

Application Number:	2020/0600	Application Type:	Minor Dwelling
Proposal:	Construction of single storey 3 bedroom home with associated parking and landscaping	Location:	Goodshawfold Farm Goodshawfold Road Loveclough Rossendale Lancashire BB4 8QS
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	12 th October 2021
Applicant:	Mr C Watson	Determination Expiry Date:	11 th March 2021
Agent:	Abode Architecture		

Contact Officer:	Adrian Adams	Telephone:	01706-238645
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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 Permission be granted subject to the conditions set out in Section 10 of the Report.

2. **The Site**

The site is located to the northern end of the small town of Crawshawbooth and was previously operated as a farm, but in recent history this use has ceased and the requirements for agricultural buildings has subsided. The site forms that of a collection of former agricultural buildings that fall just within the settlement boundary.

The site itself is bound to the North and East by agricultural fields, the South a small residential area and hardstandings created by the site's previous owners. To the West is a stone-built barn Grade II Listed barn of which has been converted into a residence. The barn was listed in 1984 and is believed to date back to 1618 and is the only listed building within the immediate location of the application site.

The Goodshaw Conservation Area runs to the north of the site and includes the above Grade II Listed Barn.

Just outside of the conservation area are two agricultural buildings of relatively recent construction, with facing materials including breeze block, red brick, 'Yorkshire Boarding' & grey corrugated sheet. This are currently being converted into dwellings under a prior approval application, the decision for which was issued in 2020.

3. **RELEVANT PLANNING HISTORY**

1993/617 & 1993/618LBC	Conversion of part barn to dwelling including the re-roofing of the barn and new barn doors Approved 21/02/94
2020/0448 & 2020/0449LBC	Conversion of already been partly-converted barn to dwelling – Approved 28/01/2021
2020/0439	Class Q Application Approved 02/11/2020 - Provides for the conversion to 3 dwellings, work has commenced on site with the implementation of this application

4. **PROPOSAL**

The proposal seeks planning permission for the erection of a single storey 3 bedroomed home with associated parking and landscaping.

The proposed single storey dwelling comprises of two rectangular sections that are adjoined within a central area that would have a foot print approximately 12.9 metres in depth and 14.5 metres in width at northern elevation. The over height of the dwelling at the apex would be 4.6 metres.

The applications are accompanied by:

- A Design & Access Statement
- A Badger Report
- Heritage Impact Assessment

5. **POLICY CONTEXT**

National

National Planning Policy Framework 2021

- Section 2 Achieving Sustainable Development
- Section 5 Delivering a Sufficient Supply of Homes
- 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
- Section 16 Conserving and Enhancing the Historic Environment

Development Plan

RBC Core Strategy DPD (2011)

- AVP 4 Area Vision for Rawtenstall, 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 9 Accessibility
- Policy 16 Preserving and Enhancing Rossendale's Built Environment
- Policy 18 Biodiversity, Geodiversity & Landscape Conservation

Rossendale Local Emerging Plan 2019/2036

- Spatial Strategy SS - Suitability of the site, its sustainability and the needs of the local area
- SD1 - Presumption in Favour of Sustainable Development
- HS1 – Meeting Rossendale's Housing Requirements
- HS8 – Private Outdoor Amenity Space

Other Material Planning Policy Considerations

- National Planning Practice Guidance
- RBC Goodshawfold Conservation Area Character Appraisal

6. **CONSULTATION RESPONSES**

RBC Conservation Consultant

No objection - Comments received

LCC Highways

No Objection – Comments received:

“The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway grounds”

United Utilities

No objection – subject to the attachment of 2 suggested conditions.

Greater Manchester Ecology Unit

No reply received.

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order the following consultation methods were used within this application:

- 6 Neighbour letters were sent out
- Site Notice erected on 12th February 2021
- News Paper Advertisements published 19th February 2021

In respect of the above consultation process, 3 Objections have been received as follows:

18 Spring Terrace (1), Loveclough, Rossendale (The property is to the south-west of the application site).

Comment Reasons:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Loss of privacy
- More open space needed on development
- Out of keeping with character of area
- Over development

Comment:

Firstly, being the nearest neighbour to this additional development, I did not receive any notification at all. It is my recent understanding that the nearest neighbour is informed by letter and I received nothing. This contravenes the Councils own procedures which is beyond poor.

