

<b>Application Number:</b>	2024/0160	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full: Erection of 3no 3 bed residential dwellings with associated parking and landscaping works	<b>Location:</b>	Land Adjacent 117 & 119 Booth Road Stacksteads Bacup Lancashire OL13 0TF
<b>Report of:</b>	Head of Planning and Building Control	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	08.10.2024
<b>Applicant:</b>	Mr Wayne Pohrebienyk	<b>Determination Expiry Date:</b>	10.10.2024 (Time extension added)
<b>Agent:</b>	Mr Ben Edmondson - Edmondson Design Services		

<b>Contact Officer:</b>	<b>Chris Dobson</b>	<b>Telephone:</b>	<b>01706 238639</b>
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<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>Yes</b> Cllr Julie Adshead The balance between potential harm to the Green Belt and other considerations.
<b>3 or more objections received</b>	
<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 the application be refused for the reasons specified below.

## 2. APPLICATION SITE

The application site relates to an irregularly shaped plot of open land located to the north of Booth Road in Stacksteads. The site was previously overgrown with trees, shrubs and other greenery and contained a number of timber garages, however, the land was cleared of structures and most vegetation around December 2021 and a large part of the site has since been levelled and consolidated with hardcore.

Despite this, there are different land levels across the site, and several mature trees remain standing in the left-hand parcel of the site.

A mix of residential properties are located nearby including traditional terraces to the east and west, and stone-built cottages, as well as modern single-storey and two-storey builds. To the north of the site there are open fields beyond which is a cluster of residential properties at Higher Tunstead.

A public right of way (Footpath FP1401019) runs from north to south through the application site.

The site is on land within the countryside designated as Green Belt.

## 3. RELEVANT PLANNING APPLICATION HISTORY

X/1992/007 – Outline - Erection of Detached Dwelling - **Refused**

X/1992/492 – Outline - Erection of 1 No Dwelling. The Development May Affect The Setting Of Footpath No 19 - **Refused**

X/2006/534 – Erection of 3 bedroom bungalow & garage - **Refused**

2023/0452 - Full: Erection of 4 no. two bedroom dwellings, with associated parking and landscaping – **Refused**

## 4. PROPOSAL

The applicant proposes the construction of three detached three-bedroom residential dwellings on the site. The dwellings proposed are to be in a linear formation set back from Booth Road. The dwellings would be two-storeys in height, contain a pitched roof and are, following amendments to the plans, are proposed to be constructed using natural coursed stone, natural blue/grey slate for the roofs and black uPVC windows, doors, fascia's, soffits and rainwater goods. An open sided porch is proposed to project from the front elevation to provide shelter above the dwellings main access doors. The dwellings are proposed to contain rear gardens bounded by a gabion retaining wall and native hedging to provide screening.

Two of the dwellings are proposed to contain parking provision for two vehicles to their eastern side elevations with parking for the third dwelling being positioned to the front of the dwelling to the east of the site. Two further off-street parking spaces are proposed to the west of the public right of way which runs through the site.

The submitted red edge contains land to the west of the site which is proposed to be utilised to towards providing biodiversity to accord with the statutory 10% gain in biodiversity. It is however noted that due to the previous degradation of the land, additional off-site gains are likely to be required to achieve the required 10% increase.

## 5. POLICY CONTEXT

### 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 and beautiful places  
 Section 13 Protecting Green Belt Land  
 Section 14 Meeting the challenge of climate change, flooding and coastal change  
 Section 15 Conserving and enhancing the natural environment

### Development Plan

#### Local Plan Policies

Strategic Policy SS: Spatial Strategy  
 Strategic Policy SD1: Presumption in Favour of Sustainable Development  
 Strategic Policy SD2: Urban Boundary and Green Belt  
 Strategic Policy HS1: Meeting Rossendale’s Housing Requirement  
 Policy HS8: Private Outdoor amenity space  
 Strategic Policy ENV1: High Quality Built Development  
 Policy ENV3: Landscape Character and Quality  
 Policy ENV4: Biodiversity, Geodiversity and Ecological Networks  
 Policy ENV5: Green Infrastructure Networks  
 Policy ENV6: Environmental Protection  
 Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality  
 Policy ENV10: Trees and Hedgerows  
 Policy TR4: Parking

### Other material considerations

National Design Guide (2019)  
 National Planning Practice Guidance  
 RBC Alterations & Extensions to Residential Properties SPD (2008)  
 RBC Climate Change SPD (2022)

## 6. CONSULTATION RESPONSES

Consultee	Response
LCC Highways	No objection subject to condition

Consultee	Response
Environmental Protection	No objection subject to condition
United Utilities	No objection subject to condition
Ecology (GMEU)	No objection subject to condition
Trees (Ecus)	No objection subject to condition
Fire Brigade	No comments received
RBC Environmental Health	No objection subject to condition
LCC PROW	No objection subject to development not extending into neighbouring field

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 17.05.2024 and the application was advertised in the local press for two weeks starting on 31.05.2024. Surrounding properties were notified by letter sent out on 16.05.2024.

One response has been received which is in support of the application on the following grounds:

- The houses proposed are sympathetic to the surrounding buildings
- Good availability of off-road parking is provided
- The use of the site for housing will prevent the land being used for fly tipping etc.
- The use will remove the Japanese knotweed currently in place on the land
- The development would improve Biodiversity at the site and preserve the trees currently in place.

## 8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Effect on Openness of Green Belt;
- 3) Visual Amenity and Effect on Character and Appearance of Surrounding Area;
- 4) Neighbour and Residential Amenity;
- 5) Access, Parking and Highway Safety
- 6) Green Belt Compensation
- 7) Ecology and Trees
- 8) Planning Balance and Conclusion

### Principle

At the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 of the Framework makes clear that for decision taking this means:

*“c) Approve development proposals that accord with an up to date development plan without delay; or*

d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- 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.”*

The Council can demonstrate a five-year supply of deliverable housing sites. However, the Borough is not in a position to demonstrate that it is achieving the required level of housing delivery.

As such, this triggers paragraph (d) above. The Framework clarifies that policies that are most important to an application are considered out of date where local authorities cannot demonstrate that they are achieving the required level of housing delivery.

Paragraph 11(d)(ii) is engaged i.e. planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

An assessment in relation to the above will be made at the end of this report.

Although located outside the urban boundary, the site is close to a limited bus route carrying services which provide links to Rawtenstall and Bacup town centres operating two hourly between the hours of 08:00 to 19:00 Monday to Friday, and two hourly between 09:00 and 18:00 Saturday and not at all on a Sunday and Bank Holiday.

There is a primary school located 900 metres from the site, with secondary schools located nearby also.

The closest general store is located 610 metres from the site, with the closest supermarket being 2.87 km from the site.

Overall, it is considered that the site is relatively sustainably located for new residential development.

### **Green Belt Policy**

The site is located in an area of countryside designated as Green Belt.

The Framework states, in paragraph 152, that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

Paragraph 153 of the Framework advises that when considering any planning application, local planning authorities should ensure that *substantial weight is given to any harm to the Green Belt.*

The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions as set out in paragraph 154 and 155 of the Framework.

Paragraph 154 (e) states “*limited infilling in villages*”

Assessing a proposal against Paragraph 154 e) requires consideration of whether the proposal would be in a village; whether it would represent infilling; and, if so, whether that infilling would be limited.

In terms of whether the site is *within a village*, Booth Road along this stretch comprises linear development and the appeal site forms a gap within this linear form. The site is clearly not within a village.

