

Application Number:	2023/0192	Application Type:	Full
Proposal:	Full: Erection of a single 4 bedroom residential dwelling with associated landscaping and parking	Location:	Land Off Goodshaw Avenue North Loveclough
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	05.09.2023
Applicant:	Mr Stephen Draper	Determination Expiry Date:	08.09.2023 (EOT added)
Agent:	Edmondson Design Services		

Contact Officer:	Claire Bradley	Telephone:	01706 238636
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In	No
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.

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#### 1. RECOMMENDATION

That the application be approved subject to the conditions specified below.

## **APPLICATION DETAILS**

### 2. SITE

The application relates to a previously undeveloped Greenfield plot of land located within an existing housing estate. The land is characterised by dense vegetation including shrubs, saplings and some larger trees. A stream also runs along the westerly side boundary of the site with a strip of protected (TPO) trees projecting from the north eastern corner.

The land is located off Goodshaw Avenue North to the rear of the properties located on Turf Meadow and is accessed off the A682 Burnley Road.

The site is located within the urban boundary.

### 3. RELEVANT PLANNING APPLICATION HISTORY

14/74/123 – Erection of 42 detached and semi-detached dwellings: Approved – Site identified as open space to be adopted (was never adopted)

2004/0712 – Outline application for dwelling in principle only – Refused

2021/0029/PREAPP - Erection of single dormer bungalow, parking and landscaping – Advice Issued

2022/0279 - Full: erection of four-bedroom dormer bungalow dwelling with associated landscaping and parking, with dropping of kerb: Withdrawn

## 4. PROPOSAL

Planning permission is sought for the construction of a single storey three-bed detached bungalow on the northern portion of the land.

The dwelling would measure 14.5 metres x 7.68 metres and would be single storey. The dwelling would measure around 5.15m in height to the apex of its pitched roof, and around 2.55m to its eaves.

Off-street car parking spaces for three vehicles would be provided adjacent to the south side of property by way of the construction of a permeable block paved driveway. Existing trees located to the south of the site are proposed to be retained as is the stream running along the western boundary.

It is proposed to plant native hedging around the perimeter of the site, and native shrubs to the front. Natural stone flags would be used to form a pathway and patio around the dwelling. Existing boundary fences to the rear and side of the site would be retained.

The dwelling is proposed to be constructed from coursed natural stone with concrete grey roof tiles with the windows and doors constructed from black or grey upvc.

#### **POLICY CONTEXT**

# **National Planning Policy Framework**

Section 2 Achieving Sustainable Development
Section 4 Decision Making
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 15 Conserving and Enhancing the Natural Environment

## **Development Plan**

# **Local Plan Policies**

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 HS5: Housing Standards

Policy HS8: Private Outdoor amenity space

Policy ENV1: High Quality Development in the Borough

Policy ENV4: Biodiversity, Geodiversity and Ecological Networks

Policy ENV6: Environmental Protection Policy ENV10: Tree and Hedgerows

Policy TR4: Parking

## Other material considerations

National Planning Practice Guidance

### 5. CONSULTATION RESPONSES

Consultee	Response
Tree Consultant	No objection subject to conditions
Ecology Consultant	No objections subject to conditions
Environmental Protection	No objections subject to conditions
LCC Highways	No objections subject to conditions
Fire Brigade	No objections
United Utilities	No objections
RBC Environmental Health	No objections subject to conditions
LLFA	Standing advice states: The Lead Local Flood Authority (LLFA) has no objection to the proposed development.

#### 6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 31.05.2023 and neighbour letters were posted out on 25.05.2023.

17 objections have been received to the development on the following grounds:

Historically the land has never been developed

Impact on ecology and habitats

Other refusals on the estate support a refusal on this application

Affects the character of the surrounding area

The speed of traffic approaching this junction is a concern

Privacy and outlook of dwellings to the rear due to the difference in levels

Removal of the wooded area to the rear of Turf Meadow will impact on wildlife

The driveway is in a dangerous position on a blind bend.

