

Application Number:	2020/0505	Application Type:	Full
Proposal:	Erection of dwelling	Location:	Garden to West side of 22 Greave Clough Drive, Bacup
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	23 February 2021
Applicant:	Mr P Rodgers	Determination Expiry Date:	26 February 2021
Agent:	Mr N Baxter		

Contact Officer:	Neil Birtles	Telephone:	01706-217777
Email:	planning@rossendalebc.gov.uk		

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):	This application is being brought to Committee as a separate application submitted by the same applicant, for erection of a dwelling in the side-garden to the other side of the existing house, is being reported to Committee as it has received 3 or more objections.

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**

That Planning Permission be granted subject to the conditions set out in Section 10.

2. **SITE**

The Applicant resides in a large detached house, of stone/tile construction.

It takes access from Greave Clough Drive, which runs to its south side and at this point is un-adopted highway, to the other side of which is a Council-owned Recreation Area. To its rear runs a stream called Oaken Clough, beyond which are dwellings that front Oakenclough Road / Oaken Close.

This application relates to that part of the side-garden to the W side which is 7m from the house (thereby excluding the drive giving access to its integral double-garage) and extends up to the party-boundary with a house called Long Meadow. The red-edged site has a width of 16.5m and a depth ranging between 24m & 30m.

Immediately behind the 1.5m high timber-boarded fence fronting Greave Clough Drive is a 6m high conifer hedge. Beyond this is a 2-storey coach-house. It has a footprint of 10.5 x 10.5m, with an eaves-height of 4.4m and a ridge-height of 6.1m. It has a gable facing the highway and a rendered side elevation (with door) 1m from the party-boundary with Long Meadow. From the coach-house a lawned area slopes gently down to the bank-top of Oaken Clough.

The 2-storey house at Long Meadow has its rear elevation 7.5m from the 1m high fence on the party-boundary, its rear-facing patio-doors & windows looking directly towards the coach-house. A 5m high conifer hedge to the other side of the stream, incorporating trees of 10m in height, prevents view of the site from any residential properties to the N side.

The area is within the Urban Boundary of Bacup. The site is not in a Conservation Area and none of the trees on or bounding the site has the protection of a Tree Preservation Order. The Environment Agency has designated the site as being within Flood Zone 1 (Low Risk).

3. **PROPOSAL**

Permission is sought to demolish the coach-house and erect on the site a detached 3-bedroomed dormer-bungalow, with integral garage.

It is to have a footprint of 8.3m x 12.7m, with a setback from Greave Clough Drive of 7m and a blank gable ranging between 1.5m & 3m from the party-boundary with Long Meadow.

It is to have external walls of coursed natural stone and an asymmetrical slated roof rising to a ridge of 6.9m in height. The longer, front roof-plane is to possess three gabled dormers. A new drive is to be provided alongside the existing drive serving the Applicant's house, leading to the integral garage and providing space for a second car to park and for cars to turn.

Formation of this 4m wide vehicular access will require removal of short length of the fence and 5m high conifer hedge on the site frontage. However, the application proposes removal of the full length of this hedge and planting of a new hedge intended to be of native-species plants and attain a height of 2m.

The application is accompanied by a Design & Access Statement and a Tree Report. The latter indicates that, besides removal of the frontage hedge, a 6m high Field Maple - hidden from public view behind the coach-house - is also to be removed. All have previously been pollarded. The Tree Report also provides details of the siting and form of fencing to be erected to protect two trees near to the stream during construction works.

4. **PLANNING HISTORY**

2020/0504 Erection of dwelling - Garden to east side of house at 22 Greave Clough Drive

The Report in respect of this application also appears on this Agenda.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 2 Achieving Sustainable Development

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, etc

Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

RBC Core Strategy (2011)

AVP2 Area Vision for Bacup, etc

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

Policy 3 Distribution of Additional Housing

Policy 8 Transport (inc Appendix 1 Parking Standards)

Policy 18 Biodiversity, Geodiversity & Landscape Conservation

Policy 19 Climate Change, etc

Policy 23 Promoting High Quality Design and Spaces

Policy 24 Planning Application Requirements

Other

National Planning Practice Guidance

RBC Emerging Local Plan

RBC Alterations and Extensions to Residential Properties SPD (2008)

6. **CONSULTATION RESPONSES**

RBC Tree Consultant

No objection, subject to conditions.