In the broader context, the site is located in an area of Green Belt clearly separating the villages of Waterfoot and Stacksteads. The Green Belt Review carried out in 2016 to inform the current Local Plan assesses the site as follows:

**Purpose 1 - To check the unrestricted sprawl of large built-up areas**

*Rating: Not Applicable*

*The parcel lies adjacent to Stacksteads which is not considered to be a large built up area assessed against purpose 1. Therefore, the parcel is not considered to contribute towards checking the unrestricted sprawl of large built up areas.*

**Purpose 2 - To prevent neighbouring towns merging into one another**

*Rating: Strong*

*This parcel is located between the settlements of Rawtenstall/Waterfoot and Stackstead, adjoining the settlements edges. The settlements are within very close proximity at this point (within 0.5km) and have good intervisibility across the parcel. The parcel forms part of the settlement gap and, along with neighbouring parcels to the south, is of critical importance and plays an essential role in preventing the erosion of the visual and physical gap between the two towns. The parcel contains some urban development along Booth Road; any new urban development and subsequent loss of openness could lead to the physical coalescence and the perception of the neighbouring towns merging that this point.*

**Purpose 3 - To assist in the safeguarding of the countryside from encroachment**

*Rating: Moderate*

*There is a relatively strong sense of encroachment within the parcel as a result of rows of residential properties located along Booth Road, a small cluster of residential properties in the north-east, a large area of hardstanding in the west, and the visual influence of the adjoining urban edge. The majority of the parcel comprises pastoral farmland that displays characteristics of the open countryside, however encroachment has detracted from these characteristics, consequently the parcel lacks an intact and strong rural character.*

*The Green Belt designation in this parcel is considered to make an important contribution to safeguarding a large area of open countryside to the north from encroachment.*

**Purpose 4 - To preserve the setting and special character of historic towns**

*Rating: No Contribution*

*Digital analysis, based on bare earth height data, indicates that this parcel is theoretically visible from the historic settlements of Fallbarn (Rawtenstall), and Rawtenstall Town Centre. In practice, this parcel has very limited intervisibility with Fallbarn (Rawtenstall) and Rawtenstall Town Centre. The openness of the land within*

*the parcel is not considered to be important to their setting or historical significance. Therefore, any new development that took place within the parcel is considered unlikely to affect the setting or special character of the historic settlements.*

***Purpose 5 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land***

*All parcels make an equally significant contribution to this purpose*

The site forms part of a larger swathe of Green Belt land that functions to prevent neighbouring settlements merging into one another which is one of the purposes of Green Belt. The application site forms a critical part of this function as it is located adjacent to Booth Road and other ribbon development with gaps in between at key points maintaining the openness and function of the Green Belt.

Pre-application advice provided to the applicant previously stated that the Council do not consider the site an infill site. This view remained the same when considering a formal planning application (2023/0452). Nevertheless, the layout of the site and the number of dwellings has changed for the current application therefore a further assessment has been undertaken.

The first test is whether the site constitutes “infill” then to assess whether that development is “limited”

Neither “limited” nor “infilling” is defined in The Framework or in the Rossendale Local Plan and therefore whether or not a proposal would constitute limited infilling is a matter of fact and degree.

The gap between No 117 Booth Road and 119 Booth Road represents 75 metres in length, which is a considerable length and when viewed from the approach from west to east - and clearly demonstrates that the site performs the function of preventing the neighbouring towns from merging.

To the rear of the site, at a considerably higher level than the application site is a dwelling known as Valley View, which was converted from an agricultural building into a dwelling in 2007. To the east is a row of terraced housing, and to the west a pair of three storey semi-detached dwellings.

The overall shape of the site is considered highly irregular in that its depth when measured from Booth Road narrows significantly towards the centre (to approximately 7m) as a result of the boundaries of the adjacent field to the north. The site, therefore has the appearance of being two adjacent sites (one rectangular and one triangular), and this has previously been the case in respect of the site’s planning history and previous refusals.

Notwithstanding the presence of neighbouring development on either side, it is not considered that the proposed development would constitute ‘infill’ – given the significant scale of the site and the amount of development that it would involve.

Turning then to the assessment of ‘limited’, the application proposes three two-storey dwellings in a linear formation which would extend for a distance of approximately 45m across the site. It is noted that the triangular shaped parcel of land to the west would remain largely undeveloped, with the exception of the creation of two off-street parking spaces however, the amount of development work proposed along with the laying of a

significant amount of hardstanding remains substantial and cannot be considered as being *'limited'*.

It is not considered that the development would constitute either *"limited"* or *"infill"* development in the intention of the Framework, and as discussed earlier in the report it is not considered that the development would fall *within a village* either.

This part of the Green Belt is characterised by groups of terraced dwellings interspersed by similar gaps. To reduce this gap with the amount of development work proposed would set an undesirable precedent opening the door to further merging of settlements and the erosion of Green Belt land.

Overall, the proposal for the construction of three new dwellings on the site would not be in accordance with any of the exceptions listed under Paragraph 154 of the Framework. Therefore, the proposed development is considered inappropriate development within the Green Belt, which would be harmful by definition. Substantial weight is duly afforded to that harm in the planning balance, as required by the Framework.

### **Effect on Openness of Green Belt**

As the proposal is considered inappropriate development within the Green Belt, the impact of the development on the openness of the Green Belt has to be assessed.

The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and one of the purposes of the Green Belt is *"to prevent neighbouring towns merging into one another"* and also *"to assist in safeguarding the countryside from encroachment"*.

The site lies in a prominent position immediately adjacent to Booth Road. Any built development in this location would be highly visible within immediate surrounding area. The application site is currently an open parcel of land free from buildings and other development, therefore the proposed construction of three detached dwellings along with the other elements of built form that accompany dwellings such as hardstanding, parked cars and boundary treatments would inevitably lead to a significant reduction in the openness of the Green Belt, and would result in physical coalescence and the perception of the neighbouring towns merging at this point.

In addition, this area is considered to make an important contribution to safeguarding a large area of open countryside to the north from encroachment.

It should also be noted that the land was covered by mature trees and vegetation until 2021 when site clearance work was undertaken. The below photos highlight the stark change in the visual appearance of the site since these works were undertaken:





Photo 1: Google Street View image Sep 2021



Photo 2: Google Street View image Apr 2023

In both spatial and visual terms, it is considered the proposal would have a significant adverse effect on the openness of the Green Belt, and that harm would be contrary to the aims and objectives of the Framework.

### **Visual Amenity and Effect on Character and Appearance of Surrounding Area**

The Framework states 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).”*

The context of the application site comprises of traditional stone built terraced dwellings to the east, and a pair of stone built three storey properties to the west. Directly opposite the site are three modern properties of differing styles and heights constructed in brick/render with tiled roofs.

The development proposes three dwellings of the same design. It is noted the design of the dwelling has changed from those submitted under application 2023/0452 which were not considered acceptable. The dwelling now proposed are of a simple design containing a pitched roof and an open sided covered front porch. The visual appearance of the dwellings has also been improved with the dwellings now proposed to be constructed using natural coursed stone rather than the reconstituted stone (Bradstone) as originally proposed. The positioning of the dwellings remain set back a significant distance from the front of the site. This is out of keeping with the building line of development on the north side of Booth Road within which the site is seen in the context of. Existing development along the north section of Booth Road generally fronts directly onto the main road.

Overall, whilst the design of the dwellings and the materials proposed to be used are considered acceptable, the layout of the site and the positioning of the dwellings fails to be sympathetic and appears out of keeping with the surrounding built environment.

### **Neighbour and 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 development achieves the national space standards and is a sufficient distance from surrounding existing properties to ensure the privacy and outlook standards are met.