Design not in keeping with the surrounding area

Siting adjacent to pavement not in keeping with surrounding area and should be set further back

The land slopes steeply and could impact on the watercourse

Land acts like a sound barrier for traffic noise

Overdevelopment of the site

Impact on the visual amenity of area

Benefits would not outweigh the harm

Development is contrary to Local Plan

#### 7. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity;
- 3) Neighbour Amenity;
- 4) Highway Safety
- 5) Ecology
- 6) Trees

### **Principle**

The application site is located within the urban boundary where the adopted Local Plan seeks to locate most new development.

The proposed dwelling would be located in an area surrounded by other residential development but the application site is 'greenfield' in planning terms, meaning that it has not been previously developed.

Policy SS (Spatial Strategy) of the Local Plan states the following in relation to greenfield sites:

"Greenfield development will be required within and on the fringes of the urban boundary to meet housing and employment needs. The Council will require that the design of such development relates well in design and layout to existing buildings, green infrastructure and services."

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As such, subject to appropriate design (assessed below), the proposed scheme is considered acceptable in principle.

# **Visual Amenity**

Policy ENV1 of the Local Plan seeks to promote high quality design in the Borough, and includes a varied set of criteria with which development proposals need to comply.

Paragraph 130 of the Framework states that planning decisions should ensure that developments:

- "a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is considered that the proposed development constitutes an appropriate style and scale of development which would be sympathetic to the context of the surrounding area. The traditional pitched roof design of the dwelling would be appropriate, and the relatively simple appearance and fenestration on the front elevation would complement the existing street scene.

The proposed use of natural stone walls would ensure a lasting high quality appearance to the development. Whilst the use of grey concrete tiles on the roof of the dwelling would not be a traditional roofing material, given that the vast majority of the surrounding dwellings have concrete tiled roofs it is not considered that it would reasonable in this case to require the use of natural slate.

Whilst the scheme would result in the removal of a significant amount of existing vegetation from the site, the mature trees towards the southern end would be retained. In addition, native planting is to be carried out to the rear consisting of Hawthorn, Cherry, Beech, Dog Wood, Elder.

The remainder of the rear of the site is to be grassed.

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To the front of the site, the applicant is proposing native shrubs to create a boundary such as: Burnet Rose, Butchers Broom, Downey Willow etc. These will be located behind a dwarf wall

The Council's Tree Consultant is satisfied with the proposed planting and landscaping proposals, subject to them being conditioned for implementation.

In terms of the dwelling's position in the site, the building line of the front elevation of the property is very close to the highway / footway, in contrast to the spacious open / landscaped frontages of other properties on the Avenue. This has been amended since the previous proposal to angle the dwelling and allow native shrub planting behind a dwarf wall, which goes some way to address the impact on the character of the streetscene.

This is a very finely balanced case, as to whether the amendments to the siting completely address the impact on the character of the area. The case officer considers that it is acceptable on balance in terms of visual amenity and impact on the streetscene.

The proposal is in accordance with the NPPF and Policy ENV1 of the Rossendale Local Plan in respect of visual amenity.

# **Residential Amenity**

Policy ENV1 (c) requires development to be sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area; and (d) states that the scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;-nor should it be adversely affected by neighbouring uses and vice versa:

The proposed dwelling is located over 20 metres from the existing dwellings opposite on Goodshaw Avenue North. No windows would directly face No. 104 to the side of the site.

The ground level of the application site is 2.25 metres higher than the ground level of the gardens of Turf Meadow to the rear. The separation distances between the rear elevation and the properties on Turf Meadow would all exceed 23m.

The existing trees will be retained between the application site and the properties on Turf Meadow maintaining the existing level of privacy and outlook for those dwellings

Information has been provided by the applicant to demonstrate that the dwelling would exceed the required floor space for a four-bedroom, five-person house set out in the Nationally Described Space Standards. Whilst relatively modest, it is considered that the proposed rear garden area would provide an adequate amount of private outdoor amenity space for the occupants of the dwellings.

The scheme is considered acceptable in terms of neighbour / residential amenity.

In view of the above it is considered that the proposals will safeguard the residential amenities currently enjoyed by the occupiers of the neighbouring properties to the side, front and rear. It is therefore considered that the proposal satisfies the

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requirements of Policies ENV1, and ENV6 of the Rossendale Local Plan in neighbour amenity terms.

