

Application Number:	2013/0208	Application Type:	Full
Proposal:	The creation of a new access, engineering operations to raise the level of the land, and the construction of retaining walls to form an additional area of garden (retrospective)	Location:	2 Conway Road, Cloughfold BB4 7ST
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	23 July 2013
Applicant:	Mr S Pickles	Determination Expiry Date:	09 July 2013
Agent:	Entwistle Design Services		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	YES - COUNCIL OWNED SITE
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

To grant Permission subject to the Conditions set out in Section 10.

2. **SITE**

The application relates to a broadly rectangular parcel of land located off an unadopted track off Conway Road and between the garden area of 'The Croft' and a band of trees to the east of Marl Pits Sports pitches. Work has now commenced on site, such that as viewed the area comprises a sloped track from Conway Road bounded to the west by gabion retaining walls and to the west by the wall bounding the current garden area of the Croft. The land slopes away from the gabion walls to the west and it appears that some trees have been lost during works undertaken to date. Immediately to the east of the new access is a stone and slate bungalow, which has its own separate vehicular access.

The rectangular parcel of land comprising the application site lies within an area of Countryside designated as Greenlands. The garden of The Croft is also within the Countryside whilst The Croft house itself is within both the Urban Boundary and the Higher Cloughfold Conservation Area, although within the Cloughfold Character Appraisals and Management Proposals Plan it is recommended for deletion from the Conservation Area boundary, as to the neighbouring property, The Lodge.

3. **RELEVANT PLANNING HISTORY**

None

4. **PROPOSAL**

Retrospective planning permission is sought for 'The creation of a new access, engineering operations to raise the level of the land, and the construction of retaining walls to form an additional area of garden'.

In clarification the new garden area would be at the same level as the existing and bounded to the west by a gabion wall rising 1 m above the garden level with 1m fencing on top. The existing wall to the east would be removed.

The applicant's advise that the new access will be created from the track to allow the gardeners' vehicles access to the garden to tend to the plants and lawns. The access would be approximately 3m wide leaving a gap of approximately 4m from the side wall of the adjacent bungalow. The plans show that a small pond (approx 7m diameter) would be created encroaching partly into the extended garden area.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

Section 7 Requiring Good Design

Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP4	Rawtenstall, Crawshawbooth, Goodshaw & Loveclough
Policy 1	General Development Locations and Principles
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 21	Supporting the Rural Economy and its Communities
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

Cloughfold Character Appraisals and Management Proposals Plan (Oct 2011)

6. CONSULTATION RESPONSES

RBC (Property Services)

No objection

LCC (Highways)

No objection

The unnamed access road is not an adopted highway and has public footpath 190 running along its length.

Would recommend the gates and boundary fence are set back sufficient distance from the edge of the lane to allow pedestrians to see emerging vehicles.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 12/06/13, 6 letters were sent to neighbours on 24/05/2013 and a press notice was published on 05/06/13.

No comments have been received

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity;
- 4) Access/Parking.

Principle

The site is outside of the Urban Boundary and would result in the extension of a garden area. However, due to the amount of screening afforded by the band of trees to the west, on completion of the development I do not consider that it would cause significant harm to the character and appearance of the area such that refusal of the scheme would be necessary. Accordingly the scheme is considered acceptable in principle in this location.

Visual Amenity

Gabion retaining walls are not normally a feature of countryside areas, however, owing to its position and the band of trees to the west I do not consider that there would be significant harm to the essentially rural character of the area provided that adequate treatment to the external (west) side of the wall is covered with planting such as Ivy. The proposal is therefore considered acceptable in terms of visual amenity.

Neighbour Amenity

The proposed scheme would not result in a significant loss of light, privacy or outlook to any neighbours. The use not being for a main access to The Croft I do not consider that there would be significant volumes of traffic that would cause undue disturbance to the nearest neighbour.

Access / Parking

It is not proposed for this to result in an alternative vehicular access for parking and turning for The Croft, rather access for lawnmowers etc to maintain the garden. Accordingly I do not consider that there will be a significant amount of traffic resulting from the scheme that

would be detrimental to highway safety in the area. The scheme is considered acceptable in terms of access/parking.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in the Urban Boundary and, subject to conditions, would not detract to an unacceptable extent from visual and neighbour amenity, highway safety or in respect of any other material planning consideration and having regard to the NPPF (March 2012), Policies 1/2/3/8/9/23 and 24 of the Council's adopted Core Strategy DPD (2011) and its approved Alterations & Extensions to Residential Properties SPD (June 2008).

10. RECOMMENDATION

That Permission be granted subject to the Conditions set out below.

Conditions

1. The development shall be carried out in accordance with the drawing numbers 3 and 1 dated as received 22 May 2013 by the Local Planning Authority, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to accord with Policies 1 and 24 of the Council's Core Strategy DPD.
2. Prior to first use of the access hereby permitted the boundary fence and gates shall be set back 1m from the edge of the unadopted road immediately adjacent the site.
Reason: To ensure adequate site lines for vehicles exiting the site in the interests of highway safety and in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD.
3. The new access shall be used for vehicles/machinery undertaking gardening/garden maintenance works within the domestic curtilage of The Croft only, and shall at no time be used for additional vehicular parking or access for residents or visitors. Reason: to define the permission and in the interests of visual amenity, and highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD.
4. Within 1 month of substantial completion of the gabion retaining wall or first use of the new garden area hereby permitted (whichever is the sooner) the west (external) elevation of the gabion wall shall be planted with an evergreen climbing plant, such as Ivy, to soften its appearance. Should the planting become seriously damaged or diseased within 5 years of planting it shall be replaced by planting of a similar species, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD.
5. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To safeguard the amenities of neighbours, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.