

<b>Application Number:</b>	2013/0587	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 'Passivhaus' dwelling along with hard and soft landscaping and vehicular access	<b>Location:</b>	Land off Lomas Lane, Balladen, Rawtenstall
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	25 February 2014
<b>Applicant:</b>	Mr & Mrs Howard	<b>Determination Expiry Date:</b>	27 February 2014
<b>Agent:</b>	Euan Kellie Property Solutions		

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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>3 or more objections received</b>	
<b>Other (please state):</b>	<b>Raises significant policy considerations</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 Committee be refused for the reasons set out in Section 9 of the report**

### 2. The Site

The application site which is Greenfield covers approximately 0.2 hectares and is bounded to the west by Lomas Lane, to the north and east by fields and to the south by a small collection of properties around Old Hall Farm.

To reach the site, Lomas Lane itself leads uphill in a south easterly direction from the urban area of Rawtenstall and past Balladen Primary School before making a sharp turn south westwards,

flattening out and acting as the urban boundary to the southern area of the Rawtenstall Urban Area where relatively modern houses and their gardens back on to the Lane. The lane then descends into a dip where upon a small terrace of worker cottages (Bess Nook) and the larger Plane Tree House can be seen. The proposed site for development is slightly further along the lane and on the opposite side of the lane to the aforementioned houses and on land which rises steeply from the lane. The lane itself then continues a little further to a small cluster of properties including Oak Villa and Old Hall Farm. The loose collection of houses including the terrace of Bess Nook, Plane Tree House, Oak Villa and the terrace properties leading up to the houses around Old Hall farm as described forms the 'Hamlet' of Balladen.

The southern tip of the Urban Boundary of Rawtenstall extends as far as Plane Tree House and so the site is therefore located in the Countryside. However there is also a gap in built development between the newer housing which backs on to Lomas Lane and the cottages of Bess Nook notwithstanding both lie within the urban boundary, which together with the open fields to the east of Lomas Lane and the narrow and winding nature of Lomas Lane itself gives Balladen a rural / isolated feel.

### **3. Planning History**

None.

### **4. Proposal**

The applicant indicates they wish to commit to a greener lifestyle, run their business from home rather than travelling to Manchester to use their office space, and create a healthy and adaptable environment.

The applicant therefore seeks to develop a contemporary, ecologically sound house which would provide four bedrooms, a home studio/office space, an open plan kitchen/dining/living space with an integral garage large enough to house cars, bicycles, a moped, workshop space.

The house which is in a fairly linear inverted "T" layout is for the four bedrooms to be at ground floor level along with the office and integral garage with the living accommodation at first floor level to take advantage of the surrounding views. The ground floor level is to be partly built into the hill side and will be finished in local natural sandstone laid in dry stone wall fashion but with elements of local timber too. The ground floor roof element is clad in grass.

The first floor accommodation is intended as a lightweight timber box cantilevered out over the ground floor accommodation. It is to be clad in sweet chestnut which weathers slowly overtime to a silver grey colour. Windows will be triple glazed and dark grey in colour whilst doors and garden doors are proposed to be timber and in sweet chestnut.

In respect of the grounds, to the rear / east of the dwelling an extensive terrace and pond are proposed which will fit within remodelled ground and beyond that a proposed orchard. The relatively steeply sloping driveway which lies on the west side of the dwelling is to be finished in permeable reinforced gravel.

A set of 6 low level solar panels are shown in the grounds approximately 5 metres to the south of the proposed property beyond which a more informal orchard is proposed.

The proposals are for a Passivhaus which use materials in construction to minimise energy loss and in conjunction with the modest use of renewable energy sources can make the building "Zero Carbon" if site conditions permit. As part of the proposals, the applicant indicates they will be using various carbon-friendly technologies including a charging point for an electric car, the solar panels and 'A grade' efficiency for electrical appliances.

In respect of drainage, they intend to deal with foul sewage by way of an onsite minor sewage treatment plant which gives clear water discharge whilst 'grey' water will be stored and used for baths, showers, sinks and flushing of toilets. Surface water run-off from roofs will be stored on site and used to irrigate the proposed orchard. An onsite pond will collect surface water from the terrace to be stored for future irrigation.