# **Highway Safety**

It is not envisaged that the proposals will give rise to any undue highway safety concerns.

The Highway Authority have no objections to the proposed development, subject to conditions.

# **Ecology**

The Framework contains a requirement that all new developments demonstrate a net gain in biodiversity potential, and that any adverse impacts on habitats are avoided, mitigated or adequately compensated.

Policy ENV3 of the Local Plan advises that:

"The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions."

"Policy ENV4 Biodiversity, Geodiversity and Ecological Networks states: "Development proposals that have potential to affect a national or locally-designated site, as shown on the Policies Map and its immediate environs, or on protected habitats or species, will be expected to be accompanied by relevant surveys and assessments detailing likely impacts. A sequential approach should be followed to avoid harm and where possible enhance biodiversity, and where not possible, provide appropriate mitigation and, as a last resort, on and off-site compensatory measures to offset the impact of development".

All development proposals should seek to protect and enhance biodiversity, and will be requested to quantify any net gains".

Following receipt of further information, the Council's ecology consultants (GMEU) have commented as follows:

In terms of net gain, the revised scheme now results in an overall net gain of some 10% through the inclusion of additional tree planting. The metric calculation does show that the proposal breaks the trading rules of the metric, i.e. amount of habitats of medium distinctiveness is in deficit, but given that the area of habitat is small and net gain is not mandatory as yet, the overall gain is acceptable.

The landscaping plans will however, need to be updated to reflect the new tree planting. In addition the net gain is partly achieved through enhancing the retained areas of woodland on site but some of the suggested species to be planted within it are not appropriate and should be amended to exclude species such as Juniper. In addition to ensure the habitats on site achieve the uplift in condition that is claimed in the metric, a long term management plan will be required. We would therefore recommend that a Landscape and Ecological Management Plan condition be attached to any permission, should it be granted.

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#### Other Issues

The site supports habitats that may be used by nesting birds. As all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act we would advise that the standard nesting birds following condition be attached to any permission:

The recommendations in the Preliminary Ecological Appraisal regarding hedgehogs and the control of Rhododendron should be incorporated into any Construction Environmental Management Plan for the site.

The Appraisal also makes recommendations for the incorporation of bat and bird boxes and these should be included in the updated landscaping plans (see above).

Amended plans have been received which address the comments in relation to enhanced areas of the woodland and the planting at the site.

No information has been received in relation to bat and bird boxes, however, this can be included as a condition.

In terms of ecology and biodiversity, the proposal will result in a net gain of biodiversity on the site, through the retention of a number of existing trees and the planting of further trees and shrubs. The proposal is in accordance with Policies ENV1 and ENV3 of the Local Plan and Section 15 of the NPPF.

### **Trees**

Policy ENV10 of the Local Plan states:

"Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value."

The policy goes on to state that:

"Development proposals should, where appropriate:

- not result in the loss of trees or woodland which are subject to a Tree Preservation Order or which are considered worthy of protection"

The Council's tree consultant has stated:

"An Arboricultural Impact Assessment, Protection Plan and Arboricultural Method Statement has been provided by arbtech. The report states that 13 trees and 3 groups are required to be removed to facilitate the development. The majority of the trees are low quality category C trees and the removals are therefore acceptable though replacement planting will be required within the scheme to mitigate the losses. The report has highlighted that no information regarding the utilities and service has been provided and therefore the impact to the trees has not been assessed. Information will be required to be provided to the arboricultural consultant to assess the impacts before construction can begin.

### Summary/recommendations

I have no objections to the proposed development though will require an updated AMS before construction begin which includes the impacts of the proposed services and utilities.

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The removal of the trees would have an impact on the visual amenity of the area, however, they will be replaced with more appropriate shrubs and trees for a residential area which will enhance the overall amenity of the area and would be in accordance with Policy ENV10 of the Rossendale Local Plan.

#### 8. CONCLUSION

The applicant has revised the previous application that was withdrawn and has addressed the previous concerns.

In terms of impact on the streetscene and on the character of the area, this is a very finely balanced case, as to whether the amendments to the siting completely address the impact on the character of the area.

The case officer considers the proposals to be acceptable on balance in terms of visual amenity and impact on the streetscene.