Previously, whilst I did comment, I did not object to the now ongoing regeneration of the 2 existing barns on this site, as, kept small and in keeping with the existing farmstead and adjacent Conservation Area, it could add value, but I do object to this further addition. Despite being single storey and slightly set down it will encroach too much on the visual amenity of the footpath walks through the countryside of Goodshawfold, and it is directly opposite the end of historic Spring Terrace where, despite being similar in style to the barns which are further over to the left, will be far more obvious as people walk up and rise out of the village on the footpath in front of Spring Terrace. It looks crammed onto the site and will add nothing of value to the area. The regeneration of disused barns is one thing but this would appear to benefit little apart from the developers profits.

The countryside around this area is being rapidly developed and lost, please do not allow continual small encroachments to spoil our heritage in Goodshawfold as well.

18 Spring Terrace (different member of the public), Loveclough, Rossendale (The property is to the south-west of the application site).

Comment Reasons:

- Conflict with local plan
- Increase danger of flooding
- Increase in traffic
- Out of keeping with character of area
- Over development
- Traffic or Highways

Comment:

Having previously commented and stating no objections to the original plan for the

conversion of existing structures I feel I must object as this development has a significant impact on the conservation area of Goodshawfold and in particular Spring Terrace and is out of character with existing structures as it has clearly never been a barn.

Residents of the village are already concerned about the strain on utilities. Residents are aware that gas and electricity supplies are very close to the surface and a continued increase in heavy vehicles on the lane will cause damage to services. The village has already experienced more than its fair share of power outages.

Concerns also exist on the adequate drainage of surface water and subsequent damage to the existing properties and those currently under conversion. Problems already exist with water run off at the foot of Loveclough road and continued erosion of the lane which will be exacerbated by further increased traffic.

Increased traffic is of particular concern in light of other developments the increased hazards to traffic at the junction of Goodshawfold and Burnley Roads. Particularly with Lancashire County Councils reluctance to reduce this stretch of road to 30 MPH despite the location of playing fields and a children's play area

2 Spring Terrace Loveclough, Rossendale (The property is to the south-west of the application site located to the south western end of the row of terrace houses).

Comment Reasons:

- Close to adjoining properties
- Development too high
- Increase danger of flooding
- Increase in traffic
- More open space needed on development
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Traffic or Highways

Comment:

The application for a bungalow style development on this site will seriously impact on the adjacent development and existing listed buildings in the immediate vicinity, which are of significant architectural and historic importance. The plans will also make the site over developed and out of character with adjacent properties of Spring Terrace which lies in a conservation area immediately adjacent to the planning application.

Whilst the "Highways" report offers no objections, the approach road to this whole development is un-adopted and already showing signs of serious erosion due to the heavy vehicles supporting the existing housing development, and run off during the prolonged periods of rain, putting pressure on services above and beneath the surface. Once finished and without this additional development it will have to support up to 10 an additional vehicles entering and leaving which could potentially result in periods of disruption to services which have already experienced on Spring Terrace and adjacent area in recent times without the additional traffic.

8. ASSESSMENT

The main considerations in this case are as follows:

1) Principle

- 2) Visual Amenity
- 3) Heritage Impact
- 4) Neighbour Amenity
- 5) Ecology
- 6) Access/Parking & Drainage

1) Principle

The proposed dwelling is located within the southern section of the former farm yard area. Whilst the dwelling would be located adjacent to a group of existing dwellings (conversions of the barns are currently in progress), the footprint of the building would be located a metre or so just outside of the existing urban boundary of the settlement of Crawshawbooth, as defined by the Rossendale Core Strategy 2011.

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 and 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 15th 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, I have assessed this proposal and do not consider 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:

It is considered that the proposed development would meet this aim in so far as the site is located adjacent to the urban boundary and is within a short walking distance of bus stops located on either side of Burnley road, the route is along a lit footpath that runs along the northern side of Goodshawfold Road. 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 to 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.

Based upon the above assessment, the proposal is considered to be acceptable in principle.