In respect of the provision of fresh water to the property, the proposals indicate water will be taken from a local spring but daily use will be limited compared to normal properties.

In support of the application, the applicant has submitted an extensive 'Design and Access' statement, a 'Planning Policy Compliance Statement', a planning appeal decision and a letter of support from 'Places Matter Design Review Panel (an organisation which covers the north west of England and provides expert advice from a range of urban design disciplines on improving the quality of new development).

The main points made in support by the applicant are:

- Having regard to National Planning Policy Framework policy paragraph 55, they consider special circumstances exist due to the exceptional quality or innovative nature of the design of the dwelling and this view is corroborated by Places Matter. It will raise the standard of design more generally in the area. It relates well to its surroundings and topography.
- The largest number of additional dwellings should be built in the Rawtenstall area in accordance with Policy 3 of the Core Strategy.
- The site is moderately deliverable having regard to the SHLAA assessment
- It provides for a highly sustainable low carbon development which will strive to be a lifetime home
- There will be no loss of trees and it has been designed to the highest environmental standards

In addition, the applicant has recently submitted further information in relation to the landscaping proposals, the accreditation process and calculations related to Passivhaus which they indicate the property will comply with. They have also provided details of other projects by Shack Architecture and site sections and views to show the site as viewed from the south and cross sections showing topography changes by the proposals.

## **5. Policy Context**

### **National**

#### **National Planning Policy Framework (2012)**

Section 1 Building a Strong, Competitive Economy

Section 3 Supporting a Prosperous Rural Economy

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 11 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

AVP 4 Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

Policy 3 Distribution of Additional Housing

Policy 18 Biodiversity and Landscape Conservation

- Policy 19 Climate Change and Low and Zero Carbon Sources of Energy
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

## 6. Consultation Responses

### RBC (Forward Planning)

This site is located in the Countryside, just outside the Urban Boundary as defined on the Proposals Map. The site appears to be Greenfield and is to the north of an Important Wildlife Site, as identified on the 1995 Local Plan, though this policy has not been saved.

I note that the applicant is putting forward the ‘special circumstances’ argument from Paragraph 55 of the National Planning Policy Framework (NPPF) specifically relating to isolated houses in the countryside of exceptional quality or innovative design.

### **National Planning Policy Framework**

Paragraph 55 notes that *‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, such as where there are groups of smaller settlements’*. It continues that *‘local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances’*.

Of the four circumstances where it may be appropriate to allow an isolated house in the countryside (such as meeting an essential need for a rural worker, bringing into use a redundant building etc) only one could be considered in this case, i.e. ***the exceptional quality or innovative nature of the design of the dwelling***. Such a design should, according to the NPPF:

- i. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- ii. reflect the highest standards in architecture;
- iii. significantly enhance its immediate setting; and
- iv. be sensitive to the defining characteristics of the local area.

In respect of point (i) I note that the proposed building is of a modern, contemporary design which has been subject to a peer design review undertaken by Places Matter. In their Design Review Report (5<sup>th</sup> November 2013) Places Matter note they are ‘comfortable with the principles’, explaining their recommendations relate to refining and simplifying ‘what is an elegant building’. They later emphasize (e-mail of 6<sup>th</sup> December) the proposed building to be “of great quality and innovation”, but their comments lack any detailed explanation as to how the design achieves this. Despite this, and bearing in mind that design is obviously subjective, I do think that these comments, provided by an independent design advisory body, indicate an overall good design to the building itself which may have ‘potential to inform a much wider audience around design in a rural setting’, though I remain to be convinced by Places Matter’s Report or additional e-mail that this meets the Paragraph 55 test of being ‘truly outstanding or innovative’.

In respect of the scheme’s Passivhaus and lifetime home aspirations, again I am not convinced that this proposal demonstrates anything in respect of point (i) above that can be described as exceptional. Furthermore, I can see no evidence submitted (such as actual calculations) to demonstrate how the dwelling can comply, and be shown to comply with, in particular, the Passivhaus standard, given the elongated design and in parts elevated position of the proposed dwelling, which will expose the building to the elements (as alluded to in the application, explaining that the garage needs to be accessed from the dwelling in order to avoid inclement weather). I would suggest that if this scheme is to be approved a condition is applied to the effect that the house can only be occupied after it has been shown to fully meet the Passivhaus standards,

possibly even requiring a method statement for how the building's construction will be regularly monitored to ensure that the dwelling complies with such standards.