RBC Ecology Consultant

Prior to determination of the application a Bat Survey should be undertaken to establish presence or otherwise of bat use of the the building to be demolished.

LCC Highways

No objection, subject to Conditions.

United Utilities

No objection, subject to conditions.

Cadent Gas

No objection, subject to an Informative.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order letters were sent to neighbours and a site notice posted.

No comments have been received from neighbours.

8. ASSESSMENT

In dealing with this application the main issues which need to be considered are :

- 1) Principle; 2) Visual Amenity/Ecology; 3) Neighbour Amenity; &
- 4) Access/Parking

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 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 the NPPF states that a Council's housing policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing land.

The Council is currently unable to demonstrate that it has a 5-year supply of deliverable housing land. This being the case little weight can be given to Policy 2 and Policy 3 of the Core Strategy.

However, this application relates to the side-garden of a house located within the Urban Boundary of Bacup. As this site is in a sustainable location, and Policy 1 of the Core Strategy seeks to locate new development primarily within such areas, the provision of an additional dwelling here is acceptable in principle.

The proposal will make a small, but useful, contribution towards meeting the housing needs of the Borough. For the duration of construction it will add to local employment/economic activity.

Accordingly, there is considered to be no objection in principle to the proposal.

Visual Amenity

The proposed dwelling is not of disproportionate size for the plot it is to occupy, and will be significantly smaller than the existing dwelling. It is to be setback from Greave Clough Drive significantly more than the coach-house to be demolished and is of a design and facing materials in-keeping with the neighbouring dwellings, with external walls of coursed natural stone and a slate roof.

The application proposed that the vehicular access-point to serve the proposed dwelling be formed to the side of that serving the applicant's existing dwelling. The submitted scheme nevertheless proposes that the full length of the 6m high conifer hedge fronting the application site be removed and a new hedge planted, intended to be of native-species plants and attain a height of 2m. The Tree Report submitted with the application indicates that, in addition to the pollarded conifers in the frontage hedges to be removed, it is also intended to remove a previously-pollarded 6m high Field Maple which is presently hidden from public view behind the coach-house.

The Tree Report states :

"All of the trees proposed for removal are considered to be low quality ('C' category) specimens.

It is recommended that the proposed tree removal be mitigated as part of a post development planting scheme of well-structured new trees that will add to the quality of the area and help integrate the proposed development into the surrounding landscape."

Removal of the high-hedge on the site frontage will, in the first instance, leave the proposed dwelling open to public view over the 1.5m high timber-boarded fences retained/proposed on the frontages to Greave Clough Drive. However, the Council's Tree Consultant considers the conifer hedge and pollarded field maple to be removed are not good specimens and are of limited intrinsic visual amenity value.

The Council's Tree Consultant states :

I concur with the [submitted Arboricultural Impact Assessment] report, its findings and conclusions... the trees on and around the site are young or semi-mature, of category 'C' and those to be removed are of very limited amenity value and their removal could be mitigated by replacement planting. The other trees on site are to be retained and protected throughout the development process and detail on such protection is provided in the AIA.

The AIA recommendations and tree protection plan (TPP.13215 Rev 01) should be conditioned to be implemented in full.

A revised site layout has been submitted which shows some indicative boundary planting... The submission of a tree planting plan to mitigate the tree losses and provide screening from the north should be conditioned to be submitted for approval and subsequent implementation in full.

The Conditions recommended are included below.

Ecology

The Council's Ecology Consultant states :

The building to be demolished is a substantial structure, with a pitched roof, though I note the presence of roof lights which would reduce the likelihood of loft roosting bat species. It does not however rule out potential roosting by species that utilise crevices under ridge tiles etc. Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is

established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.

