Item B8

Rossendale BOROUGH COUNCIL

Application Number:	2022/0541	Application Type:	Full
Proposal:	Full: Erection of 2 no. three- bedroom dwellings, with access, parking and landscaping. Improvement and demarcation of surrounding parking area	Location:	Land At Chapel Street Whitworth Rochdale Lancashire OL12 8PP
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21 March 2023
Applicant:	Mr Liam Dillon (Stanton Properties NW Ltd.)	Determination Expiry Date:	24/03/2023 (Extension of time agreed)
Agent:	Mr William Holt		

Contact Officer:	Storm Grimshaw	
Email:	planning@rossendalebc.	gov.uk
REASON FOR RE	PORTING	
Outside Officer S	cheme of Delegation	No
Member Call-In		No
Name of Member:		
Reason for Call-In	:	
3 or more objecti	ons received	No
Other (please sta	te):	Yes – Council Owned Land

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**

Approval subject to the conditions contained within this report.

APPLICATION DETAILS

2. SITE

Version Number:	1	Page:	1 of 10
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The application relates to a substantial hard surfaced plot of land located between Massey Croft and Market Street in Whitworth. The site is accessed via Chapel Street, a sloping access road leading from Massey Croft to the west. The access forms part of the application site and is understood to be owned by the Council.

The site is surrounded by a mix of properties of varied design and construction including industrial buildings to the north (a timber yard) and a commercial car garage and parking area to the southeast. Predominantly, however, the surrounding area is in residential use and this is characterised by a varied mix of design and styles including traditional terraced buildings, single-storey bungalows and a converted Grade II Listed Church located to the east of the site.

The site itself consists of two large areas of unsurfaced hardstanding used for car parking with a hard surfaced tarmac road through the centre. Boundary treatments to the site are currently a combination of stone walling, timber fences and metal palisade fencing. Landscaping including trees and planting also feature across the site, although it would appear to be poorly maintained.

The site lies within the defined urban boundary and is not located within a Conservation Area.

3. RELEVANT PLANNING HISTORY

X/2006/500 – Full: Conversion of Chapel to 12 no. apartments & the attached Sunday School to 3 no. houses, with garaging/parking to the rear. (**Approved**).

x/2006/501 – Listed Building Consent: Conversion of Chapel to 12 no. apartments & the attached Sunday School to 3 no. houses, with garaging/parking to the rear. (**Approved**).

2009/0575 – Full: Reconfiguration of existing 12 no. apartments the subject of Planning Permission 2006/500, with associated car parking and external works. (**Approved**).

2009/0582 – Listed Building Consent: Reconfiguration of existing 12 no. apartments the subject of Listed Building Consent 2006/501LB) with associated external works. (**Approved**).

2010/0386 – Discharge of conditions 2-8 on planning permission 2009/0575. (Approved).

2017/0226 – Full: Erection of 3 no. three-bedroom dwellings, with associated access and landscaping works. (**Application Withdrawn**).

2018/0110 – Full: Erection of 2 no. three-bedroom dwellings, with access, parking and landscaping. Improvement and demarcation of surrounding parking area. (**Application Withdrawn**).

4. PROPOSAL

Planning permission is sought for the erection of 2 no. semi-detached three-bedroomed dwellings on the southern portion of the site. Each dwelling would be two-storey in height and would have a footprint of approximately 11m x 6.5m. The dwellings would feature dual pitched roofs (measuring around 9.5m to the ridge from ground level), and full width canopy roof at ground floor level on the front and rear elevations. It is proposed that the dwellings would be constructed of reconstituted stone (with stone heads and sills), with an artificial slate roof. The proposed windows and doors would be UPVC units.

The front elevation of each dwelling would face west with the private gardens located to the rear. The proposed scheme includes the provision of grassed rear gardens, with further soft

Version Number: 1 Page: 2 of 10

landscaping to the front of each dwelling and in other parts of the site. New boundary treatments would be proposed and existing boundary treatments would either be retained or altered, such as the stone wall fronting Massey Croft, which is proposed to be reduced in height.