I note that Places Matter describe this proposal as "*reflecting the highest standards in architecture*". This is obviously open to interpretation, particularly as it is not clear in the NPPF as to how this would be assessed, however, I would have thought this could be evidenced by providing details of past award winning schemes, credentials of the architect etc.

In respect of points (iii) and (iv) I do not consider that the applicant has sufficiently demonstrated that this building will enhance its immediate setting, by which I take to mean the cluster of houses around Lomas Lane, nor is sensitive to the defining characteristics of the local area. The overall massing of the proposed dwelling and its elevated position compared to the neighbouring buildings appears at odds with the other properties (primarily terraced) in the immediate vicinity. Although the Supporting Statements refer to using the site's topography and "folding the land carefully" I do not consider the distant views from around the site adequately demonstrate that the proposed dwelling complies with these criteria. I do take note of Places Matter's additional comments that it "has the potential to significantly enhance the existing landscape setting whilst showing sensitivity to its local context" but I still consider these comments need to be elaborated upon, to fully justify their assertions.

### **Rossendale Adopted Core Strategy DPD (2011)**

**Policy 1** states "*Development within Rossendale should take place within the defined urban boundary (Local Plan Saved Policy DS1), unless it has to be located in the countryside, and should be of a size and nature appropriate to the size and role of the settlement*". Obviously a single dwelling for ordinary family housing (even one that meets Passivhaus and lifetime homes standards) does not have to be located in the countryside, and the applicant has not put forward any reasons as to why this house needs to be located in the countryside. This location comprises a small cluster of predominantly terraced houses, which has evolved as a result of the former mill/agricultural activity, either by conversion from other uses, or built as dwellings for the mill-workers.

Rather than duplicate national guidance Policy 1 reaffirms that proposals for land outside of the Urban Boundary "*will be determined in accordance with the relevant national and local planning guidance*", which includes the NPPF.

This Policy explains that the Urban Boundary defined by the 1995 Rossendale District Local Plan has been saved but that this boundary will be reviewed and amended in the Site Allocations DPD (which is currently underway, as identified in the Council's up-to-date Local Development Scheme of November 2013). The Core Strategy sets out the criteria to guide such a review. It should be noted that this land has not been identified for being taken out of Countryside and brought within the Urban Boundary in the initial consultation undertaken by the Council in 2012/2013.

Policy 1 further outlines the Overall Development Approach. Of particular relevance to this application are the following criteria:

- Make best use of under-used, vacant and derelict land
- Complement and enhance surrounding areas ... through the use of inclusive design and locally distinctive materials which enhances the character and heritage of Rossendale
- Minimise negative impacts upon existing infrastructure capacities by considering its capacity levels and plans for future upgrades and expansion
- Contributes to maintaining and creating sustainable and inclusive communities

Supporting text to Policy 168 explains that the focus on urban areas “is not intended to prohibit necessary development in rural areas such as that which is essential for agriculture and related activities, tourism, sports and leisure and small scale business purposes” but to ensure that the qualities that make the countryside of the area distinctive are retained. This paragraph also refers to Policy 21 of the Adopted Core Strategy, which discusses how the rural economy and its communities will be supported, and is referred to later.

**Policy 2** expresses a requirement for 3,700 new dwellings over the plan period (2011 to 2026), averaging out at 247 per annum until 2026, though the actual trajectory is exponential to reflect a recovering economic situation.

The Policy acknowledges that some greenfield, unallocated land may come forward, though notwithstanding that the Development Plan needs to be read as a whole, in particular in accordance with Policy 1 on General Development Locations and Principles. Criteria relating to where this may be permitted are set out below:

- (i) It is for 100% affordable and/or supported housing schemes; or
- (ii) It forms a minor part (up to 15% of the overall site size) of a larger mixed use scheme or a major housing proposal (10+ dwellings) on previously developed land, or
- (iii) It delivers a significant social, economic, or environmental benefit, or
- (iv) The application is for a barn conversion and it can be demonstrated that the site has been marketed for economic uses for 12 months, to the satisfaction of the Council, and is not viable for these purposes.

