

Application Number:	2020/0339	Application Type:	Outline with all matters reserved
Proposal:	Outline Application (with all matters reserved) for the erection of 4 no. dwellings (maximum)	Location:	Land South Of Victoria Street Cloughfold BB4 7PT
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	27/07/2021
Applicant:	Mr David Rothwell	Determination Expiry Date:	27.10.2020
Agent:	Mr Jake Rothwell		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
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 the outline application is approved subject to conditions.

2. SITE

The site comprises an area of previously undeveloped grass land, rising upwards from the nearest properties to the north. It amounts to 0.096 hectares in site area and is situated at the southern end of Victoria Street in Cloughfold. Abutting the site's western boundary is a public footpath which runs in a north-south direction. Victoria Street is a cul-de sac and it comprises a row of terraced houses along its western side with employment uses to the east and north. The site is situated in an area to the south of the River Irwell which is characterised

by a mix of employment and residential uses. The site is allocated as an employment area within the Adopted Core Strategy. Within the Emerging Rossendale Local Plan, the site is also allocated as part of a wider employment area.

3. RELEVANT PLANNING HISTORY

2005/0516 – Erection of industrial building – Refused 05/10/2005. Allowed on appeal 27/03/2006.

4. PROPOSAL

The application is in outline with all matters reserved. Therefore, the Applicant seeks to establish the principle of residential development on the site for a maximum of 4 dwellings. The matters of access, appearance, layout, scale and landscaping are reserved for future consideration. Therefore, the application is accompanied by the red line location plan only.

However, in order to demonstrate that the site can accommodate 4 dwellings and a suitable form of access can be achieved, an illustrative site layout plan has been submitted. This shows 2 no. pairs of semi-detached houses each with internal double garages and lawned areas to the rear. The illustrative plan shows vehicular access from Victoria Street with a turning head at the front of the development. It also shows 2 extra car spaces within the application site which could be used for visitors/additional parking. An area for bin storage is also shown on the north western site boundary, along with the route of the public footpath beyond the site boundary being unfettered and the illustrative boundary treatment to prevent access to it from within the site.

5. POLICY CONTEXT

National

National Planning Policy Framework (2019)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenges of climate change etc
Section 15 Conserving and enhancing the natural environment

Development Plan Policies

RBC Core Strategy (2011)

AVP 4: Strategy for Rawtenstall
Policy 1: General Development Locations and Principles
Policy 2: Meeting Rossendale's Housing Requirement
Policy 3: Distribution of Housing
Policy 8: Transport
Policy 9: Accessibility
Policy 16: Preserving and enhancing the built environment

Policy 17: Green Infrastructure
 Policy 18: Biodiversity, Geodiversity and Landscape Conservation
 Policy 19: Climate change
 Policy 23: Promoting High Quality Design and Spaces
 Policy 24: Planning Application Requirements

Other Material Planning Considerations

RBC Emerging Local Plan

6. CONSULTATION RESPONSES

Consultee	Response
United Utilities	No objection subject to condition
Ecology Advisor (GMEU)	No objection subject to conditions
LCC Highways	No objection – provide comments.
Contaminated Land Consultant	No objection subject to condition
LCC Fire & Rescue	Provide advice on fire safety matters

7. REPRESENTATIONS

There have been 13 letters of objection received raising the following issues

- Highway safety concerns due to the narrow road, existing inadequate manoeuvring facilities on the access road, high levels of on street parking and concerns re: future levels of visitor parking to this development.
- Damage to environment, ecology and natural features.
- Overlooking caused by the development, would lead to a loss of privacy.
- Concern re: proximity to an existing business (a bar).
- Potential for damage to a gable end of a house.
- Flooding in area, already a concern.
- Insufficient clearance (due to width of Victoria Street) for fire vehicles.
- Concern re: potential inaccuracies in the submitted Ecology Report.
- Alleged encroachment onto private land.
- Alleged inaccuracies in the plans.

8. ASSESSMENT

Principle

Within the Adopted Core Strategy, the site is shown within the urban boundary and the site forms part of a wider area washed over as an employment allocation, even though there are existing residential uses within that allocation.

The principle of development on the site has been established by the previous appeal decision which allowed an industrial building, although this has never been built.

As there has never been an employment building on the site there is no policy requirement relating to loss of employment use. Therefore, the Applicant does not have to justify this through submission of marketing evidence to demonstrate there has been no interest in the land for employment purposes.

As such, the principle of residential development in this location, is considered acceptable

Highways and Access issues

The existing houses on Victoria Street do not have off street parking and therefore, on many occasions, there is on street parking all the way down the street, therefore, allowing one car to travel in any direction along the street.

Following comments received from LCC Highways and the Council's Waste team, amended plans have been received which show suitable access arrangements, turning space at the head of the cul-de-sac, off street parking and bin storage.

Each of the proposed houses is shown on the illustrative plan as having 2 integral car parking spaces which would meet the parking standards for 3 bedroomed dwellings.

As such, the proposal will not have a severe detrimental impact on highway safety and therefore meets the policy tests in para 109 of the Framework and policies 1, 9 & 23 of the Adopted Core Strategy.

Character of area/Visual amenity

The proposed residential development would abut houses immediately to the north on Victoria Street, therefore, the proposed development is not out of keeping with the mixed character of the area.

There would be an opportunity to create long views along the length of Victoria Street through the use of design features and focal points on the proposed new dwellings. If outline approval is granted, the Applicant would have to apply for, 'appearance,' as a matter for consideration, at which stage an assessment would be made of the design of the houses and the use of any special features.