The plans indicates that two parking spaces would be provided for each dwelling, located immediately to the north of plot 1. The existing parking arrangement on site would be reconfigured, with nineteen spaces remaining (it is understood, however, that some of the spaces privately leased). The existing areas of hardstanding and access road would be re-surfaced in tarmac and all parking spaces demarcated.

The existing access to the site from Massey Croft would be widened as part of the proposed scheme, with the proposal also includes new lighting bollard along the access.

5. POLICY CONTEXT

Policy Considerations

<u>National</u>

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 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

Development Plan Policies

Local Plan

Policy SS: Spatial Strategy

Policy SD1: Presumption in Favour of Sustainable Development

Policy SD2: Urban Boundary and Green Belt

Policy HS1: Meeting Rossendale's Housing Requirement

Policy HS8: Private Outdoor Amenity Space

Policy ENV1: High Quality Development in the Borough

Policy ENV2: Historic Environment

Policy ENV4: Biodiversity, Geodiversity and Ecological Networks

Policy ENV6: Environmental Protection

Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality Policy TR4: Parking

Other Material Planning Considerations

1

National Planning Practice Guidance National Design Guide

Version	Number:

6. CONSULTATION RESPONSES

LCC Highways	No objection, subject to conditions and
	informatives
Ecology	No comments to make
Environment Agency	No objection, subject to conditions
United Utilities	Comments received
Cadent Gas	No objection, informative required
RBC Conservation Consultant	No objection
RBC Land Contamination Consultant	No objection, subject to conditions
RBC Property Services	Objection
RBC Operations	No comments received
RBC Environmental Health	Comments received
Whitworth Town Council	Comments received

7. **REPRESENTATIONS**

In order to publicise the application a site notice was posted and neighbour letters were sent out. The application was also available for viewing on the Council's website.

One objection has been received, raising the following concerns:

- Close to adjoining properties
- Inadequate access
- Inadequate parking provision / loss of parking
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Out of keep with character of area
- Over development
- Strain on existing community facilities

In addition to the above, the objector also commented:

"I live at 6 Chapel Street. My house is grade 2 listed and I am able to make barely any changes to my house as in needs to be in keeping with the area. Why does it then make sense that we would have brand new houses being built just next to us. I have a private space in this car park that i feel will be hindered with this. Looking at the plans a huge area of the car park will be lost due to the houses and their parking spaces. It's like the people that already live there don't matter. The noise and the mess will be awful as well when the houses are being built. And there isn't enough room for everyone to park at the front. My husband is disabled so relies on our private parking space and free access in the car park to our house."

One representation has also been received, seeking clarification on a boundary issue between no. 10 Victoria Street and the application site. This matter has since been resolved between the resident and the planning agent.

8. ASSESSMENT

The main issues for consideration in this instance are:

Version Number: 1	Page:	4 of 10
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- a) Principle
- b) Visual Amenity / Heritage Impact
- c) Neighbour Amenity / Residential Amenity
- d) Access, Parking and Highway Safety

Principle

The site is located within the defined urban boundary, where Policy SD2 of the Local Plan seeks to direct all new development.

The site is considered to be located in a sustainable location, approximately 30m from a bus stop on Market Street (A671) served by a frequent bus service. The site is also within walking distance of shops, services and employment opportunities and therefore the principle of residential development in this location is considered acceptable.

Visual Amenity and Heritage Impact

The application site is located adjacent to the Grade II Listed Methodist Church and therefore the Council have consulted Growth Lancashire, the Council's Heritage Consultants, for comments on whether the proposed development will harm the significance of the nearby listed building. In summary, the consultants have concluded that there will be no discernible impact on the significance of the Church and that the proposal would meet the statutory test 'to preserve' the significance of the designated heritage asset and the contribution made by its setting.

In terms of the scheme's design, having regard to the context of the surrounding area, and the mix of building materials utilised in the local area, it is considered that the design and appearance of the proposed dwellings would be acceptable. The size and scale of each dwelling would respect the surrounding built environment and overall it is considered that the scheme would not have an adverse visual impact on the character and appearance of the area. Nevetheless, it is considered appropriate to include a condition requiring the submission of samples of the proposed facing materials to ensure a high quality appearance to the development.