2) Visual Amenity

General policy framework

Policies 1, 23 and 24 of the Council's adopted Core Strategy seek to maintain Rossendale's distinctive environment by, amongst other things, ensuring that all new developments are of the highest standard of design - that respect and respond to local context, distinctiveness and character - in terms of criteria including style, visual impact, scale, massing and height.

Since the original use of the site for farming has ceased, the hardstanding area in which the proposed dwelling would be located, has become overgrown and unutilised. The Design & Access Statement (D&AS) submitted with the application confirms that the proposed dwelling has been designed in order to maintain the original agricultural feel of the overall development. The design consists of two stable blocks with a modern infill to provide a physical link between the two forms. The roof over the link section, has a low profile in order to reduce the overall appearance and mass between the two stable blocks. The dwelling has been kept to a single storey in order to assist with concealing the building below the existing bund that forms the south eastern boundary.

The proposed development fits well within the southern boundary of the site whilst retaining an adequate level of amenity space. The development as proposed, is of a modest size and scale in terms of the available land and is not considered to represent a crowded or overdevelopment of the site.

In terms of materials, the Design & Access Statement confirms that the materials selected will both accord and assimilate with both the previously approved schemes for the conversion of the existing agricultural buildings and will utilise agricultural materials such as timber, metal cladding and natural stone finishes. These materials have been assessed by the Council's heritage expert and have been found to be acceptable.

However, it is considered to be expedient and proportionate to attach a condition to any grant of planning permission to ensure that the development is constructed in accordance with the details submitted within both the application forms and the Design & Access Statement submitted with the application.

Therefore in conclusion upon the visual impact of the development, it is considered that siting, design and use of materials on the external elevations of the proposed development are in keeping with the character of the local area and would not cause a harmful or adverse impact upon the local visual amenity.

3) Impact Upon Heritage

Heritage Policy Framework

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving listed buildings and their setting and any features of special architectural or historic interest they possess.

Likewise, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Policy 16 of the Council's adopted Core Strategy seeks to preserve and enhance Rossendale's historic built environment by:

"Promoting the positive management of the Borough's heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.

Paragraph 194 of the NPPF 2021 states: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

RBC Conservation Consultant

The Council's Heritage expert has been consulted and has confirmed that they have no objection to the proposal. They have gone on to state:

*"Overall I do not feel there will be any harm to the contribution made by the setting to the significance of the adjacent listed building and that the setting to the CA will be preserved. As such I do not consider a heritage balancing exercise is necessary re P.202 of the NPPF.
Conclusion / recommendation*

As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 due weight in my comments.

I consider that the proposed new dwelling will meet the duty to preserve as laid down in the above Act and would meet the objectives laid out in Chapter 16 of the NPPF and would therefore be acceptable under Policy 16 of the Local Plan."

Based upon the above consultation assessment, it is considered that the proposal accords with the aims and principles contained within both local and national planning policy frameworks. It is considered that the proposed development would not result in an adverse or harm impact upon the settings of either the listed barn, or the Conservation to the north of the application site.

4) Neighbour Amenity

Given the topography of the site and the level of separation between the proposed dwelling and existing properties located to west and south west boundaries of the site, the proposed development would not result in any harmful loss of privacy, loss of sunlight or increase in general noise and disturbance to these existing dwellings.

In terms of the barn conversions that are currently being converted on the site to the northeast of the proposed dwelling, the new dwelling would not result in any harmful loss of amenity to these dwellings in terms of loss of privacy or overlooking.

The proposed dwelling would have a sufficient level of amenity garden land in accordance with the Council's policy requirements.

Based upon the above, it is considered that overall, the proposed development would not result in any harmful impact upon neighbor amenity.

5) Ecology

As part of the consultation process, Greater Manchester Ecology Unit were consulted on the proposal however, to date, no reply has been received. With the application 2020/0448 for the conversion of an already partly- converted barn, the impact upon Badgers was a material consideration.

The applicants have therefore, submitted a Badger Scoping Survey in connection with the conversion barn. This Scoping Survey dated 29th October 2020 confirms within the Executive Summary, the following comments:

“No evidence of badger activity was observed on site and no active setts, and little evidence of badger activity was identified within the vicinity of the site. As such, it is considered that the proposed development has limited potential to impact badgers. However, as badger are known to be present within the local area in a transitory capacity, mitigation measures detailed in section 4.3 of this report should be implemented during the construction phase of the development. These measures will ensure that the potential of harm to badgers and other mammals is minimised in the unlikely event that they are present on site at the time of the works”.

