of the development and considering the accessibility of the site as outlined elsewhere in this report, the site offers safe and suitable access for all users and would be encouraged by the attractive nature of accessible routes.*

*Based on the findings outlined in this report, it is therefore concluded that there should be no reasons to resist the proposed development on the grounds of its accessibility by non-car modes of transport.”*

However, having regard to the above it is considered that the development conflicts to a degree with the aims of paragraphs 110 and 150 of the Framework, and Policies 1 and 9 of the Core Strategy DPD. This will be considered further in the planning balance later in this report.

## Visual Amenity / Countryside Impact

Policy 1 of the adopted Core Strategy states that *“The Council will seek to maintain Rossendale’s distinctive environment...”*, and will do so by seeking to ensure the greatest amount of new development takes place within the Urban Boundary.

The ‘Overall Development Approach’ set out in Policy 1 refers to various criteria which development proposals should meet, including that they should:

*“Enhance and protect the countryside, geodiversity and biodiversity resources including habitats and species”*

Policy 23 of the adopted Core Strategy states that:

*“The Council will ensure that Rossendale’s places and buildings are attractive, safe and easy to use, by ensuring that all new developments [amongst other things]:*

- *“Are of the highest standard of design that respects and responds to local context, distinctiveness and character;*
- *Contribute positively to local identity and heritage in terms of scale, density, layout, materials and access;*
- *Maintain the relationship between the urban areas and countryside, particularly at the rural-urban interface where the contrast between the natural and built environments is most prominent”*

Section 15 of the NPPF relates to the conservation and enhancement of the natural environment and paragraph 170(b) specifically requires planning decisions to recognise *“...the intrinsic character and beauty of the countryside...”*

The proposed development will have an urbanising impact on the site. However, whilst the site is designated as countryside, it does not have the same open and rural character as the majority of the surrounding landscape. The site does not read visually as being a continuous part of the open landscape to the rear, instead appearing as a wide and fairly well-used gap in a ribbon of development that stretches for some of the length of Cowpe Road. The land surrounding the site (further afield) is undeveloped countryside of a markedly different character.

The introduction of the proposed dwellings on the site would result in the creation of built form on greenfield land where there was previously none, would fill the existing gap in the street scene and would be clearly visible from the Cowpe Road and nearby properties.

However, the site is of sufficient size to accommodate the dwellings without leading to overdevelopment, and the development would retain a reasonable amount of soft landscaping.

Any additional urbanising from the building, access and accompanying domestic paraphernalia would be minimal and the houses would be viewed as a continuation of other development along Cowpe Road. As such, the proposal would not greatly diminish views along the road or lead to unacceptable visual harm in the street scene.

The design of the dwellings is acceptable, and would be appropriate in the site’s context. The proposed use of natural facing materials and slate roofs would assist in securing a high quality long lasting appearance to the houses. Officers are currently liaising with the

applicant's agent in respect of the proposed hard landscaping – and are seeking a higher quality palette of materials than those shown on the plans, to maximise the visual quality of the scheme and ensure that the materials are sympathetic to the site's rural location. Any changes to the proposed hard landscaping will be reported in the update report.

### Neighbour Amenity

Given the separation distances involved, it is not considered that the development would give rise to any significant harm to the amenities enjoyed by residents of any neighbouring residential properties. Direct habitable window to window separation distances are in excess of the minimums required by the Alterations and Extensions SPD, and it is not considered that the proposed dwellings would cause harmful levels of overlooking to the main private amenity space of any residential properties.

It is considered that the sizes of the proposed private rear garden areas for the new dwellings allows for an adequate amount of private amenity space to be provided for residents of the proposed dwellings.

The scheme is considered acceptable in terms of neighbour amenity.

### Access, Parking and Highway Safety

Objectors' concerns in relation to traffic and parking issues are noted and the Local Highway Authority has been consulted on the proposal, to ensure that officers are in receipt of expert advice on these matters before forming a recommendation on the proposals.

The Local Highway Authority has not objected to the proposed development, subject to conditions securing a construction method statement and wheel washing facilities during works on site.

Subject to the conditions requested by the Local Highway Authority, there is no reason to believe that the development would result in appreciable harm to highway safety.

### Balancing Exercise

The Council cannot currently demonstrate a 5-year housing land supply. The relevant policies of the development plan are therefore out-of-date and the so-called 'tilted balance' (as set out in the National Planning Policy Framework) therefore applies to this application.

This indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

It is considered that the proposal would not have an unduly harmful effect on the character and appearance of the area.

However, the site's location would result in a higher use of private transport than that sought by the development plan.

Nonetheless, Waterfoot is a relatively short distance from the site and the proposed development would not necessitate a complete reliance on private transport. As such, it is considered that only modest harm would result from the site's location in this case.