It cannot be argued that this proposal meets any of the above criteria. The proposal is not for affordable or supported housing, it is not part of a larger site, and does not relate to a barn conversion. Furthermore I cannot see how the provision of a single dwelling can deliver *significant* (my emphasis) social, economic or environmental benefits to accord with this policy.

**Policy 3** sets out the distribution of new housing around the Borough, with the Rawtenstall area (Tier 1) providing about 30% of the overall requirement, and Whitworth, Bacup and Haslingden sharing 50% (Tier 2) and then identified settlements (Tier 3) contributing about 20% of the overall requirement. This site is not located in any of these housing tiers, as the location is outside of the urban boundary.

Paragraph 4 of Policy 2 (Tier 4 areas) notes “*Minimal numbers of additional houses will be built in other smaller and more isolated settlements to meet identified local needs and help to create sustainable communities, reflecting their relative size and function and their limited capacity to accommodate growth*”. Development in Tier 4 areas is expected to be exceptional with housing in these locations to meet identified local needs, and help to create sustainable communities. This is not a location where the Council is targeting new housing provision. The applicant has not adequately demonstrated how this dwelling can meet an identified local need, nor creates sustainable communities.

The provisions of **Policy 19** of the Core Strategy which relate to Climate Change and Low and Zero Carbon Sources of Energy are relevant and it is noted that this proposal accords in the main with this policy. I note that this proposal includes solar photovoltaic to generate energy for the dwelling, according with Section 1 of the Policy. Key points of Section 2 of Policy 19 relevant to this application are bullet points 1, 2, 2,5, 8 and 9, listed below:

1. Locating new development in sustainable, accessible locations which minimise the need for travel and length of journeys.

2. Requiring new developments adopt energy-efficient, water-efficient and low carbon designs and layouts which meet or exceed the most up to date relevant national and regional standards.
3. Requiring that natural passive heating and cooling systems are incorporated into new developments where appropriate.
5. Expecting new developments to incorporate climate change benefits (such as tree planting) on site, or where this is not appropriate to make contributions towards mitigating climate change elsewhere through planning obligations.
8. Expecting new developments to implement Sustainable Drainage Systems (SuDS) - such as incorporating permeable paving, swales, soakaways and conserving floodplains where appropriate, and minimise the use of impermeable surfacing in order to slow down the passage of rainwater into waterways and contribute to flood prevention.
9. Requiring that new developments incorporate water saving and recycling measures where possible to minimise water usage.

In relation to sustainable, accessible locations. this site is less than 2km from Rawtenstall town centre, and is within walking distance of a primary school. The applicant makes reference to home working to avoid driving into Manchester, but has not alluded to existing home working arrangements, and it should be noted that this application does not comprise a live/work unit. I expect the garage/workshop to be for activities related to the dwelling use.

**Policy 21** discusses Supporting the Rural Economy and Its Communities. Of particular note is that *“Development will be restricted to existing rural settlement boundaries and within identified major developed sites. Outside of these areas, proposals should demonstrate the social and/or economic needs/benefits for the local rural community and strict consideration will be given to the impact of rural development on the countryside (including the natural environment).”*

This location is outside existing rural settlement boundaries, and is not identified as a Major Developed Site. The applicant has not identified any needs to be met nor shown any social or economic benefits for the local rural community arising from this scheme.

**Policy 23**, Promoting High Quality Design and Spaces, seeks to *‘ensure that Rossendale’s places and buildings are attractive, safe and easy to use’* and identifies a number of criteria which need to be considered in the assessment of this proposal.

- Of the highest standard of design that respects and responds to local context, distinctiveness and character
- Contribute positively to local identity and heritage in terms of scale, density, layout, materials and access
- Maintain the relationship between the urban areas and countryside, particularly at the rural-urban interface where the contrast between the natural and built environments is most prominent
- Have public and private spaces that are safe, attractive, easily distinguished, accessible and complement the existing built form
- Protect important local and longer-distance views
- Use locally sourced sustainable, high quality and innovative materials appropriate for the development and its surroundings including recycled materials wherever feasible
- Engage with their surroundings and provide adequate natural surveillance (overlooking) for neighbouring streets and spaces
- Promoting high quality landscaping
- Incorporate car parking design that is integrated with the existing public realm and other pedestrian and cycle routes
- Create a sense of ownership by providing a clear definition between public and private spaces
- Are designed to make crime difficult to commit by increasing the risk of detection and provide (where necessary) for well-designed security features