In terms of the amenity of future occupiers, once the site is dug out as proposed the rear of the dwellings will face a significant gabion wall of 3.7 metres in height which will be 10 metres from the rear elevation, with the centre property being 14 metres to the brick outbuilding belonging to Higher Valley View which is located at a higher level. These distances have been increased by 1m from the previously refused application (2023/0452). It is considered that whilst the gabion wall and the brick wall of the above outbuilding will appear imposing, the setback of the dwellings are now considered adequate to ensure a reasonable standard of amenity for the occupants.

It is therefore considered that the proposal would be acceptable in terms of the impact upon both neighbour and residential amenity.

### **Access, Parking and Highway Safety**

The proposed development utilises an existing access to the site. Booth Road is an adopted classified road.

LCC Highways have commented as follows:

*“There is an existing vehicle access on Booth Road serving the site which will be used to serve the 4 new dwellings. This is considered acceptable.*

*There is a visibility splay drawing submitted which is not considered representative of the splays required as it is not drawn to the northern kerb line*

*or set back by 2.4m from the edge of carriageway, however the splays can be achieved within the adopted highway.*

#### *Construction traffic*

*There appears to a significant amount of earth to move from the site to reduce the ground levels. A traffic management plan is required to be submitted, should the application be approved and a pre-commencement and post-completion condition survey of the dropped kerb crossing on Booth Road is requested as this may be susceptible to damage by large vehicle movements. Any damage should be repaired at the cost of the developer and within an agreement timetable to ensure all highway users are protected.*

*Booth Road is sensitive to congestion at peak times and due to the proximity of the primary and secondary schools additional measures should be put in place to avoid large vehicle movements and deliveries during school pick up and collection to protect highway users.*

#### *Layout and parking*

*The refuse vehicle will not enter the access drive so receptacles will need to be stored adjacent to Booth Road for a kerb side collection on Booth Road.*

*The access road is proposed to be tarmacadam and the driveways are proposed to be paved in block paving which is bound and porous and is considered acceptable.*

*There is sufficient space internally to allow all vehicles to enter and leave Booth Road in forward gear, which is considered necessary.*

*The internal layout will be privately maintained and not formally adopted by Lancashire County Council due to its small size.*

*A scheme of surface water drainage will be required for the internal layout to ensure that no water is deposited onto the highway.*

*There is a public footpath (14-1-FP19) crossing the site, the route of the footpath across the site will be tarmacadam shared access drive. There is an existing style into the field beyond. This appears acceptable however, should any comments from the LCC PROW Team be submitted, these will supersede these comments.*

The Highway Authority have no objections to the proposals in relation to highway safety subject to conditions being attached to any approval.

In relation to the footpath, comments have been received from the Lancashire County Council Public Right of Way team who have raised an objection owing to concerns that the development would block footpath 14-1-FP19. Following this objection, updated plans have been submitted to demonstrate that the footpath would not be blocked. Further comments received from the PROW team stated the following:

*“Removing the object is proving to be a challenge as aligning the revised plans with the neighbouring buildings retains the proposed development within the neighbouring field, whereas ignoring the neighbouring properties and aligning the development against the fence line creates an obstruction of FP1401019 from the parking spaces.”*

Accordingly, the objection raised remains in place and it has not therefore been demonstrated that the development can be undertaken without causing an obstruction to a public right of way.

Overall, the proposals will give not rise to any highway safety concerns however the objection remains in relation to the obstruction of a public right of way.

### **Green Belt Compensation**

Policy SD4: Green Belt Compensatory Measures in the Rossendale Local Plan 2019 to 2036 states that *“where land is to be released for development, compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land will be required”*.

Planning Practice Guidance (PPG) on Green Belt states *“compensatory improvements may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and may include:*

- a) new or enhanced green infrastructure 1;*
- b) woodland planting;*
- c) landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);*
- d) improvements to biodiversity, habitat connectivity and natural capital;* e) *new or enhanced walking and cycle routes; and f) improved access to new, enhanced or existing recreational and playing field provision.*

*It should be noted that there are specific measures that will be necessary in order to make developments acceptable, and these will not be considered for Green Belt compensation. For example, play areas for children will be sought on-site for the benefit of the new residents, similarly suitable landscaping and protection of key views will be required, particularly in such sensitive areas on the edge of the rural/urban interface. These Green Belt compensatory measures relate to making improvements to the remaining Green Belt.”*

Developers need to show clearly how they are proposing to address Green Belt compensation, and explain how this is additional to the other measures that they will be proposing in order to meet Biodiversity Net Gain, and other requirements.

Whilst this site is not an allocated site, Policy SD4 still applies. No compensation measures have been put forward by the developer.

The proposed development is therefore contrary to Policy SD4 of the Rossendale Local Plan.

## **Ecology and Trees**

### **Biodiversity Net Gain**

A metric and supporting BNG report has been provided. Following amendments, the calculations take into account the degradation of the land which has occurred through the removal of trees/shrubs since 30th January 2021. The report show the development will result in a net loss of biodiversity at the site of 29.66%. Accordingly, it has not been demonstrated that the 10% gain in biodiversity can be achieved on-site. The Council's consultant Ecologist has been consulted to provide comments on the proposal. These state:

*“off-site compensation will be required before the standard Biodiversity Net Gain Condition can be discharged as the proposal will result in a net loss of biodiversity. The report states that this could achieved by “using offsite land under the client’s ownership, or units can be purchased from an off-site provider”. Under national requirements, full details of this provision will be required prior to the commencement of any development, should permission be granted.*

*In relation to the habitats being created on site, long term management will be required for the habitats that provide significant on site gain, in this case the grassland and the trees.”*

Should approval for the development be received, the statutory BNG condition will be applied to the approval and will require discharging by the Council prior to development work commencing.

### **Ecology**

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”.*

The application site was previously covered with trees, shrubs and other greenery and also contained a number of timber garages, however, the land was cleared of structures and most vegetation around December 2021 and a large part of the site has since been levelled and consolidated with hard-core.

The western half of the site is designated as Green Infrastructure on the Policies Map accompanying the Local Plan. Several trees remain standing on the western half of the site. It is likely that prior to the clearance works being undertaken, the site provided moderate ecological value, and the Local Planning Authority takes the view that the site was most likely cleared to facilitate future development. The consultant ecologist has advised “As the site has already be cleared the other measures for protection of species during construction are no longer relevant.” The ecological report submitted as

part of the application found Japanese Knotweed on the site therefore should approval for the development be received a pre-commencement condition would be required requiring the submission of an invasive non-native species protocol detailing the containment, control and removal of Japanese Knotweed on the site. The addition of bird and bat boxes would also be conditioned.

## **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 commented as follows:

### “Assessment

*An Arboricultural Impact Assessment and Method Statement has been provided which has provided adequate information regarding the impact of the development. The development requires work to be carried out within the RPA of T01 & T04. Adequate information for the no dig surfacing and methodology for working within these RPA’s has been provided in order for the construction of the parking spaces.*

### Summary/recommendations

*I have no objection to the proposed scheme a long as all of the information within the AIA and AMS is followed at all times.”*

It is noted that tree/shrubs etc. have been cleared from the land prior to the submission of the application. These losses have been accounted for within the above Biodiversity section. As assessed by the consultant arborist, the details provided to protect the remaining trees at the site is considered appropriate.

Overall, subject to the addition of conditions including the statutory BNG condition, the development is acceptable in relation to the ecological and tree matters.

