

<b>Application Number:</b>	2020/0160	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full: Construction of 8 no. three-bedroom dwellings, with associated access and works.	<b>Location:</b>	Former Car Park Park Road Helmshore Rossendale Lancashire
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	20/11/2020
<b>Applicant(s):</b>	Ms J Hartley	<b>Determination Expiry Date:</b>	11/12/2020
<b>Agent:</b>	Mr Steven Hartley		

<b>Contact Officer:</b>	<b>James Dalglish</b>	<b>Telephone:</b>	<b>01706 238643</b>
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<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 application relates to a large area of hard standing in use as a car parking area, surfaced in tarmac. Access to the site from Holcombe Road is via Park Road, a tarmac road also serving other properties (partially adopted). Beyond the point where it enters the site, Park Road has an unmade surface.

The site is at a lower level than Park Road, and is broadly triangular in shape. It is bounded to the north east along Park Road by a stone wall and to the other side of Park Road is a dormer-bungalow and a terrace of two-storey stone and slate houses. To the north west side it is bounded by a timber post-and-rail fence, beyond which is open land. To the south side it is bounded by Musbury Brook and Sunny Bank Mill which has been converted to a dwelling and takes access from the application site.

The site is located within the urban boundary.

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

2009/0201 - Erection of 3 no. detached dwellings (Refused and dismissed at appeal)

2011/0077 - Erection of Five Dwellings (Refused and dismissed at appeal)

2011/0291 - Erection of four, two storey dwellings (Approved)

2014/0205 - Construction of Four Houses (Resubmission of Planning Permission 2011/0291) (Amended Scheme) (Approved)

2017/0463 - Erection of 5 No. new dwellings (consisting of 3 No. four-bedroom and 2 No. three-bedroom), with associated access and landscaping works (Withdrawn)

### **4. PROPOSAL**

The applicant seeks planning permission for the construction of eight three-bedroom dwellings on the site. The dwellings would take the form of a staggered terraced row. The majority of the dwellings would be of two-storey construction, with additional living space in the roof space.

The submitted plans show that the dwellings would each be fronted by driveways, and would have private garden areas to the rear. The development as a whole would be accessed off Park Road via a gated access, and would be contained within the existing site boundaries – with additional walls and native planting proposed around the site boundaries.

The dwellings were originally proposed to be constructed of reconstituted (artificial) stone on their front elevations, with white render to all other elevations. However, further to discussions with the case officer, the applicant has submitted revised plans showing natural coursed stone walling to the front elevations and part of the side elevations, with white render elsewhere. All would have natural slate roofs. UPVC window units and doors are proposed on all of the dwellings.

The rear elevations of the dwellings would feature Juliet balconies with stainless steel and glass guard rails. All of the dwellings apart from Plot 1 would feature rear pitched roofed dormers.

## 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 5	South West Rossendale
AVP 6	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
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 received
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 Building Control	Provided information
RBC Environmental Health	No objection subject to conditions
RBC Forward Planning	No comments received
Tree Officer	No objection subject to conditions

RBC Operations	Provided advice on bin store
United Utilities	No objection subject to conditions

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 25/06/2020 and neighbour letters were sent out on 24/06/2020.

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

- Harm to neighbour amenity.
- Harm to visual amenity.
- Flood risk / harm to watercourse / inadequate easement from river.
- Drainage issues.
- Harm to ecology / biodiversity.
- Pollution concerns.
- Harm to highway safety.
- Inadequate parking in surrounding area.
- Pressure on highway capacity / infrastructure / services.
- Inappropriate development.
- Contrary to planning policy.
- Out of keeping.
- Overcrowding, lack of space within development.
- Overdevelopment.

## 8. ASSESSMENT

### Principle

The site is located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development. In addition, the acceptability in principle of residential development on the site has been confirmed by previous planning approvals.

As such the proposed development is appropriate in principle.