The Mitigation and Compensation Measures recommended within the report are as follows:

- Prior to the commencement of any works, or access by any machinery or heavy plant, a pre-commencement search should be undertaken to identify any new setts or signs of badger activity on site or within the immediate vicinity. This search should be undertaken by a suitability qualified ecologist.
- Regular site checks must be undertaken during construction to ensure that no new setts have been created.
- No trenches or excavations will be left open overnight. They will be backfilled or covered with board, or alternatively fitted with a means of escape for any badger (or other animal) which may become trapped within, such as a plank or slope leading out of the bottom of the excavation at an angle of 45°.
- Any pipes will be stored with caps on to prevent entry by badgers and other animals, and materials such as barbed wire will be stored so that animals cannot become entangled in them.
- Any chemicals or harmful materials will be stored so that they cannot be accessed by badgers or other animals.
- Excavations will be checked before they are backfilled to ensure that no animals have become trapped.

Based upon the concern for badger welfare within the previous planning application 2020/0048 close by, it is considered to be expedient and proportionate to attach a condition to the grant of planning permission to require the developer to carry out the development in accordance with the mitigation measures above.

In summary of the above point and subject to the mitigation measure set out above, it is considered that the proposed development will not result in an adverse impact upon the local ecology.

6) Access/Parking & Drainage

Highways were consulted as part of the public consultation process and they have confirmed that they have no objections to the proposed development. The condition of the access road is not within the ownership of the applicant and therefore is not a matter that can be controlled by the planning process.

In terms of parking, it is considered to be expedient and proportionate to attach a condition to any grant of planning permission to require that prior to the proposed dwelling being occupied, the two parking spaces as shown on the approved plans Ref: 410ROS-104 must be provided in accordance with these plans. This is to ensure that the amenity of the residents within the wider site are protected.

United Utilities were consulted on the proposed development and have confirmed that they have no objection subject to the attachment of two suggested conditions:

Condition 1 – Surface water

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing HC-20516- (30)-02, Rev B, Dated 03/12/20. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

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

Based upon the above assessment, it is considered that the access, parking and drainage arrangements are acceptable.

9. **SUMMARY REASON FOR APPROVAL**

The proposed development is considered acceptable in principle and, subject to the conditions, will not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies of the Council's adopted Core Strategy (2011).

10. **RECOMMENDATION**

Permission is granted subject to the attachment of 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 : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

- 2) The development must be carried out in accordance with the following unless otherwise required by the conditions below.

Title	Drwg No	Date Recd
Location Plan (Barn 5)	410ROS-104	14.12.2020
Site Plan (Barn 5)	410ROS-105	14.12.2020
Design & Access Statement	Barn 5	14.12.2020
Proposed Drainage Plan	HC-20516-(30)-02	14.12.2020
Proposed Dwelling (Barn 5)	410ROS-103	14.12.2020
Badger Scoping Report		14.12.2020
Heritage Impact Assessment		10.08.2021

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

- 3) The materials to be used on all of the external surfaces, must be carried out in strict accordance with the details stated within the planning application form and the Design & Access Statement – Barn 5 received with the planning application on the 14.12.2021 unless first agreed in writing with the Local Planning Authority.

Reason: In order to protect the character and visual amenity of the local area.

- 4) The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing HC-20516- (30)-02, Rev B, Dated 03/12/20. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

- 5) Foul and surface water shall be drained on separate systems.

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

- 6) The development shall be undertaken in accordance with the mitigation measures set out in Section 4.3 of the Badger Report by United Environmental Services Ltd (Ref No UES03156/02; Dated 29/10/2020)

Reason: To protect wildlife.

- 7) The dwelling hereby permitted must not be occupied until such time as the external areas to the front, side and rear of the application building have been provided with a surface-finish, and boundary walls/fences/gates have been provided, in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

Reason : To protect the character and amenity of the local area.

INFORMATIVE:

- 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 Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. Work on an existing wall shared with another property;
2. Building on the boundary with a neighbouring property;
3. Excavating near a neighbouring building, and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available free of charge from: <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>