## **Planning Balance and Conclusion**

In line with paragraph 153 of the Framework, it is necessary to carry out a balancing exercise to ascertain whether very special circumstances have been demonstrated – i.e. whether the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

## **Benefits of the Principle of Development**

The development would provide three new dwellings towards the borough's housing need, in a relatively sustainable location – representing a limited benefit. Accordingly, limited weight is attached to this benefit.

## **Harm Caused by the Development**

Overall, the construction of the proposed new dwellings on this Green Belt site would not be in accordance with any of the relevant exceptions listed within the Framework. Therefore, the proposed development is considered inappropriate development within the Green Belt, which would be harmful by definition. Substantial weight is afforded to that harm in the planning balance, as required.

The site lies in a prominent position immediately adjacent to Booth Road. Any built development in this location would be highly visible within immediate surrounding area. The application site is currently an open parcel of land free from buildings and other development, therefore the proposed construction of three detached dwellings along with the other elements of built form that accompany dwellings such as hardstanding, parked cars and boundary treatments would inevitably lead to a significant reduction in the openness of the Green Belt, and would result in physical coalescence and the perception of the neighbouring towns merging at this point.

In addition, this area is considered to make an important contribution to safeguarding a large area of open countryside to the north from encroachment.

In both spatial and visual terms, it is considered the proposal would have a significant adverse effect on the openness of the Green Belt, and that harm would be contrary to the aims and objectives of the Framework.

In addition to this, the setback of the dwellings from Booth Road also deviates from the building line of the surrounding built environment along the north side of Booth Road which contains dwellings directly fronting the road. The development therefore fails to reflect the character or appearance of the surrounding built environment representing significant harm within the planning balance. Significant weight is afforded to this harm.

It has also not been demonstrated that the development can be undertaken without causing an obstruction to a public right of way, again resulting in significant harm to which significant weight is afforded within the planning balance.

## **9. CONCLUSION**

The Framework advises that the harm caused by inappropriate development in the Green Belt should be afforded significant weight and that such development should not be approved except in very special circumstances. Very special circumstances have not been demonstrated in this case – the limited benefit of the proposal does not outweigh the significant harm that would result to the Green Belt by virtue of inappropriateness, and the other harm identified above.

## **10 RECOMMENDATION**

That planning permission be refused for the following reasons

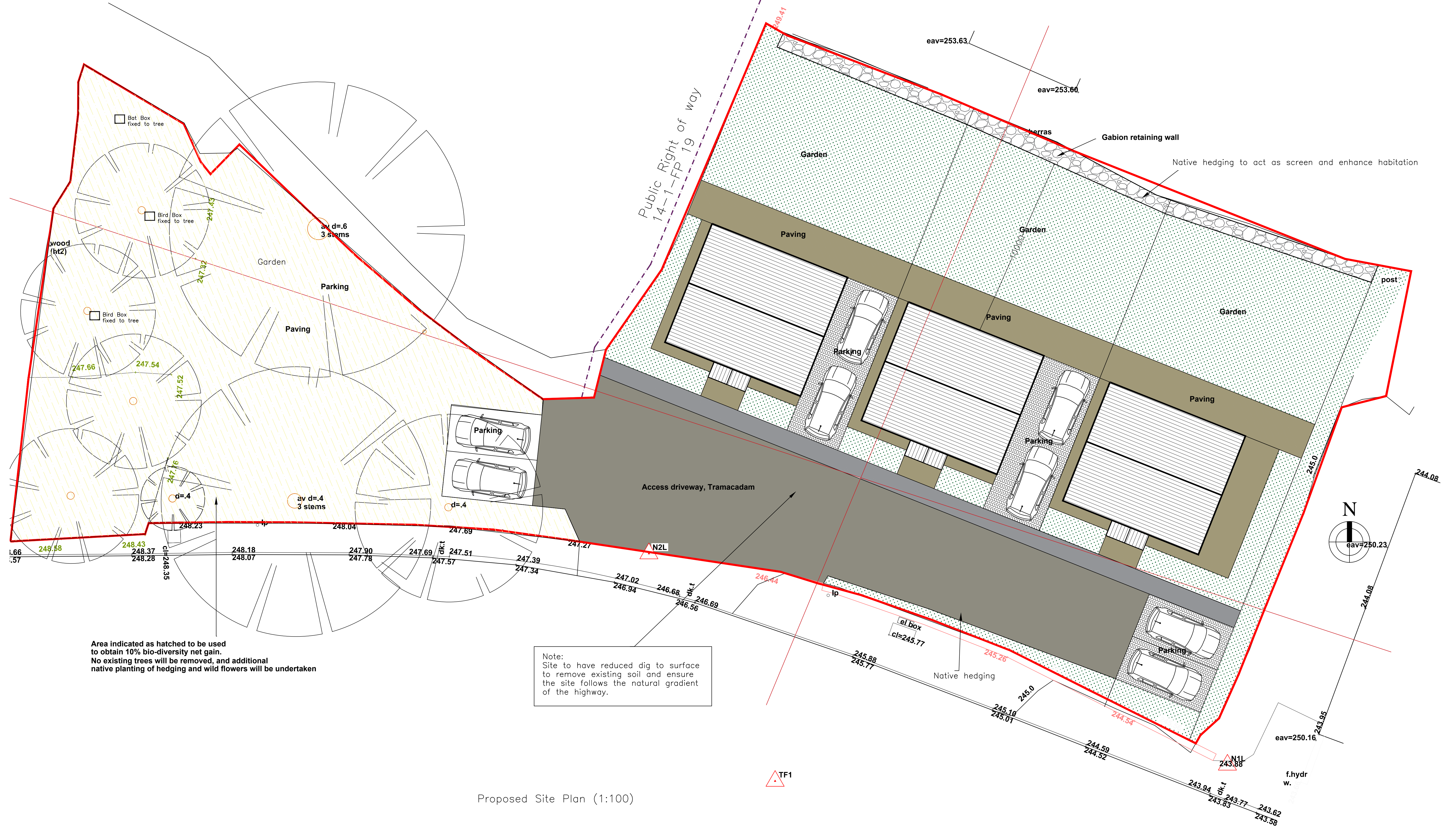
## REASONS FOR REFUSAL

1. The proposal would be inappropriate development within the Green Belt, which by definition is harmful. No very special circumstances have been demonstrated which would outweigh the resulting harm. As such, the development is contrary to Section 13 of the National Planning Policy Framework and Policy SD2 of the adopted Local Plan.
2. The layout of the site including the positioning of the dwellings fails to be sympathetic and appears out of keeping with the surrounding built environment. The proposal is contrary to Section 12 of the National Planning Policy Framework and contrary to Policy ENV1 of the Rossendale Local Plan in respect of visual amenity.
3. It has not been demonstrated, to the satisfaction of the Local Highway Authority, that the development can be undertaken without causing an obstruction to a public right of way. As such, the proposal is contrary to Sections 9 and 12 of the National Planning Policy Framework.

## 11. INFORMATIVES

1. The proposal would not comply with the development plan and would not improve the economic, social and environmental conditions of the area. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.