The submitted landscaping and boundary treatment details are appropriate.

Subject to conditions, the proposed scheme is considered acceptable in terms of visual amenity and the impact upon heritage assets. As such, the proposal complies with Section 12 and 15 of the Framework and Policies ENV1 and ENV2 of the adopted Local Plan.

Neighbour / Residential Amenity

Given the siting and orientation of the proposed dwellings, and the separation distances involved between the site and other residential properties, it is not considered that the scheme would have any significant impacts on the outlook, daylight or privacy enjoyed by residents of any nearby residential properties.

It is noted that the side elevation of each dwelling would contain a first floor window, which for plot 1 would provide the opportunity to overlook the rear gardens of 10 and 11 Victoria Street. It is considered appropriate for the window on the side elevation of plot 1 to be fitted with obscure glazing to avoid such harm.

The floor space of the proposed dwellings would comply with the minimum floor space set out in the Nationally Described Space Standards for a two storey dwelling with two bedrooms and five

Version Number: 1	Page:	5 of 10
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bedspaces. Furthermore, the proposed dwellings comply with the technical requirements set out in paragraph 10 of the standard. Furthermore, it is considered that the proposed scheme would provide sufficient private external amenity space for future occupants of each dwelling.

Having regard to the above, it is considered that the proposed scheme is acceptable in terms of neighbour amenity and the amenity of future occupants of the proposed dwellings. As such, the proposal complies with Section 12 of the Framework and Policies HS9 and ENV1 of the adopted Local Plan.

Access, Parking and Highway Safety

Following receipt of amended plans, the Local Highway Authority has no objection to the proposed scheme subject to conditions. The Local Highway Authority originally raised concerns regarding the site access taken from Massey Croft, however, the access has since been widened and the highway authority have confirmed the revised proposed site plan has provided the amendments requested.

In terms of parking, the proposed scheme would result in the loss of 10 existing spaces, and it has been raised by Whitworth Town Council that the land currently provides parking provision for occupants of the adjacent Church.

The above concerns have been raised with the Local Highway Authority, who have undertaken several visits to the application site: early afternoon 19 December 2022, early morning (6.50am) 21 December 2022, and evening (7:30pm) 16 February 2023. The site was also visited by the Local Highway Authority in 2018 under application 2018/0110.

On each occasion the level of parking demand in the area to be lost to the proposed development was comparably low, with vacant bays available along the northern boundary. Taking this into account, and the site's highly sustainable location close to public transport options, the Local Highway Authority have confirmed that the proposed scheme does not raise any significant concerns in relation to parking and highway safety despite the loss of the existing parking provision within the application site. In terms of parking provision available for existing residents in the area (such as occupants living within the converted Chapel), the Local Highway Authority have raised no concerns.

Overall, it is considered that the proposed scheme is acceptable in terms of access, parking and highway safety.

9. **RECOMMENDATION**

Approval subject to conditions.

10. CONDITIONS

1. The development hereby permitted shall be begun prior to the expiration of three years from the date of this permission.

Reason: Required by Section 91 of the Town and Country Planning Act 1990.

- 2. The development shall be carried out in strict accordance with the following drawings unless required by the conditions below:
 - Submitted application form dated 24 October 2022

Version Number: 1 Page: 6 of 10	
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- Site Location Plan drawing no. 21/616.01 B
- Proposed Site Plan drawing no. 21/616.05 C
- Proposed House Type A drawing no. 21/616.07 B

Reason: To define the permission and in the interests of the proper development of the site.

3. No development shall take place until physical samples of the proposed facing materials and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall be constructed utilising the approved materials.

Reason: To ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site.

- 4. 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 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 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 (including verification plan) 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: To mitigate risks associated with land contamination and to ensure the site is suitable for the proposed end use.

5. Pursuant to condition 4; and prior to first use or occupation 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: To mitigate risks associated with land contamination and to ensure the site is suitable for the proposed end use.

6. Notwithstanding what is shown on the submitted drawings, the first floor window on the south-facing side elevation of the dwelling identified as plot 1 on drawing no. 21/616.05 C shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.