### Visual Amenity

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 site itself does not currently enhance the visual character of the area and is a hard-surfaced car park frequently used for vehicular parking.

However, whilst the site is within the urban boundary, it is located close to the interface with the countryside, and the surrounding area has a semi-rural character – particularly with reference to the properties along Park Road and the land further to the north and west.

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”*

The proposed layout and scale of the development (a two storey staggered terraced row, with additional accommodation in the roof space of the dwellings) would not be contrary to policy or excessive in scale in the context of the site, having regard to nearby properties in the local vicinity.

Further to discussions between the case officer and the applicant’s agent, amended plans have been received which show that natural coursed stone would be used in the construction of the front elevations of the dwellings and on the majority of the north-east end elevation of the row. Elsewhere, white render would be used. The applicant has agreed to use natural blue slate on the roofs of the dwellings.

The materials above are considered appropriate, and would be sympathetic to the surrounding character of the area, which features a range of facing materials including stone, brick and render.

The proposed landscaping scheme has undergone several revisions throughout the course of the application, and is now at a stage where the Council’s Tree Officer has no objection to the scheme.

The proposed scheme is considered acceptable in terms of visual amenity.

### Neighbour Amenity

Given the separation distances involved (22m from the closest point of the proposed dwellings to the closest point of an existing dwelling on Park Road), it is not considered that the development would give rise to an unacceptable level harm to the amenities enjoyed by residents of any neighbouring residential properties having regard to Policy 24 of the Core Strategy. 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 given the separation distances, the scale of the proposals, the site levels and the proposed boundary treatment. Although two storeys in height (with room in the roof space), it is not considered that the dwellings would have an unacceptable overbearing impact on existing residential properties – having regard to the separation distances set out in the aforementioned SPD.

Whilst the windows on the rear elevation of Plot 2 would be around 10m from the single window in the rear (north) elevation of the dwelling at the converted Sunnyside Mill, it is understood that the window in question on Sunnyside Mill serves an ancillary office and store room – which would not be defined as a habitable room by the Council’s Alterations and Extensions to Residential Properties SPD. In addition, the windows in question would

not face one another directly and the sightlines would be obscured by the proposed boundary treatments around the rear gardens of the new dwellings.

The proposed dwellings would be provided with an adequate amount of private outdoor amenity space. Although the rear garden of Plot 1 is relatively small, this would be compensated for by the provision of an additional side garden.

In light of the comments received from the Council's Environmental Health team and the proximity of the site to other residential properties, it is considered necessary to include a condition restricting the hours of construction so as to avoid undue noise nuisance to neighbouring residents. The other conditions suggested by the Environmental Health team are not considered appropriate, as matters such as waste disposal / burning of waste on site are covered under separate legislation.

The scheme is considered acceptable in terms of neighbour amenity.

### Access, Parking and Highway Safety

The Local Highway Authority now has no objection to the proposed plans, subject to a range of conditions including the following requirements:

- Development not to commence until such time as the area of existing adopted highway to form the amended site access off Park Road has been stopped up under the appropriate legal process.
- Submission and approval of a detailed scheme for the site access.
- Site access to be the subject of a dedication agreement with the Highway Authority under the provision of Section 38 of the Highways Act.
- Submission and approval of a scheme for the retaining structure adjacent to the unnamed track carrying Public Footpath 298.
- Submission and approval of a construction method statement.
- Prior to the commencement of the development the five parking spaces on Park Road for residents of Park Road shall be constructed and laid out to the approved plans. To be retained thereafter.
- Submission and approval of details of the proposed arrangements for the future management and maintenance of the proposed road and associated infrastructure.
- Prior to the occupation of any dwelling the parking area shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials.
- Installation of electric vehicle charging points for each dwelling.

Subject to the above conditions, the scheme is considered acceptable in terms of access, parking and highway safety, in line with the comments received from the Local Highway Authority.

### Contamination / ground conditions

The Council's land contamination consultant initially had some concerns over potential contaminated land on site, and did not consider that enough information had been submitted to demonstrate what potential remediation measures would be required.