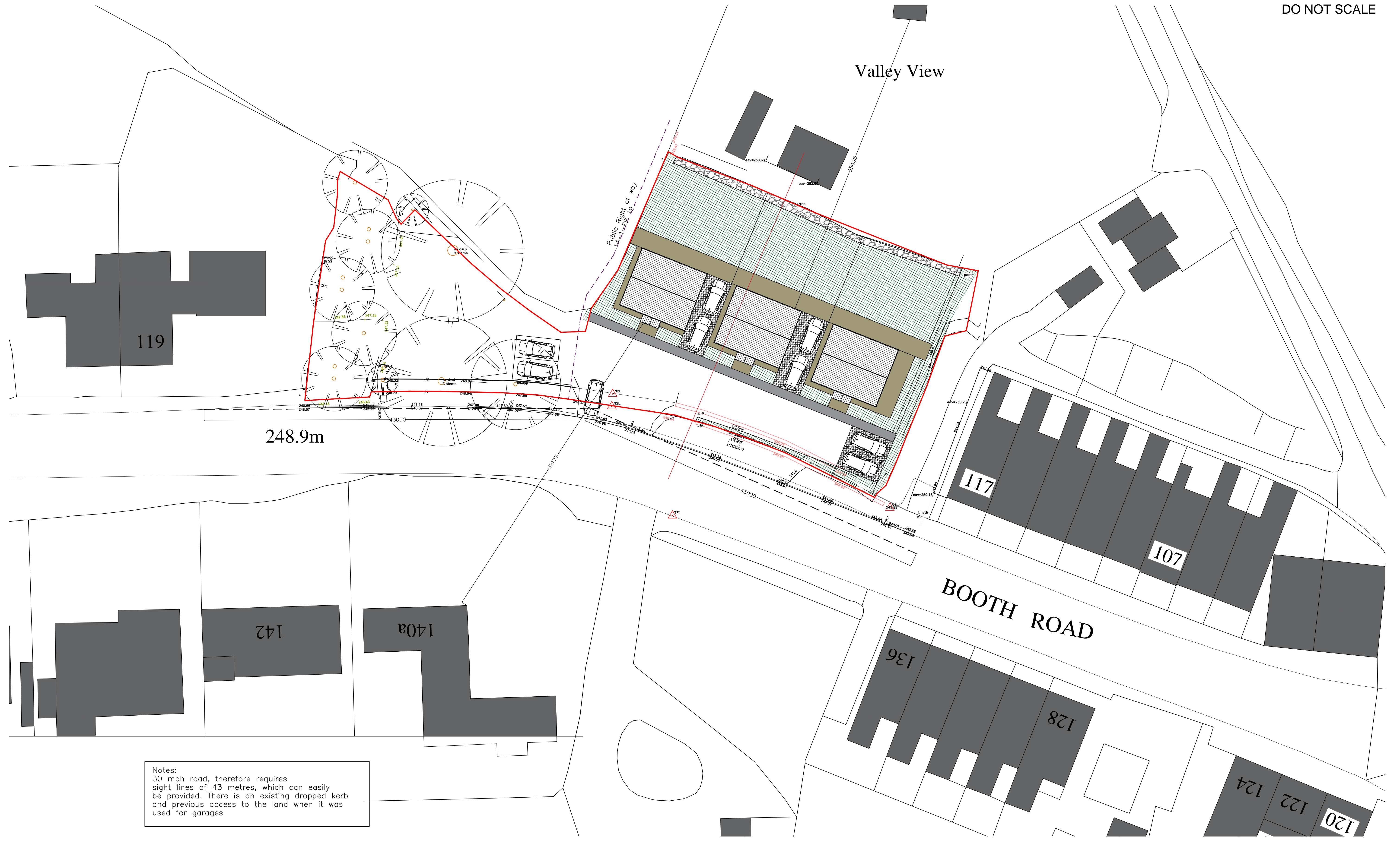
Area indicated as hatched to be used to obtain 10% bio-diversity net gain. No existing trees will be removed, and additional native planting of hedging and wild flowers will be undertaken

Note: Site to have reduced dig to surface to remove existing soil and ensure the site follows the natural gradient of the highway.

Proposed Site Plan (1:100)


Client Wayne Pohrebiennyk		<p>eds edmondson design services</p> <p>20 Fernhill Drive Stacksteads, Bacup Lancashire OL13 8JS tel 01706 870944 mob: 07528809176 e:info@eds20.co.uk</p>
Project Land off Booth Road Stacksteads Bacup OL13		
Job No. 2022/85	Area	File Ref
Title Block Plan		
2022/85-01		rev. F
Date 18.10.22	Drawn by B. Edmondson	Scale AS Noted @ A1





Notes:  
 30 mph road, therefore requires sight lines of 43 metres, which can easily be provided. There is an existing dropped kerb and previous access to the land when it was used for garages

Proposed Sight Lines (1:200)

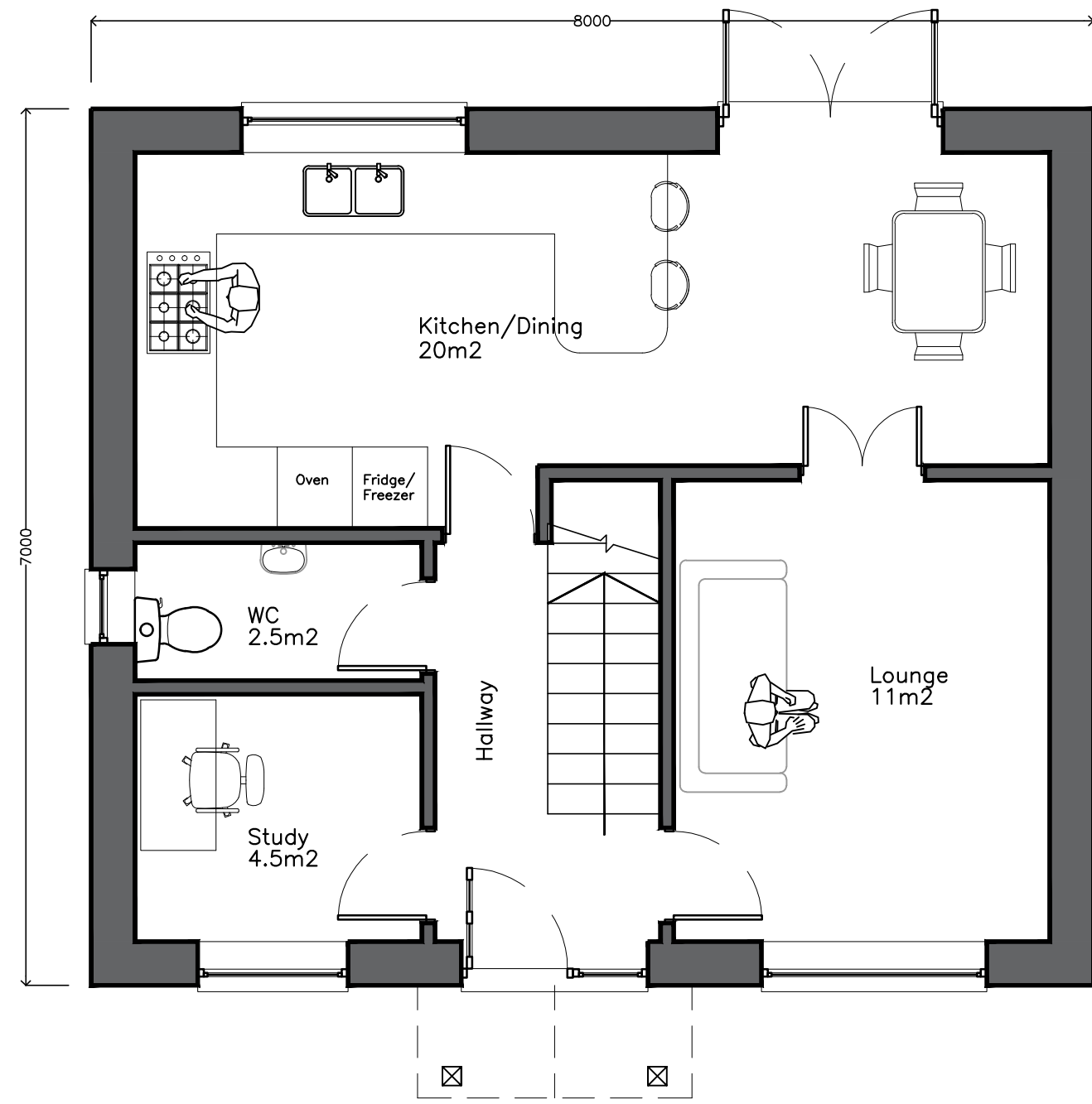
Client Wayne Pohrebienyk		 <p>eds edmondson design services</p> <p>20 Fernhill Drive Stacksteads, Bacup Lancashire OL13 8JS tel 01706 870944 mob: 07528809176 e: info@eds20.co.uk</p>	
Project Land off Booth Road Stacksteads Bacup OL13			
Job No. 2022/85	Area	File Ref	
Title Sight Lines and separation distances			
2022/85-03		rev. E	
Date 18.10.22	Drawn by B. Edmondson	Scale AS Noted@A1	Checked