Reason: In order to protect the privacy of the occupiers of neighbouring properties in the surrounding area.

Version Number: 1 Page: 7 of 10

7. The dwellings hereby approved shall not be occupied until all hard landscaping, fences, walls and other boundary treatments as shown in the approved details have been erected or altered in conformity with the approved details.

The three trees to be planted as part of the proposed landscaping shall be of native species. All planting and soft landscaping shall be implemented in accordance with the approved plans within the first planting season following the first occupation of the dwelling.

Any trees or shrubs dying, becoming diseased or being removed within 5 years of being planted shall be replaced with specimens of the same size and species in the next planting season.

Reason: To achieve a net gain in biodiversity and in the interests of securing a high quality appearance to the development.

- 8. No development shall commence until a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
 - ii. An assessment of the impact a sustainable water drainage scheme may have on the stability of the site and the surrounding area and public safety risks posed by the site's coal mining legacy. An assessment should be made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site;
 - iii. 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);
 - iv. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - v. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - vi. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The dwelling hereby approved shall not be occupied until the drainage schemes have been completed in accordance with the approved details and they shall be retained thereafter for the lifetime of the development.

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

Version Number: 1 Page: 8 of 10

9. No part of the development hereby approved shall be occupied until all the highway works to construct the amended access at the junction with Massey Croft have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works should include, but not be exclusive to, the construction of the amended access to an appropriate standard, including tie-in details to the adopted carriageway and kerb line, and appropriate carriageway Give Way markings at the junction with Massey Croft.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

10. No part of the development hereby approved shall be occupied or brought into use until the existing and proposed car parking areas have been constructed, laid out and surfaced in a bound porous material.

The existing and proposed car parking areas as shown within the red edge of the approved site plan (drawing no. 21/616.05 C) shall thereafter be kept free of obstruction and available for the parking of cars at all times.

Reason: To prevent loose surface material from being carried on to the public highway, thus causing a potential source of danger road users, and to ensure a sufficient amount of parking is retained.

- 11. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It 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. The erection and maintenance of security hoarding
 - v. Wheel washing facilities
 - vi. Measures to control the emission of dust and dirt during construction
 - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. Details of working hours and timing of deliveries by HGVs no large vehicle deliveries during school drop off/pick up
 - ix. Measures to protect pedestrians on the public footpath

Reason: In the interests of highway safety.

12. The dwellings hereby approved shall not be occupied until secure covered cycle storage and electric vehicle charging points for each dwelling are constructed/installed. The facilities shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the development provides sustainable transport options and to ensure satisfactory levels of parking are achieved within the site.

11. INFORMATIVES

Version Number: 1 Page: 9 of 10

- The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
- Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

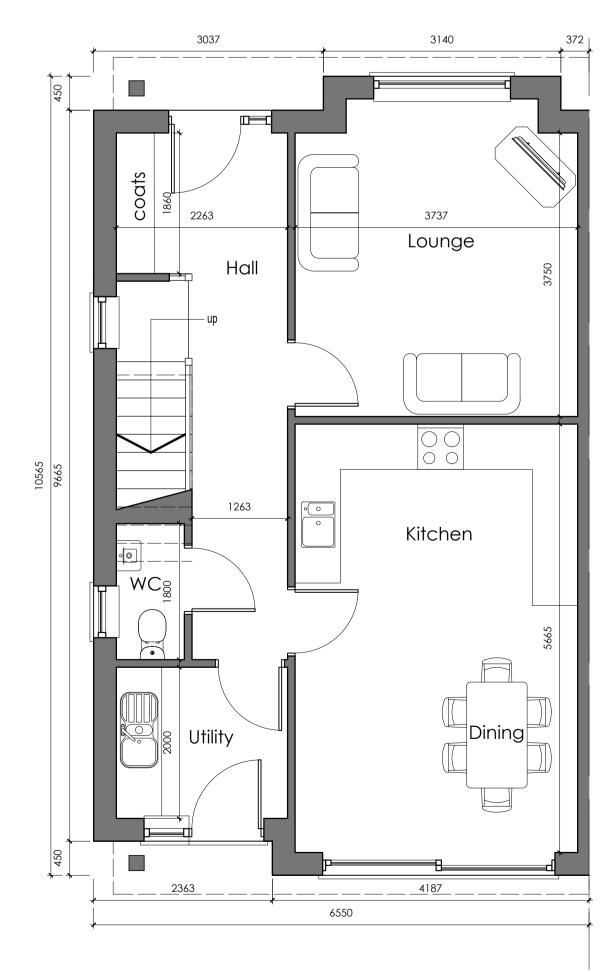
Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 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 applicant's attention is drawn to the advice provided by the Environment Agency in their comments dated 19 January 2023. The comments are available to view on public access.
- 6. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (short form Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the amended access on Massey Croft to an appropriate standard, including tie-in details to the adopted carriageway and kerb line, and appropriate carriageway Give Way markings at the junction with Massey Croft. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on <u>developeras@lancashire.gov.uk</u>, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
- 7. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