As such, it is considered necessary to include conditions requiring the submission of further site investigation reports and remediation proposals to ensure that any contaminants on site are properly addressed as part of the development, and that any such remediation is verified before the development is brought into use.

Subject to the above conditions, the scheme is considered acceptable in terms of contamination and ground conditions.

### Ecology

The Council's ecology consultant considers that the main ecological issue is the proximity of the proposed development to Musbury Brook, and that the site itself otherwise has negligible ecological value. It is considered that adequate mitigation by the proposed gardens for the houses which will be an improvement on the hard landscaping in terms of biodiversity potential.

The Council's ecologist has requested conditions requiring the following:

- Method statement for avoidance of impact on the Brook during development
- No further works to trees during bird nesting season
- Demonstration that there will be no negative impact on the ecological potential of the Brook

Subject to the above conditions, the officers are satisfied that the scheme is compliant with para 170 of the Framework.

### Drainage and flood risk

United Utilities and the Environment Agency have suggested conditions which will require the applicant to submit final details of the proposed surface water drainage scheme for the development, and will require them to demonstrate that surface water is to be dealt with in the most sustainable manner possible.

Subject to the proposed conditions, the scheme is considered acceptable in terms of drainage and flood risk.

## **9. SUMMARY REASON FOR APPROVAL**

The proposed development is acceptable in principle, and subject to conditions would not detract from visual amenity, neighbour amenity or highway safety. As such, the scheme accords with the National Planning Policy Framework and Policies AVP5, AVP6, 1, 2, 3, 9, 18, 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: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Submitted application form.
- Location Plan (19-05-01-A)
- Proposed Block Plan with Roof Plan (19-05-30-P)

- Proposed Building Plans (19-05-35-D)
- Proposed Building Elevations and Section (19-05-36-E)
- Entrance Gates and Bin Store Details (19-05-40-E)
- Proposed Landscape Plan (19-05-39-H)
- Hydropave Tegula Block Paving Details
- Refuse Truck Swept Path (19-05-50-A)

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

3. No development shall take place until full details (including physical samples consisting of 1m x 1m panels displayed on the site) of the following have been submitted to and approved in writing by the Local Planning Authority:

- Natural coursed stone to be used on the elevations (the elevations shall also incorporate natural stone quoins)
- Natural blue slates to be used on the roofs
- Porous block paving

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

Reason: In the interests of securing a high quality finish to the development.

4. The approved scheme of landscaping and boundary treatment shall be implemented in full for each plot prior to the first occupation of the dwelling on that plot.

Reason: In the interests of visual and neighbour amenity.

5. Construction works shall not be permitted outside the following hours:

- Monday to Friday: 08:00 to 18:00
- Saturday: 08:00 to 13:00

No construction works shall take place on Sundays or Bank Holidays.

Access and egress for delivery vehicles shall also be restricted to the working hours indicated above.

Reason: In the interests of neighbour amenity.

6. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present, which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting nesting birds.

7. No development, site clearance or earth moving shall take place or material or machinery brought on site until a method statement to protect the Musbury Brook from accidental spillages, dust and debris has been submitted to and agreed in writing by the Local Planning Authority.

All approved measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason: In the interests of protecting the nearby watercourse from pollution.

8. No development shall take place until it has been demonstrated that there will be no negative impacts on the ecological potential of the Musbury Brook resulting from the disposal of foul water and surface water post-development, through the submission of an appropriate report and its subsequent agreement in writing by the Local Planning Authority.

The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the ecological potential of the nearby watercourse.

9. Notwithstanding any information submitted with the application, no development shall take place 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) A Preliminary Risk Assessment report (phase 1), including a conceptual model of the site indicating sources, pathways and receptors, and a site walk over survey;

ii) 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, surface water and the wider environment; and

iii) 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: In the interests of mitigating any hazards posed by contaminated land, and in the interests of reducing pollution.