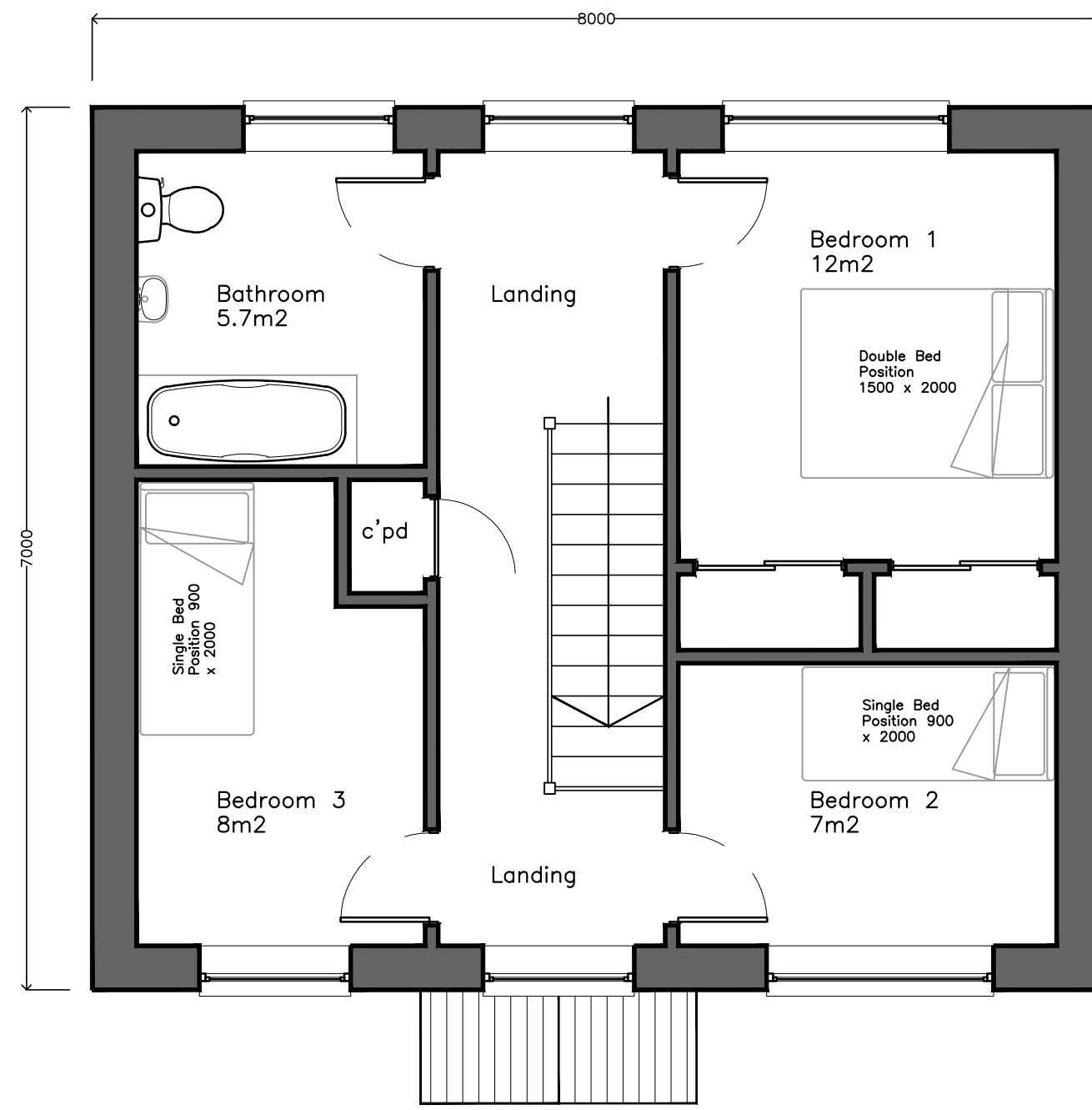


**BOOTH ROAD**

Proposed Composite Section on Booth Road (1:100)



Proposed Ground Floor Plan (1:50)



Proposed First Floor Plan (1:50)



Proposed Front Elevation (1:50)

Materials:



Walls – Pitched Face Bradstone



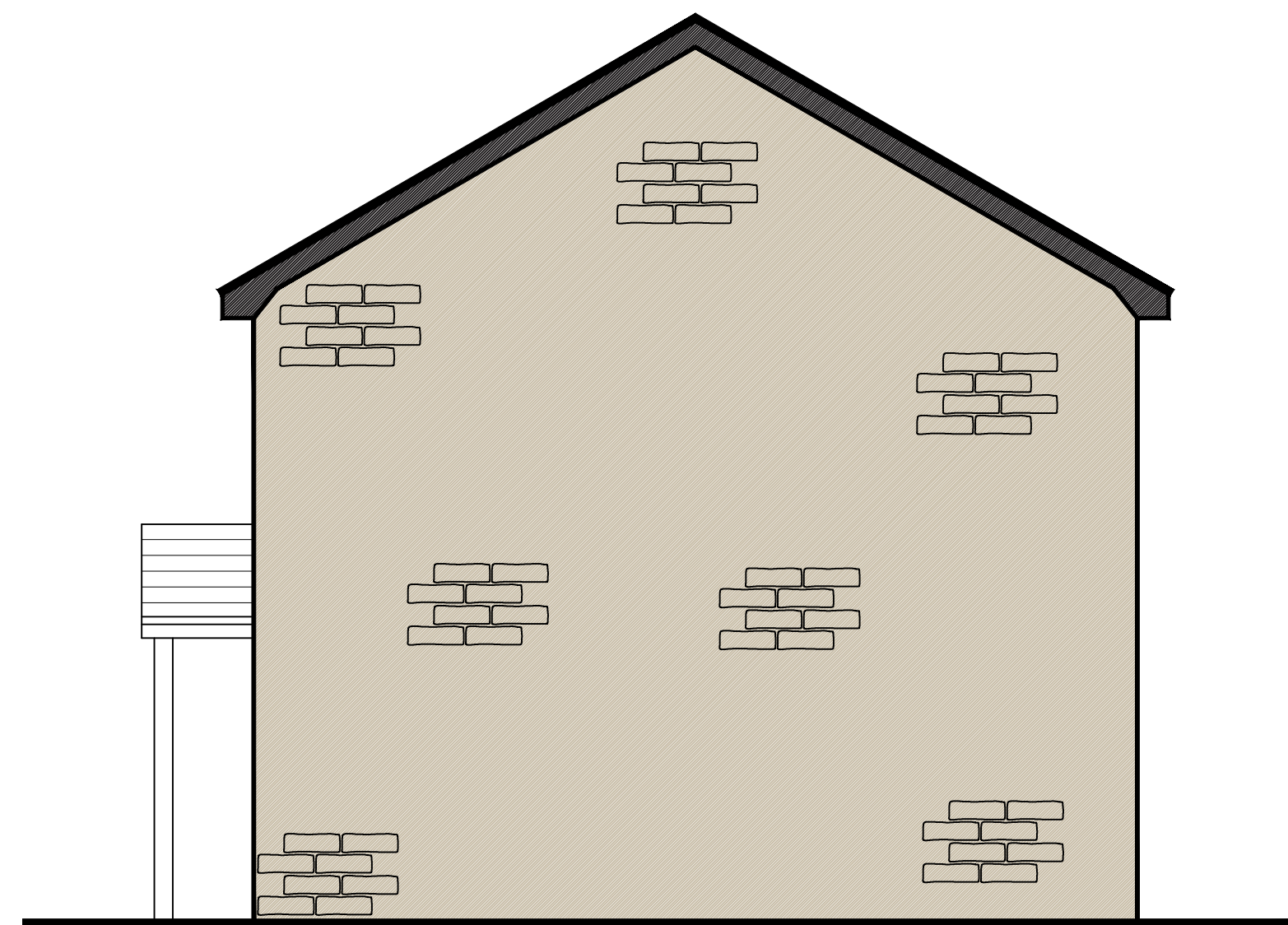
Roof – Natural blue/grey slate



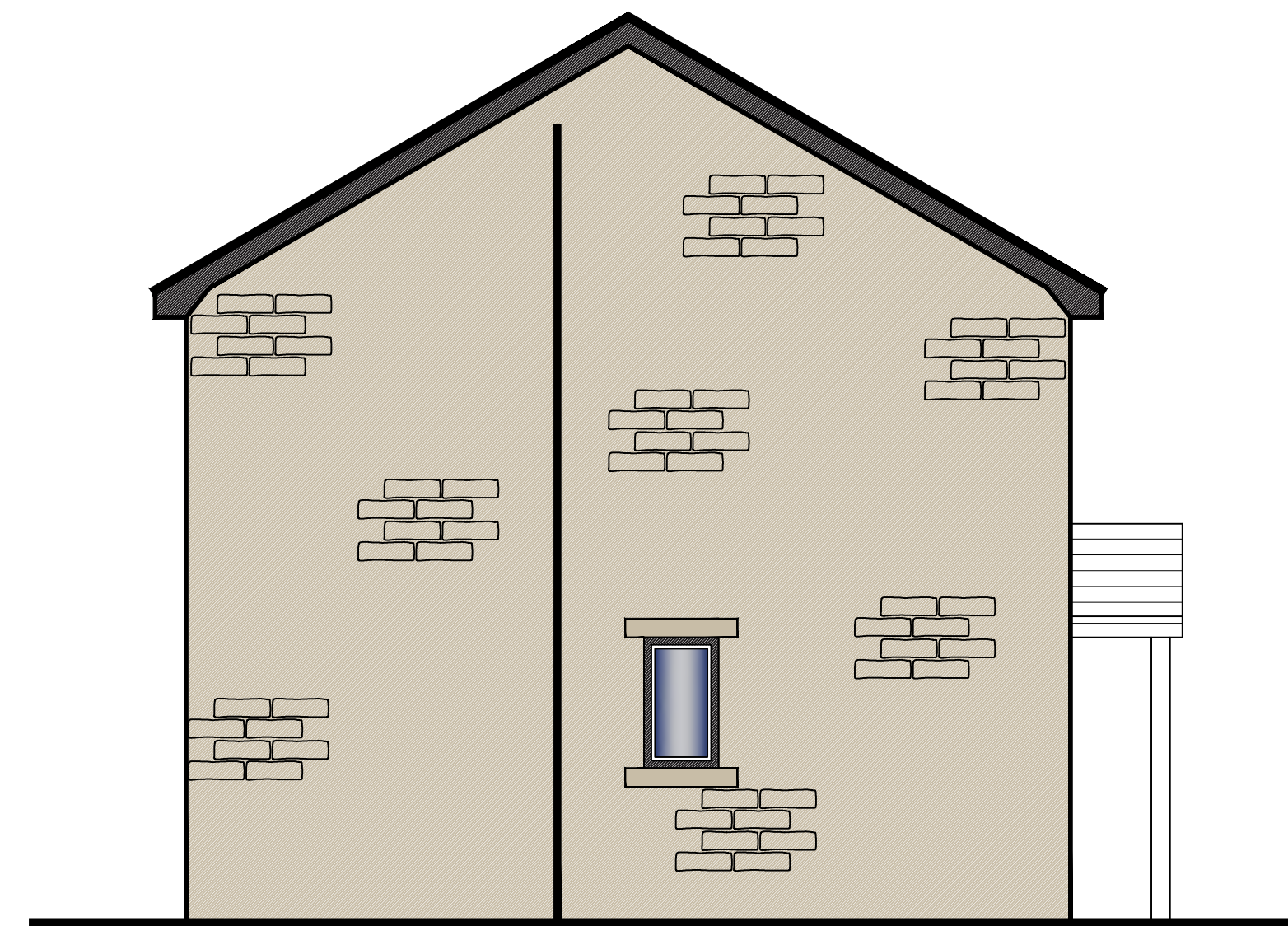
Windows, Doors, Fascia, soffit and Rain water goods to be UPVC in RAL 8022 (Black)



Proposed Rear Elevation (1:50)



Proposed RH Gable Elevation (1:50)



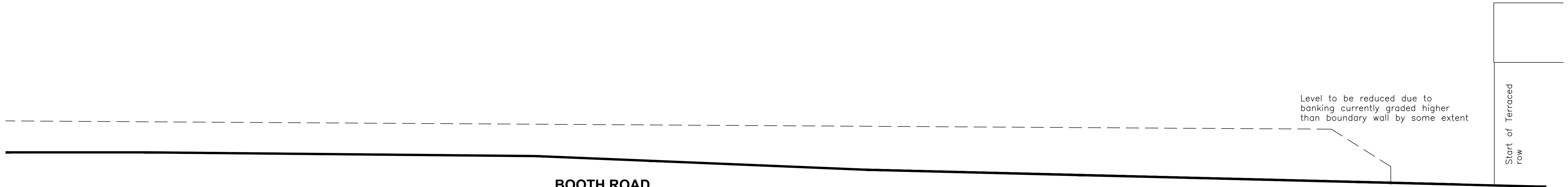
Proposed LH Gable Elevation (1:50)

Client Wayne Pohrebiennyk			
Project Land off Booth Road Stacksteads Bacup OL13			
Job No. 2022/85	Area	File Ref	
Title Plans, Elevations and Composite Section			
2022/85-02		rev. B	
Date 18.10.22	Drawn by B. Edmondson	Scale AS Noted @ A1	Checked

