

Application Number:	2018/0596	Application Type:	Full
Proposal:	Erection of 3no dwellings, with associated access, parking and landscaping works	Location:	Land north of Co Operative Street, Helmshore
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	25 May 2021
Applicant(s):	Mr & Mrs Warburton	Determination Expiry Date:	20/03/2020
Agent:	Hartley Planning & Development Associates		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Cllr D Stansfield So Committee can consider the application against planning policy and also in the light of the lack of a 5-year supply of deliverable housing land in the Borough.
3 or more objections received	
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That permission be granted subject to the conditions set out in Section 10 of this Report.

APPLICATION DETAILS

2. SITE

The application relates to a parcel of agricultural land, of approximately 0.1ha in area, to the north side of Co-operative Street. This un-adopted and poorly-surfaced highway extends to the west side of Holcombe Road and presently serves as access to a terrace of seven houses to its south side (2-14 Co-operative Street) and is the place where these residents park their cars.

The site is elevated in relation to this row of 'traditional' 2-storeystone/slate terraced houses and in relation to the terraced houses to the east side that front Holcombe Road. The site slopes generally upwards from its SE corner towards its NW boundary, which is 6.5m higher.

Currently the site is covered in grass and is partly bordered by post and wire fencing. To the west and north are areas of open fields. To the east of the site are gardens/allotments associated with the houses fronting Holcombe Road.

The terraced houses fronting Holcombe Road and to the south side of Co-operative Street are within the Urban Boundary of Haslingden. Except for a 6m wide strip of land to the north side of Co-operative Street, the application site and open land extending to its north and west are within Countryside, as shown on the proposals Map accompanying the adopted Core Strategy.

3. RELEVANT PLANNING HISTORY

2018/0060 Erection of 3no three-storey three-bedroom detached dwellings, with associated access, parking and landscaping works
Refused 14/03/18

The application sought permission for 3no three-bedroomed detached split-level dwellings, their front elevations 3-storey and their rear elevations looking 2-storey. The dwellings were to have living space on the upper two floors, with integral double-garages and store rooms at basement level. They were to be constructed with Ashlar stone at basement-levels and above this with pitch-faced natural stone, topped by grey concrete-tiled roofs.

In response to the sloping nature of the site, the dwellings were to be stepped in level – the westernmost dwelling having a slab-level 3m higher than the easternmost.

Access to the dwellings was to be via Co-operative Street, with a new access road constructed along the site frontage, thereby leaving space on the existing highway fronting 2-14 Co-operative Street for residents of each house to park one car. Each of the proposed dwellings was to have a driveway to its front with space to park two cars.

Four letters of objection were received from local residents. LCC Highways objected to the proposed scheme, although it advised that the matters of concern to it could potentially be addressed by the applicant. Your Officers concluded that the scale of the proposed dwellings was such that they would unduly diminish outlook, and be overbearing, for the residents of the existing houses fronting Holcombe Road.

The application was refused for four reasons :

- 1) By virtue of its elevated position, siting, scale and design, the proposed development would have a significant adverse impact on the essentially open and rural character and appearance of the area.
- 2) The design of the dwellings and the proposed facing materials do not respond positively to the context of the site, and would appear incongruous within the surrounding area.
- 3) By virtue of its elevated position and scale, the proposed development would be overbearing when viewed from nearby residential properties, and would result in harm to the outlook enjoyed by occupants of those properties.
- 4) It has not been demonstrated that safe and suitable access to the development will be provided and that the proposed scheme will avoid causing undue harm to highway safety.

4. PROPOSAL

The current application seeks permission for a terrace of 3no three-bedroomed houses, their front elevations 2-storey, but with a front-facing dormer serving a bedroom in the roof-space. They are to be constructed with external walls of pitch-faced natural stone and slate roofs.

In response to the sloping nature of the site, the dwellings are to be stepped in level – the westernmost dwelling having a slab-level 3m higher than the easternmost.

Access to the dwellings is to be via Co-operative Street, with a new access road constructed along the site frontage, thereby leaving space on the existing highway fronting 2-14 Co-operative Street for residents of each house to park one car. Each of the proposed dwellings is to have the space to park two cars side-by-side.

The Planning Statement accompanying the application states:

- Councils are now expected to provide small scale sites suitable for other than the main volume builders. The proposed development meets such a requirement.
- The proposed development is small in scale and is in keeping with the surroundings.
- The proposed houses would be similar in terms of materials and height to those surrounding them.
- The refused application was for 3 detached houses whereas the current application is for a terrace of 3 dwellings.
- While the previous proposal was to use natural stone and concrete roofing tiles the current application is for natural stone and natural blue slate and windows can be wooden sash.
- Distances between the proposed and existing houses meet the LPA distance standards...as contained in the Council's "Alterations and Extensions to Residential Properties " SPD
- Cooperative Street is used by refuse waggons and other similar vehicles at the moment. The addition of 3 extra dwellings will not adversely affect the existing arrangements.
- The design provides... sufficient parking spaces in line with council standards

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, etc
Section 15	Conserving and enhancing the natural environment

Development Plan Policies

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 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

RBC Conservation – No overly detrimental impact on the setting of listed and scheduled heritage assets.

LCC Highways – No objections in principle subject to conditions. Has concerns over the layout of the proposal – should these be allayed or suitably conditioned – would be able to support the proposal.

Fire Brigade – Offers advice on matters to be satisfied under separate Building Regulations legislation.

United Utilities – No objection – recommends conditions.

7. REPRESENTATIONS

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

- 5 letters of objection have been received, raising the following concerns:
- Development height.
- Loss of light
- Overlooking leading to a loss of privacy and a loss of enjoyment of private amenity space.
- Ground stability and drainage.
- Area already overdeveloped and this proposal would have an adverse visual impact and be out of character with the area of the area.
- Impact on ecology
- Increased noise nuisance
- Impact on highway safety arising from increased traffic, loss of parking, poor highway visibility and inadequate access for refuse/emergency vehicles.
- Co-operative Street is a narrow, unadopted road with limited access for vehicles.
- Construction Method Statement does not consider the limited access to the site

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle; 2) Visual Amenity and Countryside Impact; 3) Neighbour Amenity; & 4) Access/Parking

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. As such the proposed development of the site for a residential use, is considered 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 those 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.

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) 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
- 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.