10. Pursuant to condition 9 and prior to first occupation of any of the dwellings 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: In the interests of mitigating any hazards posed by contaminated land, and in the interests of reducing 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: To secure the most sustainable surface water drainage solution for the development.

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

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

13. No development shall take place until following have been submitted to and approved in writing by the local planning authority:

- 1. A scheme for the proposed footpath along the top of the bank of Musbery Brook
- 2. A scheme to demonstrate that the proposed ground levels of the garden areas are no higher than existing levels
- 3. Details of the design of the proposed boundary fencing around the garden areas to allow overland flow from Musbery Brook

The development shall subsequently proceed in accordance with the approved details.

Reason: To ensure that access to Musbery Brook is retained and that there are no detrimental impacts to flood storage or flood flow routes.

14. 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 structure or replacement fence shall be erected within or around the rear gardens identified in drawing number 19-05-30-P.

Reason: To ensure overland flood flow routes through the site associated with any blockage or capacity exceedance associated with Sunny Bank Mill dwelling, which is constructed over the channel of Musbury Brook, are retained for the lifetime of the development.

15. Piling or any deep foundation solution using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved detail.

Reason: To ensure that the any piling or deep foundation solution does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

16. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying Secondary A aquifer, Secondary undifferentiated aquifer and surface watercourses.

17. The scheme of landscaping and planting as shown on drawing 19-05-39-H shall be implemented in full prior to the occupation of any of the dwellings hereby approved. Any trees or trees failing, dying, becoming diseased or being removed within five years of being planted shall be replaced in the next available planting season with specimens of the same species.

Reason: In the interests of visual amenity and biodiversity.

18. No development of the approved scheme shall commence until such time as the area of existing adopted highway to form the amended site access off Park Road has been stopped up under the appropriate legal process (Section 247 of the Town & Country Planning Act) in consultation with the local planning authority and highway authority.

Reason: To prevent the adopted highway from being subsumed into the development.

19. No part of the development hereby approved shall commence until a scheme for the construction of the amended site access has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme are acceptable before work commences on site.

20. The land referred to in Condition 19 shall be the subject of a dedication agreement with the Highway Authority under the provision of Section 38 of the Highways Act.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

21. No part of the development hereby approved shall commence until a scheme for the retaining structure adjacent to the unnamed track carrying Public Footpath 298 (Haslingden) has been

submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

22. No development shall take place, including any works of clearance, until a construction method statement and plan have been submitted to and approved in writing by the Local Planning Authority. The approved statement/plan shall be adhered to throughout the construction period. They 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) Wheel washing facilities within the site
- v) Measures to deal with dirt, debris, mud or loose material deposited on the adopted highway network as a result of clearance and construction works
- vi) The maximum size (loaded weight) of construction vehicles servicing the development
- vii) Measures to control the emission of dust and dirt during construction
- viii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- ix) Details of working hours
- x) Timing of deliveries
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

23. Prior to the commencement of the development the five parking spaces on Park Road for residents of Park Road shall be constructed and laid out to the approved plans. The parking spaces shall be kept available thereafter for the parking of vehicles.

Reason: In the interest of highway safety.

24. No development shall be commenced until details of the proposed arrangements for the future management and maintenance of the proposed road and associated infrastructure including retaining walls, the vehicle restraint barrier along the boundary with Musbury Brook and surface water drainage within the development, have been submitted to and approved by the local planning authority. The road and infrastructure shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the internal road and infrastructure serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

25. Prior to the occupation of any dwelling the parking area shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

26. Prior to the occupation of any approved dwelling electric vehicle charging points shall be installed for each dwelling.

Reason: To ensure that the development provides sustainable transport options.

## **INFORMATIVES**

1. Standard approval informative.
2. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed and Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.
3. 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.
4. 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.
5. The developer's attention is drawn to the advice provided by Lancashire County Council Highways Department.