Whilst the development is set well back from the watercourse, there is a risk during construction of surface water run-off contaminated with sediment and other pollutants entering the watercourse during periods of heavy rain. I therefore recommend a Condition to secure a method statement to protect the watercourses ecological potential during construction.

The development will result in the loss of a trees and a hedgerow along the frontage, potential bird nesting habitat. I recommend a condition to ensure no works to trees or shrubs occur between the 1st March and 31st August without a bird nest survey by a suitably experienced ecologist first establishes that no active bird nests are present.

Section 170 of the NPPF 2019 states that planning policies and decisions should contribute to and enhance the natural and local environment. A native hedge is proposed along the frontage to replace what is to be removed. I am satisfied that this would be adequate mitigation and an enhancement to what would be lost. Mitigation should also be provided for loss of bird nesting habitat through provision of bird boxes on retained trees. I am satisfied that the details could be provided via a condition if permission is granted.

In response the Agent has submitted a Bat Roost Assessment Report by a suitably qualified Ecologist, dated 28/01/21, which concludes as follows :

- The building is considered to be of negligible potential for roosting bats.
- No evidence was recorded to suggest bats were roosting within the building.
- No bats were observed or recorded using the building for roosting.
- The surveyor considers survey effort to be reasonable to assess the roost potential of the building and no further survey work is deemed appropriate.

To avoid the need to submit the further application requested by the Council's Ecology Consultant in respect of the measures to be taken to protect the watercourses ecological potential during construction the Agent has now submitted a Construction Method Statement. Amongst the measures it sets out, to prevent debris or surface water run-off contaminated with sediment or other pollutants entering the watercourse, is erection of Herras fencing 1m from the brook, with a 300mm deep trench to be created in front of this fence, which is then to be lined with polythene and filled with sand, the polythene to be carried 500mm up the face of the fence.

To minimise the likelihood of harm during the construction phase and secure a net-gain in the wildlife value of the site upon completion, the Conditions recommended by the Council's Ecology Consultant are included below.

Neighbour Amenity

The house at Long Meadow has its rear elevation 7.5m from the 1m high fence on the party-boundary, its rear-facing patio-doors & windows looking directly towards the rear elevation of the coach-house to be demolished, which is 1m beyond the boundary and has a width of 10.5m, an eaves-height of 4.4m and ridge-height of 6.1m. As a result of the proposed scheme a dormer-bungalow will have an 8.3m wide gable ranging between 1.5m & 3m from the party-boundary, its asymmetrical roof having an eaves-height at the front of 2.4m, a ridge-height of 6.9m and an eaves-height at the back of 4.85m. Accordingly, for the resident of Long Meadow the proposal will not result in view towards the elevation of a building of very different shape, but of reduced area and with rather greater separation. Subject to replacement of the 1m high fence on the party-boundary with a fence of more appropriate height the proposal will not result in a significant loss of privacy for the neighbour.

The height of the conifer hedge bounding the properties to the other side of the stream is such that the proposed dwelling will be screened from their view and cannot overlook them.

The proposal will not result in an unacceptable loss of amenity for any neighbours.

Access/Parking

The proposed 3-bedroomed dormer-bungalow will possess an integral garage and be fronted by an area of hard standing to enable the parking of a further car and for vehicles to turn and exit to Greave Clough Drive in forward gear. Accordingly, the scheme accords with the Parking Standards set out in the Council's adopted Core Strategy. LCC Highways has no objection subject to the Conditions included below.

9. SUMMARY REASON FOR APPROVAL

The erection of a dwelling in the side-garden of an existing house located within the Urban Boundary of Bacup is acceptable in principle and, subject to the conditions, is not likely to detract to an unacceptable extent from visual and neighbour amenity, biodiversity or highway safety. It is considered that the development accords with the National Planning Policy Framework and Policies AVP2 / 1 / 8 / 18 / 23 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That planning permission is granted subject to the following conditions.