Overall, the development is now considered acceptable and in accordance with the Rossendale Local Plan and the NPPF.

### 9. **RECOMMENDATION**

That planning permission be approved subject to the following conditions.

#### 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 the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

Application form received 17.04.2023

Drawing No. 2021-24 Location Plan received 17.04.2023

Drawing No. 2021-24-01E: Proposed Plans Elevation and Site Plan received 23.05.2023

Drawing No.2021-24-02C: Landscaping and Separation Distances received 24.07.2023

Drawing No. 2021 - 24 D: Arbtech Tree Protection Plan received 17.04.2023

Drawing No. 2021 - 24 D Arbtech Arboricultural Impact Assessment Plan received 17.04.2023

Planning Statement received 17.04.2023

Arboricultural Method Statement Ref: 01 Rev A received 17.04.2023

Arboricultural Survey received 17.04.2023

Preliminary Roosting Features Assessment received 17.04.2023

Preliminary Ecological Appraisal received 20.06.2023

Preliminary Risk Assessment received 17.04.2023

Biodiversity Metric 3.1 received 10.07.2023

BNG Part 1 and 2 received 10<sup>th</sup> July 2023

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

3. Construction works shall not take place outside the following hours-

Monday to Friday 08:00 to 18:00 Saturday 08:00 to 13:00

Construction works shall not take place on Sundays or Bank or Public Holidays. Access and egress for delivery vehicles shall be restricted to the working hours indicated above.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

4. No materials shall be used on the elevations of the proposed development other than those referred to on the approved plans.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

Reason: To protect nesting birds.

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

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

6. Secure cycle storage suitable for 3 bicycles shall be provided within the boundaries of the site, prior to first occupation of the dwelling.

Reason: To promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

7. The off-street parking facilities shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

- 8. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
  - 24 Hour emergency contact number.
  - Details of the parking of vehicles of site operatives and visitors.
  - Details of loading and unloading of plant and materials.
  - Arrangements for turning of vehicles within the site.
  - Measures to protect vulnerable road users (pedestrians and cyclists).
  - Wheel washing facilities.
  - Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.

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- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

- 9. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:
  - i) 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
  - ii) 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 prevent pollution.

10. Pursuant to condition 9; 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 prevent pollution.

11. No development shall commence until all the retained trees within the site as shown on the Tree Protection Plan, have been protected. Such protection shall be installed in accordance with the specification described in the AIA and AMS document, in the positions as shown at Tree Protection Plan, and shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such fencing.

Reason: to protect the trees to be retained on the site

12. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement the development. The content of the LEMP shall include the following.

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- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: In the interests of the ecology and biodiversity of the site

13. No removal of or works to any hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

Reason: In the interests of the ecology and biodiversity of the site

14. In accordance with the recommendations detailed within the Preliminary Ecological Appraisal prepared by Arbtech as submitted to the Local Planning Authority on the 18 April 2023, details of the proposed ecological mitigation such as a bat and bird boxes (including type and location) shall be submitted to and approved in writing by the Local Planning Authority before any above ground works take place associated with the approved development. The agreed mitigation shall be installed prior to the dwelling hereby approved being first brought in to use and shall be retained in perpetuity thereafter.

Reason: In the interests of biodiversity and to ensure that there are no adverse impacts on protected species

### 11. INFORMATIVES

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.

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- 2. 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.
- 3. 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.
- 4. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority at <a href="http://www.lancashire.gov.uk">highways@lancashire.gov.uk</a> to ascertain the details of such an agreement. More information can be found on Lancashire County Council's website at <a href="http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx">http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx</a>
- 5. There must be no reversing into or from the live highway at any time all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
- 6. There must be no storage of materials in the public highway at any time.
- 7. There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- 8. Vehicles must only access the site using a designated vehicular access point.
- 9. There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations all of which must be managed within the confines of the site.
- 10. A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing <a href="mailto:lhsstreetworks@lancashire.gov.uk">lhsstreetworks@lancashire.gov.uk</a>
- 11. All references to public highway include footway, carriageway, and verge.
- 12. The LLFA advises that sustainable drainage on a property level is considered by the applicant to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development. This includes taking measures such as installing leaky water butts, permeable paving and roof gardens.

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