Residential amenity

A form of residential development on this site is capable of being accommodated which will not have a detrimental impact on the residential amenities of the nearest neighbours. There are no dwellings on the east side of Victoria Street, therefore, there are no opportunities for overlooking of residential properties on that side of the street. The nearest residential property to the development site is at number 23 Victoria Street, on the western side of the road. This has a blank gable end with no windows in it, facing the application site. As such there will be no issues of overlooking, leading to a loss of privacy arising from the proposed development. Therefore, the scheme complies with policy 24 of the Adopted Core Strategy as it will not have detrimental impact on residential amenity.

Drainage

The Applicant has indicated that surface water will be disposed to a Sustainable Drainage System (SUDs) and United Utilities have raised no objection on this basis subject to a condition requiring details of a surface water drainage scheme to be submitted to and agreed with the Local Planning Authority. Therefore, the scheme complies with policy 24 of the Adopted Core Strategy

Ecology

The Applicant has submitted an Ecological Assessment with the application which has been assessed by the Council's Ecologist and the site has been deemed to be of low ecological value in terms of protected species. Conditions are recommended by the Council's Ecologist to address issues relating to protected species, nesting birds, loss of trees and Japanese Knotweed. Subject to these conditions, the proposed scheme will comply with policy 24 of the Adopted Core Strategy as it will not have a detrimental impact on ecological features of interest.

Contamination

The application is accompanied by a Risk Assessment for contamination. The Council's contaminated land consultant has assessed the proposal and has no objection to development proceeding subject to recommending that a Site Investigation be submitted by way of a planning condition, if permission is granted. There is also a recommendation that a Method Statement be submitted to deal with issues arising from Japanese Knotweed. Similarly, this can be conditioned if planning permission is granted. Therefore, the scheme complies with policy of the 24 Adopted Core Strategy.

9. SUMMARY OF REASON FOR APPROVAL

The proposed development would not unduly detract from the character of the area, residential amenity, ecology, drainage or highway safety subject to the use of planning conditions. It is therefore considered that the development is in accordance with the National Planning Policy Framework and Policies AVP 4, 1, 8, 9, 18, 23 and 24 of the adopted Core Strategy DPD.

10 CONDITIONS

Grant planning permission subject to the following conditions:-

1. An application for approval of the reserved matters (namely the access, layout, scale, appearance and landscaping of the development) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The outline planning permission hereby approved relates to the erection of up to eighty residential units which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Site Location Plan (drawing number LOCATION PLAN 000/VSR/LP)

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

3. As part of any reserved matters application or prior to the commencement of the development, full details of the materials to be used in the construction of the proposed dwellings and any hard surfacing materials shall be submitted to for the approval of the Local Planning Authority.

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

Reason: To ensure an appropriate quality of development, in the interests of visual amenity.

4. Either prior to the commencement of the development or as part of the first reserved matters application full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on the submitted plans) shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the above there shall be 1.8m boundary treatments between the rear gardens of each individual dwelling native hedgerow planting shall be used around the perimeter of the site where necessary.

No dwelling shall be occupied until all fences, walls and other boundary treatments shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences, walls and other boundary treatments shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: The required details are not provided as part of this outline application and are required at an early stage in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents."

5. Notwithstanding the details shown on the submitted plans the new dwellings shall predominantly be no greater than two storeys in height and shall have no more than 3 bedrooms.

Reason: To ensure that the development is appropriate in terms of the character of the area and to protect highway safety.

6. Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 6:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: In the interests of neighbour amenity.

7. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in tarmacadam, concrete, or block pavements.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

8. The new access between the site and Victoria Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

9. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. Precise details of the wheel washing facilities shall be agreed with the Local Planning Authority, prior to construction commencing.

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

10. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details relating to:

- Pre-construction highway condition survey and a subsequent scheme for the reinstatement of any highway verges and footways disturbed by abnormal loads associated with the development.
- Any temporary or permanent highway alterations and improvements necessitated by the development, including details of temporary warning signing and Traffic Regulation Order
- Measures for reinstating the highway after the removal of any temporary works together with details of the timing of any remediation measures.
- The management of junctions where the school access joins the public highway.
- Traffic management of the existing highway network.

The development shall be carried out in accordance with the approved CMP at all times unless otherwise agreed in writing with the local planning authority.

Reason: To maintain the operation of through routes in the area during the sites period of construction and to ensure the safety of other highway users

11. The garage/parking areas as indicated shown on the illustrative site layout plan shall be kept available for the parking of vehicles ancillary to the enjoyment of the household and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site

12. Prior to the commencement of development a Phase 2 Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. 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.

Should unacceptable risks be identified the applicant shall also submit a contaminated land remediation strategy for the approval of the Local Planning Authority prior to commencement of development. No development shall take place until the submitted scheme is approved in writing by the Local Planning Authority.

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 hazards associated with land contamination, and preventing pollution.

13. Pursuant to condition 12 and prior to first occupation of any of the dwellings within each phase of development, a verification report, which validates that all remedial works undertaken within that phase 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 hazards associated with land contamination, and preventing pollution.

14. As part of the first reserved matters application or prior to commencement of development, a detailed method statement for the control of Japanese Knotweed should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: In the interests of protecting biodiversity

15. As part of the first reserved matters application or prior to commencement of development, a reasonable avoidance measures method statement for amphibians (in the form of a report compiled by a qualified ecologist) shall be supplied to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity

16. As part of the first reserved matters application or prior to commencement of development, a landscape plan including ecological mitigation for loss of trees and bird nesting habitats shall be supplied to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity

17. 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: In the interests of protecting biodiversity

18. 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution

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

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

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

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 grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and planning application number, to discuss their proposal before any development works begin.

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.