

<b>Application Number:</b>	2020/0267	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full: Construction of 3 no. two-storey terraced dwellings, with associated works.	<b>Location:</b>	2 Ashworth Road Edgeside Rossendale Lancashire BB4 9JE
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	15/10/2020
<b>Applicant(s):</b>	Mr Mohammed Miah	<b>Determination Expiry Date:</b>	06/11/2020
<b>Agent:</b>	Miss Nixie Edwards (HAD Ltd)		

<b>Contact Officer:</b>	<b>James Dagleish</b>	<b>Telephone:</b>	<b>01706 238643</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 contained in this report.

## **APPLICATION DETAILS**

### **2. SITE**

The application relates to a vacant plot of land (approx. 168m<sup>2</sup> in area) located to the north side of Ashworth Road, within the defined Urban Boundary. A shop / residential building formerly occupied the site, but has been demolished. The immediate surrounding area is mostly comprised of a mixture of residential buildings and industrial units. A primary school and nursery are located further up Ashworth Road.

The site abuts residential development at a higher level to its eastern side, separated by a line of tall coniferous trees. A stone retaining wall separates the site from the property to the east.

To the west, there is a development of bungalows (partially completed) at lower level, beneath a retaining wall.

Terraced rows of dwellings are located on the opposite side of Ashworth Road, and on Charles Street further south. To the north of the site are more residential properties at Piercy Mount and Piercy Terrace. An industrial / commercial site is located to the north west, accessed from Burnley Road East.

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

None.

### **4. PROPOSAL**

The applicant seeks planning permission for the construction of two semi-detached one-bedroom dwellings on the site. The dwellings would essentially be one-and-a-half storey dormer bungalow units (with additional cellar storage space).

Originally, the application included three dwellings but the scheme was amended further to discussion between the case officer, the applicant's agent and LCC Highways.

Each unit as now proposed would have a similar layout, with the living spaces and bathroom on the ground floor. Stairs on the side of each unit will provide access to the first-floor bedroom with associated shower room and storage.

The applicant states that the units have been designed to be adapted for people with disabilities – with space for aids such as stair lifts and wheelchairs to be installed / used more easily.

Along the front of the buildings it is proposed that there would be a path connecting Ashworth road to Piercy Mount, with associated landscaping along its length.

Owing to the limited space on the site and the type of dwellings proposed (which have been designed with minimal maintenance in mind), no private garden areas are proposed for dwellings. Dedicated bin storage areas are proposed on site, accessed off Piercy Road. Two car parking spaces are proposed, directly accessed off Ashworth Road (further to discussions with LCC Highways).

The proposed dwellings would be of coursed natural stone construction. All would have natural slate roofs (pitched). The roofs would feature integrated solar PV panels on the front elevations (these have been amended since initial submission of the application to include panels of higher quality appearance). Grey composite doors and UPVC window units are proposed on both 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 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

### Ecology

No objection subject to a condition to maximise biodiversity enhancement

### Land Contamination

No objection subject to conditions

### LCC Highways

No objection subject to conditions

### RBC Building Control

No objection

### RBC Environmental Health

No comments to make on the application.

### RBC Tree Officer

No objection

### RBC Operations

No objection, information provided for applicant.

### United Utilities

No comments have been received.

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 15/07/2020 and 19 neighbour letters were sent out on 14/07/2020.

Four letters of objection have been received, raising the following points:

- Parking / highway safety concerns
- Overhanging eaves of new properties into adjacent garden
- Harm to neighbour amenity
- Conflict with local school in terms of access / parking

## **8. ASSESSMENT**

### Principle

The site comprises previously developed land, located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development. The site is in a sustainable location and is within walking distance of a bus route.

Policy 1 of the Core Strategy also seeks to make best use of under-used, vacant and derelict land and buildings.

The development would make a small but valuable contribution towards the Borough's housing supply, and measures are proposed to be incorporated into the dwellings to assist them in generating their own renewable / low carbon energy.

The proposed scheme is acceptable in principle.

### Visual Amenity

Policy 1 of the Core Strategy seeks to ensure that new developments complement and enhance the surrounding area through the use of inclusive design and locally distinctive materials. Policy 23 of the Core Strategy requires that new developments respect and respond to local context, distinctiveness and character.

The proposed layout of the dwellings is considered acceptable and responds to the context of the site. The relatively simple design of the proposed dwellings, with small bay windows to the front and pitched roof dormers is appropriate, and the proposed use of stone and slate would be appropriate in the context of the site.

The submitted landscaping and boundary treatment scheme, whilst simple and minimal, is considered appropriate and will ensure that the development properly complements the surrounding area. The Council's tree / landscaping officer has no objection to the scheme, and the applicant has incorporated amendments suggested by the officer to maximise the longevity of the planting.

Further to discussions between the case officer and the applicant's agent, the scheme has been amended to include a type of integrated solar PV panels which will blend better with the slate colour and profile of the roof than those originally proposed.

The scheme is considered acceptable in terms of visual amenity.

### Neighbour Amenity

Given the orientation, relative levels, separation distances and existing tree cover around the site, 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.

Although the rear elevation of the dwellings would be close to the garden area of the existing dwelling to the rear (east), the proposed dwellings would be set considerably lower than that garden, and would have no dormer windows or roof light windows in their rear elevations. In addition, the existing line of coniferous trees would provide a further degree of screening. The windows on the rear elevation of the dwellings serving habitable rooms would in any case be obscure glazed to provide further security against any overlooking issues.

As originally submitted it appeared on the plans that the eaves of the proposed dwellings may slightly overhang the garden of the dwelling sited above the application site. However,

the plans have since been amended and clarified to show that there will in fact be no such overhang.

