

<b>Application Number:</b>	2018/0596	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 3no dwellings, with associated access, parking and landscaping works	<b>Location:</b>	Land north of Co Operative Street, Helmshore
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12 October 2021
<b>Applicant(s):</b>	Mr & Mrs Warburton	<b>Determination Expiry Date:</b>	20/03/2020
<b>Agent:</b>	Hartley Planning & Development Associates		

<b>Contact Officer:</b>	<b>Adrian Adams</b>	<b>Telephone:</b>	<b>01706-238645</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<b>Cllr D Stansfield</b> 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.
<b>3 or more objections received</b>	Yes
<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

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-storey stone/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 application was deferred at the Committee meeting in May for submission and consideration of an amended plan showing revised car parking arrangements and this has been received and is referred to below.

The current application seeks permission for a terrace of 3no three-bedroomed houses, each elevation will be 2-storey in height. 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 existing residents of each house to park at least one car. In total, the amended site layout plan shows 9 car parking spaces to be created for existing residents and visitors. The scheme which was previously reported to Committee in May showed 7 spaces. In addition, each of the proposed 3 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 5 South West Rossendale
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale’s Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 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. They have 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 were received to the original proposals, 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

Following the receipt of amended plans showing the increase in the number of car parking spaces from 7 to 9, re-consultation, took place and a further 8 letters of objection have been received since the May 25<sup>th</sup> Planning Committee, stating:

- Impact of development on existing residents
- Impact of noise during construction on residents and wildlife – wildlife thrives in the area
- Loss of light
- Loss of privacy, arising from overlooking.
- Proposal will have a detrimental visual impact.
- Overdevelopment of what was once a small village, irrevocably changing the character of the area.
- Increased traffic and access issues.
- Lack of car parking.
- Access to existing properties during construction will be limited.
- The road is poorly maintained and there are drainage issues. The development itself would require extensive groundwork's which the street is not capable of facilitating, there has been damage caused to the road and pavement when heavy trucks and machinery has accessed the road in the past.
- Proposal fails to reflect the historical significance of the area.
- Part of the site is outside the urban boundary, therefore, there is a loss of commitment to the countryside.
- Impact on health of residents during excavation and construction phase from noise, dirt and dust & the release of carbon.
- Increased flood risk.
- The land has previously been enclosed and well used.
- Fears that the proposal if passed, will be built by someone other than the Applicant and they will change the plans & the proposal will be poorly constructed.

- There is a land ownership claim on the land & an assertion that has previously been tended by residents.

## 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 partly within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development and partly within the Countryside.

Development within the urban boundary is by definition, acceptable in principle. However, assessment is required of part of the site's location within the countryside.

The Council can demonstrate a 5 year housing land supply position of 8.20 years at 31/03/2021, however as demonstrated in the January 2021 Housing Delivery Test Results, the Council have delivered only 64% of their housing requirement over the previous 3 years. The Government has set out a list of measures that Councils must apply to help boost delivery where delivery is below 95% of need. As Rossendale is considered to have significant under delivery over the previous 3 years (below 75% of need) the consequences are:

*Local authority should publish an Action Plan apply a 20% buffer onto the 5 year housing land supply calculation (the buffer has been applied to the 5 year housing land supply calculation of 31/03/2021) and apply the application of the presumption in favour of sustainable development.*

In terms of decision making this means that NPPF Paragraph 11 d) should be applied, 'the tilted balance'.

The Council will review this position when the next Housing Delivery Test Results are published due November 2021 and again when the 2019 to 2036 Local Plan is adopted which is anticipated to be 15<sup>th</sup> December 2021.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises, at least in part, 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, deemed 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:-

*d) ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

In light of the above, this proposal has been assessed and it is not considered that the adverse impact of supporting this proposal within an open countryside location would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF 2021, taken as a whole for the following reasons:

The site is situated in an accessible location, in close proximity to Holcombe Road and adjacent to existing consolidated development. The site, therefore, is not considered to be an isolated or remote location.