In its favour, and in accordance with the Framework, the scheme would make an efficient use of the land and would result in additional dwellings relatively close to a settlement with shops, schools and good public transport access.

As such, there would be a small amount of social and economic benefits associated with the dwellings. Whilst the contribution to the supply of housing would be small, it is nonetheless a moderate positive benefit in its favour.

In this instance it is therefore considered that the identified modest harm would not *significantly and demonstrably* outweigh the benefits of the development when assessed against the Framework taken as a whole. Applying paragraph 11 of the Framework, the scheme therefore benefits from the presumption in favour of sustainable development.

Although the proposal would be contrary to the development plan in terms of its conflict with the objectives of Policy 9 of the Core Strategy, there are material considerations (namely the presumption in favour of sustainable development, and the lack of a 5-year housing land supply) in this case that justify making a recommendation otherwise than in accordance with the development plan.

## 9. SUMMARY REASON FOR APPROVAL.

The development is appropriate in principle, and subject to conditions would not cause unacceptable harm to visual amenity, neighbour amenity, highway safety, flood risk or ecology. The proposed scheme accords with the presumption in favour of sustainable development contained within the National Planning Policy Framework, and Policies 1, 18, 21, 23 and 24 of the Core Strategy DPD.

## 10. 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 unless otherwise required by the conditions below:

- Application Form
- Site Location Plan (2751-01-D01)
- Hydraulic Report and Flood Risk Assessment (2018-200-02 REV B)
- Housetype Plot 01 Plans & Elevations (1948BEB/CVC/HT01 REV. C)
- Housetype Plots 2 & 3 Plans (1948BEB/CVC/HT02 REV. C)
- Housetype Plots 2 & 3 Elevations (1948BEB/CVC/HT03 REV. C)
- Housetype Plot 4 Plans & Elevations (1948BEB/CVC/HT04 REV. C)
- Highways and Drainage Layout (30436\_1A)
- Landscape and Planting Plan (CRA2005\_LP01)
- Block Paving Specification
- Proposed Site Layout and Location Plan (1948BEB/CVC/PL01 REV. A)
- Site Layout and Streetscene (1948BEB/CVC/PL02 REV. A)



Reason: To ensure the development complies with the approved plans and submitted details.

3. Notwithstanding any information submitted with the application, no development shall take place (except for demolition and enabling works as agreed with the LPA) until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

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.

Reason: to safeguard against hazards posed by land contamination and to prevent pollution.

4. Pursuant to condition 3 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 against hazards posed by land contamination and to prevent pollution.

5. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The road adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: to prevent stones and mud being carried onto the public highway to the detriment of road safety.

6. No development shall take place until a construction method statement has been 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:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Details of working hours HGV delivery times and their routes to / from the site
- Contact details for the site manager

Reason: in the interests of highway safety.

7. The drainage for the development hereby approved shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No.: 2018-200-02, Rev: B, Dated: 06.01.2020) which was prepared by Flood Risk Consultancy Ltd. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development.

The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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

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

9. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures to avoid any adverse impacts of the development on the nearby water course and to retain and protect the existing trees.

The approved CEMP shall be adhered to in full for the duration of works on site.

Reason: To protect the nearby watercourse and any trees which are to remain.

10. No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the Local Planning Authority.

The landscape and ecological management plan shall be carried out as approved as part of the development.

The scheme shall include the following elements:

- details of maintenance regimes
- details of treatment of site boundaries and riparian buffers along the Cowpe Brook waterbody
- details of management responsibilities including monitoring of any garden waste tipping and any potential private amenity garden encroachment into the Cowpe Brook corridor
- measures to be implemented to enhance the biodiversity potential of the riparian habitat alongside the development

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for enhancing the nature conservation value of the development.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no changes to existing ground levels in the garden areas as illustrated in drawing number 30436/1A shall take place, nor shall any additional structures or buildings that do not form part of this approval be constructed, without the prior consent of the Local Planning Authority.

Reason: To ensure the proposed development does not lead to any increase in flood risk off-site through the removal of flood flow routes or addition of new obstructions to water flows.

12. No development shall take place until full details (including a 1m x 1m sample panel of stone and other physical samples all to be displayed on site) of the proposed facing and roofing materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority.

The stone used in the elevations of the dwellings shall be natural coursed stone, and the roofs shall be constructed of natural blue slate.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and securing a high-quality appearance for the development.

## **INFORMATIVES**

1. Standard approval informative.
2. 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.
3. 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.
4. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
5. The grant of planning permission will require the applicant to enter into an appropriate Legal 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 the contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk)

6. The nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended). Work (vegetation and site clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise first be demonstrated that no active birds' nests are present.
7. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the bank of Cowpe Brook which, is designated a 'main river'. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.