To the front elevations, the dwellings would face the development of new bungalows at lower level to the west. However, the land levels would not facilitate direct views into the habitable room windows of those bungalows.

The relative levels of the dwellings and the neighbouring properties is shown below:

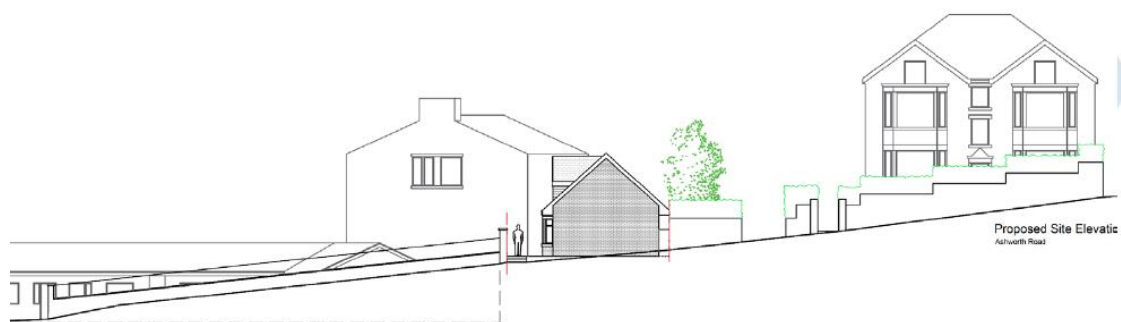


Fig 2. Existing and Proposed Site elevation Ashworth Road (HAD, 2020)

Although no private outdoor amenity space is proposed for the dwellings, owing to the type of accommodation proposed (low maintenance one-bedroom properties), it is not considered that they would be primarily used as family homes. In addition, the properties have been designed to be adapted for disabled occupants if necessary, and the lack of garden areas which would otherwise require maintenance by the occupants may assist in reducing the physical maintenance required.

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

### Access, Parking and Highway Safety

The Local Highway Authority initially objected to the scheme based on the lack of car parking provision and the access to the site. However, the plans have been amended in response to omit one dwelling (now only two dwellings are proposed) to provide space for off-street parking accessed directly off Ashworth Road, to which the Local Highway Authority has no objection subject to conditions.

Bin storage is provided on site, and whilst refuse vehicles do not access the site from the north directly off Piercy Mount, a pathway is proposed from the bin store leading the short distance to Ashworth Road where the bins can be presented for collection.

Objectors' comments are noted, however subject to the conditions requested by the Local Highway Authority the scheme is considered acceptable in terms of access, parking and highway safety.

## 9. SUMMARY REASON FOR APPROVAL

The proposed development is sustainably located on previously developed land within the urban boundary and is therefore appropriate in principle. Subject to conditions, the development will not cause undue harm to visual and neighbour amenity or highway safety and is in accordance with Policies AVP3, 1, 9, 16, 18, 19, 23 and 24 of the adopted Core Strategy DPD and the National Planning Policy Framework.

## 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
- Location & Site (HAD3178-01D)
- Proposed Ground Floor Plans (HAD3178-03H)
- Proposed First Floor Plans (HAD3178-04H)
- Proposed Cellar Plans (HAD3178-05F)
- Proposed Elevations (HAD3178-06G)
- Proposed Roof and Section (HAD3178-07G)
- Site Elevations (HAD3178-08F)
- Bin Store (HAD3178-09)
- Proposed Refuse Plans (HAD3178-10H)
- Proposed Path Section (HAD3178-11C)
- Proposed Roof-Tile PVs (HAD3178-13E)
- GB Sol Module Datasheet

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

3. Notwithstanding what is shown on the approved plans, the dwellings hereby approved shall be constructed in natural coursed stone, with natural blue slate roofs.

Reason: To ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site.

4. The approved scheme of landscaping and planting shall be carried out in the first planting season following substantial completion of the development or first occupation of any of the dwellings (whichever is the sooner). Any plants which die, become diseased or are damaged within the first five years of planting shall be replaced in the next available planting season with specimens of the same species.

Reason: In the interests of visual amenity and in the interests of enhancing the biodiversity value of the site.

5. As part of the development hereby approved, both of the following shall be installed on the gable end elevations of the dwellings (one on each gable), approximately 30cm beneath the ridge:

- One bat box (of type 1FE Schwegler Bat Access Panel, Ibstock Enclosed Bat Box 'C', or Beaumaris Woodstone Bat Box).
- One bird box (of type 1MR Schwegler Avianex, or 1SP Schwegler Sparrow Terrace).

In addition, two bee bricks or bee blocks shall be incorporated into the stonework of the gable elevations at a lower level (one per elevation).

All of the above shall be retained and maintained thereafter.

Reason: To ensure that the development provides an adequate net gain for biodiversity.

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

The submitted report shall include:

- 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
- 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 mitigate hazards associated with land contamination and to prevent pollution.

7. Pursuant to condition 6 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 mitigate hazards associated with land contamination and to prevent pollution.

8. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;



- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

9. Construction deliveries to the approved development shall only be accepted between the hours of 9.30am and 2.30pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety.

10. 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means shall be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

11. None of the dwellings hereby permitted shall be occupied until the car parking area shown on the approved plans has been completed. The parking area shall thereafter always remain available for parking of vehicles associated with the dwellings. Driveways/vehicle parking areas accessed from the adopted highway shall be properly consolidated and surfaced in bound porous materials, (not loose stone, gravel or grass-crete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

## **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\\_adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)  
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 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. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA.

3. The applicant's attention is drawn to the comments of LCC Highways, which include further details of the measures that will be required to be included in any Construction Management Plan / Method Statement, and contain safety requirements in terms of access from the highway.

4. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>