The site and its development accords with the core strategy by developing small, desirable areas in the west of the borough without over developing and will attract residents to the borough without imposing unnecessary pressure on local services.

The proposal is seen as assisting in meeting the housing needs of the Borough and on this basis would be 'in line' with the aims of Section 5 of the NPPF and the requirements of Policies 2 and 3 of the adopted Core Strategy in this regard.

In addition, the site will be viewed, in the context of surrounding residential development and will not adversely impinge on any significant long term views of open countryside.

As such, based on this assessment, the proposed development of the site for 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, whilst it is undeveloped land, does not make a significant contribution to visual amenity as it is an area of overgrown grassland.

However, whilst part of the site is within the urban boundary, part of it forms the interface with the countryside, and the surrounding area has a semi-rural character – particularly with reference to the open areas of land 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) 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.

The proposal shows the use of natural stone in the construction of the elevations of the dwellings and natural slate on the roof 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 but is predominantly stone and slate.

Therefore, the proposed scheme is considered appropriate in terms of visual amenity.

### Neighbour Amenity

Given the separation distances involved (21m from the closest point of the proposed dwellings to the closest point of an existing dwelling on Co-operative Street), 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. In this instance, direct habitable window to window separation distances comply with 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 and the scale of the proposals. Although two storeys in height, 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.

It is considered necessary to include a condition restricting the hours of construction so as to avoid undue noise nuisance to neighbouring residents.

The scheme is considered acceptable in terms of neighbour amenity.

### Access, Parking and Highway Safety

The Local Highway Authority now has no objection in principle to the proposed plans, however, they have stated that their concerns over the layout of the proposed development need to be allayed:

Amended plans have been submitted which illustrate: a porous, surfaced, access road; a turning head; 6 car parking spaces & bin storage for residents of the 3 new dwellings; and an altered layout showing 9 car spaces for existing residents and the visitors of the 7 dwellings located opposite, on the south side of Co-operative Street.

Proposed condition numbers 10-14 also deal with highway matters and subject to these 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. Whilst the proposed 3 dwellings will result in a minor increase in traffic movements along Co-operative Street and Holcombe Road, any disadvantages will be negated by the enhanced surfacing, car parking and drainage proposals for all residents of Co-operative Street.

## **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, 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 (1) Co-operative Street 10.12.2018
- Proposed Site Plan and Cross Section (WARB –12–11-19 – B amended)
- Detail of Housetype (WARB – 09-08-18-B)
- Swept Path Plan by DTPC Limited Consultants 02.03.2020
- Landscape and Boundary Treatment Plan (Ref: AW 08/12/18)

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

3. No above foundation level development shall commence until full details (including physical samples) of the following have been submitted to and approved in writing by the Local Planning Authority:

- Natural stone to be used on the elevations
- Natural slates to be used on the roofs
- Window (timber sash) and door details.
- Porous Surfacing materials.

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. 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.

8. Pursuant to condition 7 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.

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

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

10. The site access works, road layout and parking arrangements for both the proposed dwellings and the existing dwellings (9 spaces for existing dwellings on Co-operative Street), as shown on the proposed site plan (drawing number WARB – 12-11-19-C) shall be implemented to the satisfaction of the Local Planning Authority, prior to the first occupation of the dwellings, hereby approved. The parking areas 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 dwellings.

Reason: In the interests of highway safety.

11. Details of any street lighting, (including levels of illuminance), if it is to be erected, shall be submitted to and approved in writing by the Local Planning Authority, prior to the 1<sup>st</sup> occupation of

the dwellings. The approved scheme shall be implemented in full, in accordance with an approved timetable to the satisfaction of the Local Planning Authority.

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.

12. The proposed Construction Method Statement shall be adhered to throughout the construction period. It shall also 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) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

The revised Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of the development and shall be adhered to throughout the construction of the development.

Reason: In the interest of highway safety.

13. No development shall commence until details of the proposed arrangements for the future management and maintenance of the proposed road and associated infrastructure including 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 either the highway works have been adopted or a private management and maintenance company has been established.

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

14. 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.