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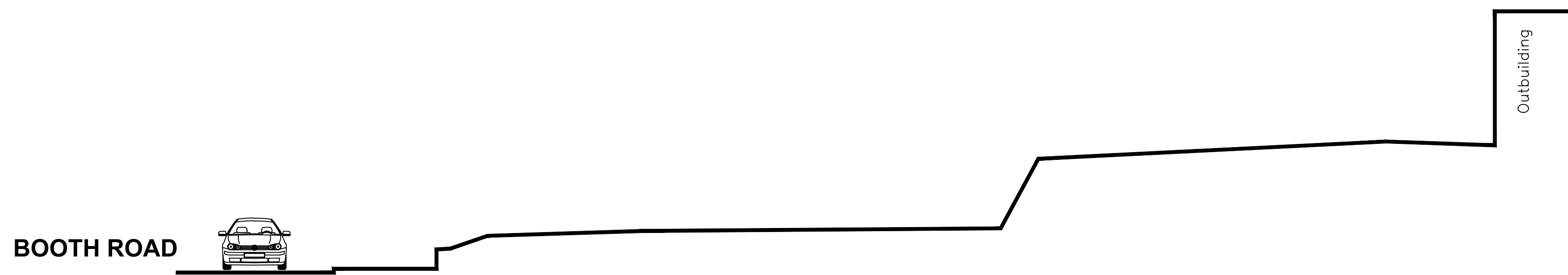
**BOOTH ROAD**

Existing Composite Section on Booth Road (1:100)

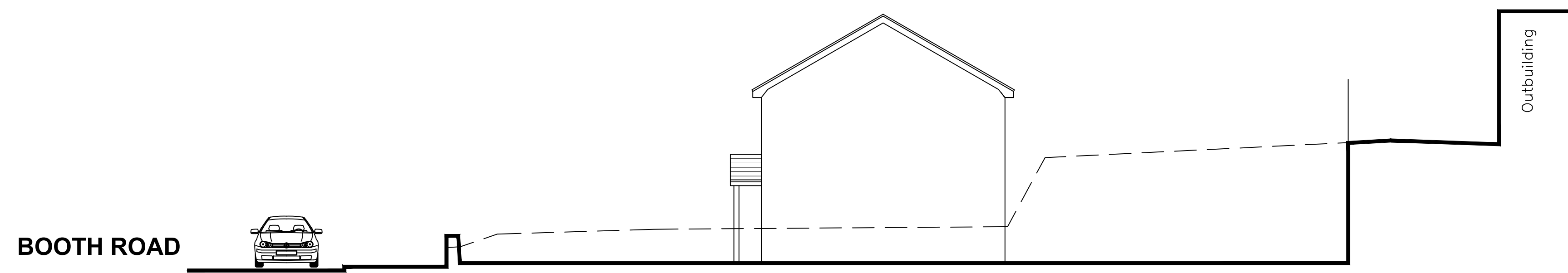


**BOOTH ROAD**

Proposed Composite Section on Booth Road (1:100)




Existing Composite Section Through the site North-South (1:100)



Proposed Composite Section Through the site North-South (1:100)

Client Wayne Pohrebiennyk			
Project Land off Booth Road Stacksteads Bacup OL13			
Job No. 2022/85	Area	File Ref	
Title Existing & Proposed Composite Sections			
2022/85-04			rev. B
Date 18.10.22	Drawn B. Edmondson	Scale AS Noted @ A1	Checked



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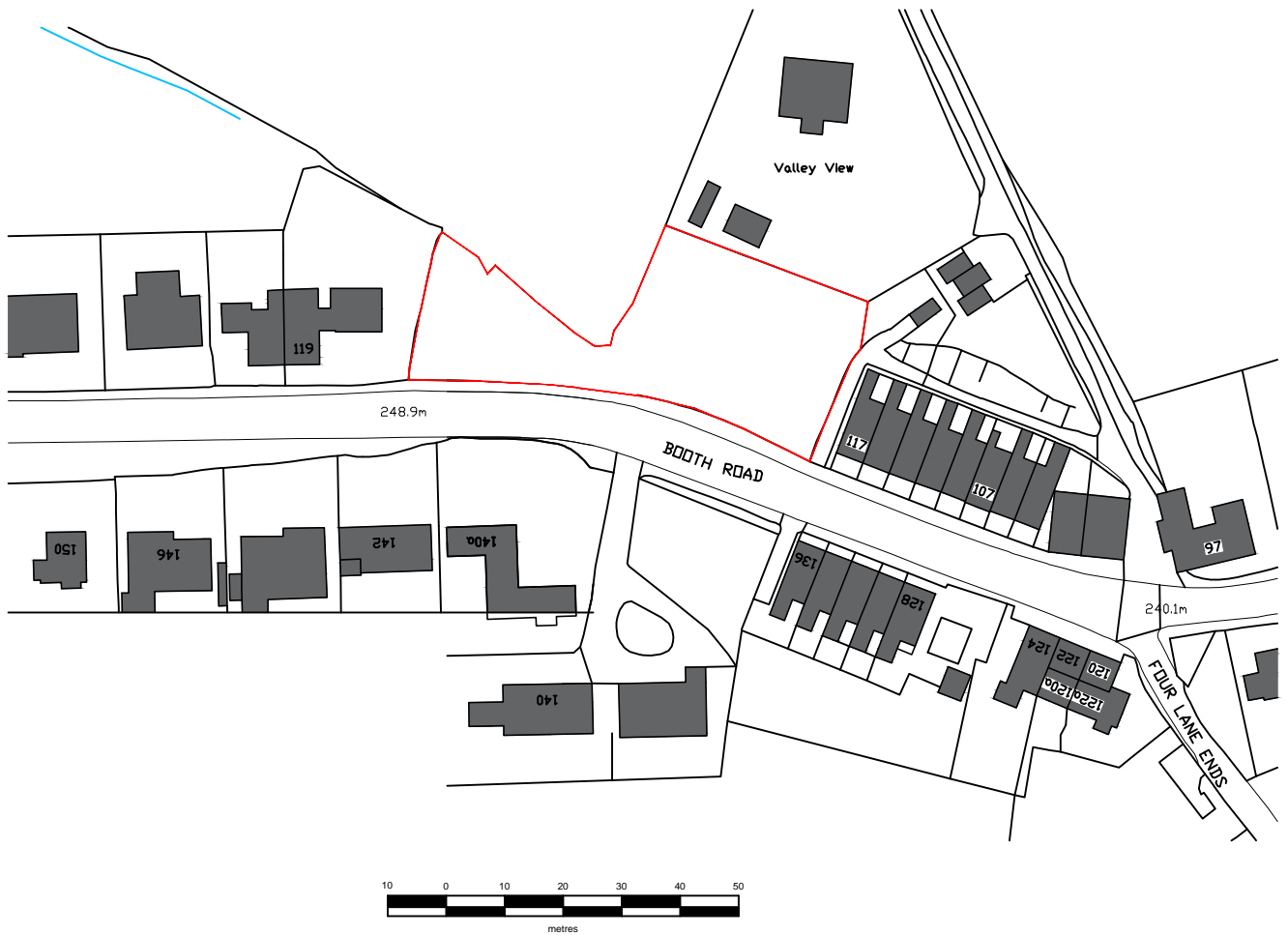
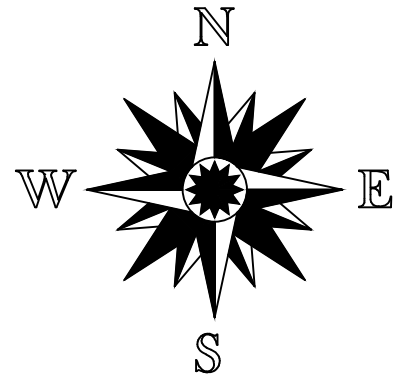
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Project: Land off Booth Road, Stacksteads, Bacup OL13 0TF

Project No.: 2022-85

Title: OS Site Plan

Scale: 1:1250@A4



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