Version Number: 1 Page: 10 of 10

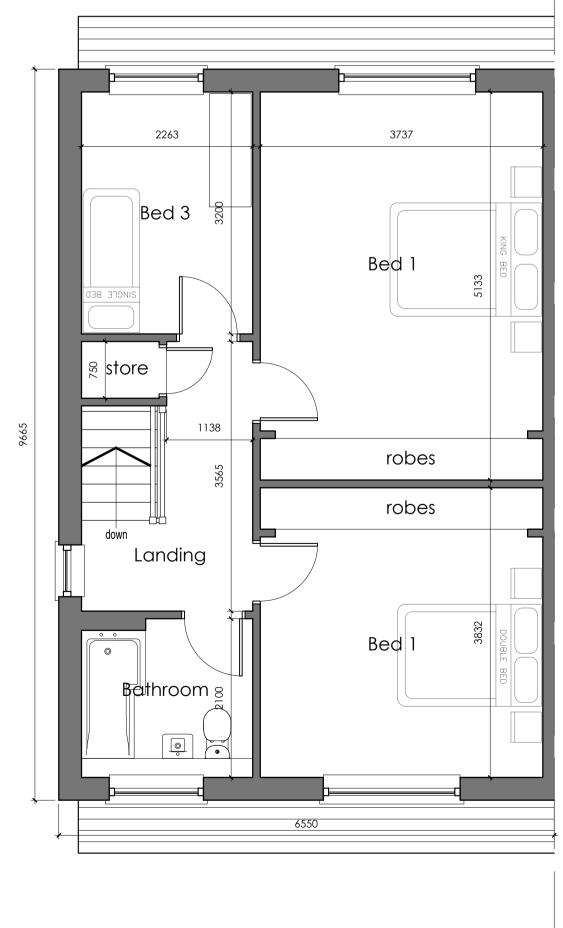


FRONT ELEVATION





FIRST FLOOR (AS)







SIDE ELEVATION



- This drawing is copyright. No unauthorised copying of drawing without the express permission of the architect.
- Do not scale from prints. Use figure dimensions only.
- Contractors to check all dimensions on site prior to commencement of works.
- All works to be carried out in accordance with current statutory Health and Safety Regulations.
- This drawing is to be read in conjunction with all relevant consultants' and / or specialists' drawings / documents and any discrepancies or variations are to be notified to the architect before affected work commences.

REV.	AMENDMENTS	DATE
Α	Dimensions indicated to floor plans & elevations	06.12.22

ACCOMMODATION SCHEDULE

Total	109.69m²
GROUND FLOOR FIRST FLOOR	56.20m² 53.49m²
HOUSETYPE A	3b5p

Project	LAND DEVELOPMENT: CHAPEL ST., WHITWORTH
Drawing	PROPOSED HOUSETYPE A
Client	STANTON PROPERTIES LTD.
)wn. By	CPS
Scale	1:50
Drg. No.	21/616.07 A
0rg. Size	A1
Date	OCTOBER 2022

JOHN HOLT ARCHITECTS LTD.

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Scale 1:50 @ A1 0||||||||||||||||1| | 2| 2.5 m|



B Red line boundary revised to include changes to access road from Massey Croft

DO NOT SCALE DRAWING

07.03.23



- 06.12.22