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 the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below :

Title	Drwg No	Date Recd
Existing Site Plan	NMB/GCD/W/003	28 / 10 / 20
Proposed Site Layout	NMB/GCD/W/002 B	14 / 01 / 21
Proposed Scheme	NMB/GCD/W/001 A	14 / 01 / 21
Site Section	NMB/GCD/W/004	28 / 10 / 20

Reason : For the avoidance of doubt and to ensure a satisfactory standard of development.

3. Prior to the commencement of development of the dwelling hereby permitted, and for the duration of construction, the Tree Protection Measures referred to in Section 4 of the Arboricultural Impact Assessment by Godwins Arboricultural Ltd (AIA.13215.01) and shown on the Tree Protection Plan (Drwg No TPP.13215 Rev 01) shall be adhered to.

Reason : In the interests of visual and neighbour amenity.

4. No development, including site clearance and earth moving, shall take place or material or machinery brought on site until the measures to protect the Brook from accidental spillages, dust and debris set out in the submitted Construction Method Statement

(received on 09/02/21) have been implemented and shall be maintained for the duration of the construction period in accordance with the approved details.

Reason : To avoid pollution of the watercourse.

5. 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 agreed in writing by the Local Planning Authority.

Reason : To protect wildlife.

6. The dwelling hereby permitted shall be constructed with external walls of coursed natural stone matching that of the existing dwelling at 22 Greave Clough Drive and its roof shall be covered with natural blue-grey slates.

Reason : In the interests of visual amenity.

7. Prior to first occupation of the dwelling hereby permitted the area for the parking/manoeuvring of cars shown on Drwg No NMB/GCD/W/002 B shall be provided with a hard, permeable surface. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, or any Order amending or revoking and re-enacting that Order, this parking/manoeuvring area and the integral garage shall be kept freely available for use for the parking/manoeuvring of vehicles.

Reason : In the interests of highway safety.

8. A 45° visibility-splay shall be provided between the highway boundary and points on either side of the proposed drive measured 3m back from Greave Clough Drive. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development, and any gate(s) erected across the drive shall be setback not less than 1.5m from Greave Clough Road and not open towards it.

Reason : In the interests of highway safety.

9. Prior to first occupation of the dwelling hereby permitted a scheme of boundary treatment and ecological mitigation/enhancement, and programme for its implementation and future maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of :

- a. The fences and gates to be retained/provided; &
- b. The planting of native-species shrubs & trees to be undertaken on the highway frontage and near to the stream to the rear of the plot (to supplement shrubs & trees the Tree Protection Measures has afforded protection to).
- c. Not less than 2no bird nesting boxes to be provided on the proposed building/retained trees.

The approved scheme shall be implemented and maintained in accordance with the approved programme. Any of these shrubs & trees which are removed, die or become seriously damaged or diseased within 3 years of first occupation of the dwelling shall be replaced in the next available planting season with others of the same species, unless a variation has first been agreed in writing by the Local Planning Authority.

Reason : In the interests of visual and neighbour amenity, to enhance the wildlife value of the site and to accord with Section 3.2 of the Arboricultural Impact Assessment by Godwins Arboricultural Ltd (AIA.13215.01).

10. Foul and surface water shall be drained on separate systems. The surface water drainage scheme shall provide for the disposal of surface water in the most sustainable way having regard to the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof).

Reason : To ensure proper drainage of the proposed development.

INFORMATIVES

- 1) The Local Planning Authority has a Core Strategy (adopted in 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
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. 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 applicant's attention is drawn to the comments received on the application from Consultees, which are viewable on the Council's website :
<https://publicaccess.rossendale.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QIXE52NDLOX00>
- 3) All British bat species and their roosts are afforded protection under Schedule 5 of the Wildlife & Countryside Act (1981), as amended, and contractors must not touch, handle or in any way cause bats to move. In the event that bats are found to be present during demolition of the existing building all work shall immediately cease and the Ecologist shall be contacted for further advice and the Local Planning Authority notified; see the Preliminary Bat Roost Assessment Report by Dave Anderson (Dated : 28.01.2021).