- Provide places that are designed with management and maintenance in mind, avoiding the creation of gated communities
- Be flexible to respond to future social, technological and economic needs
- Contribute to a reduction in energy consumption and CO2 emissions and facilitate adaptation to climate change through efficient layouts and designs which accord with or exceed current national standards (such as Code for Sustainable Homes, BREEAM and Building Regulations)

**Policy 24** lists a number of planning application requirements which need to be addressed.

**Rossendale Strategic Housing Land Availability Assessment (2010)**

The applicant refers to this site being included in the 2010 Strategic Housing Land Availability Assessment (SHLAA) for 40 houses (reference 1124, p 360). However, inclusion in the SHLAA does not give any planning or development status to the land, the actual SHLAA itself is simply a first look at the ‘potential’ of sites to bring forward new housing; it does not change the allocation or suggest that permission for housing will be granted.

The site is shown as being a Category 2 site, with a potential yield of 40 dwellings, based on a density of 30 dwellings per ha, and incorrectly describes the land as previously developed. (This will be rectified in the review). As the SHLAA itself notes, *‘the placing of a site into Categories 1, 2 and 3 is intended to give a useful indication of the deliverability and potential timing of a site’s development and, hence, its suitability for inclusion as an allocation in the LDF’*. Sites in Category 2 have a limited level of constraints such that they are likely to be available for delivery after the first five years. The SHLAA will be updated shortly to inform the Site Allocations DPD, as well as the Council’s Five Year Land Supply (to be updated shortly to cover the period 2014 to 2019). The current Five Year Land Supply document (produced September 2012) found Rossendale to have a greater than 5 Year Land Supply plus 20% buffer. This does include a number of specific deliverable sites taken from the SHLAA, which the Council see as being deliverable within the five years (2012 to 2017), but which did not include this site.

**Summary**

Although this proposal can be argued to be well designed (as identified by the Places Matter peer review) it cannot be described as being of such exceptional quality or innovative nature to satisfy the exacting requirements of Paragraph 55 of the NPPF to justify an isolated new home in the countryside – which the NPPF itself says should be avoided unless there are special circumstances. I do not think that the case has been adequately made (even by Places Matter) that this proposal meets all four tests as required by Paragraph 55, and there appears to be a lack of justification for the assertions made, and explanation of the design rational, particularly relating to enhancing its immediate setting and sensitivity to the defining characteristics of the local area. The site itself is greenfield, undulating and mainly grassed. In respect of the sensitivity to the defining characteristics I note that the materials to be used are sandstone and timber, with grassed roofs, and that the dwelling’s design is intended to reflect modern agricultural buildings. However, the defining characteristics of the local area are much smaller dwelling units, in much less prominent positions in the landscape.

In relation to the Adopted Core Strategy (particularly Policies 1, 2, 3 and 21), the proposed dwelling is outside of any identified settlement boundaries and is not in a location that has been identified for housing in the Adopted Core Strategy, and hence requires schemes to demonstrate significant social, economic or environmental benefits. The benefits that the applicants put forward for this scheme relate to good design and the dwelling’s eco-credentials.

The environmentally friendly, energy and water efficiency measures of this proposed scheme, coupled with on-site energy generation, associated with the dwelling’s aspiration to be a



passivhaus, comply with several of the policies in the Core Strategy (including 19, 23 and 24 in particular).

On balance, although this is an acknowledged well-designed scheme, and incorporates many environmentally friendly measures which will reduce the occupants' carbon footprint, the proposal fails to meet the tests demanded by the NPPF for isolated new homes in the countryside, which are to be truly innovative or outstanding, and which I read to be in a national context. Given that this fails the national policy test it would be difficult to support the scheme. I have assessed the proposal against local policies set out in the 2011 Adopted Core Strategy. The Core Strategy does not duplicate national policy and says that all applications outside the defined Urban Boundary will be assessed against national policy. New homes in the countryside are not totally excluded, however, any development should only be approved because 'it has to be located in the countryside' and needs to be of a 'size and nature appropriate to the size and role of the settlement' (Policy 1), should meet local needs, and demonstrate the social and/or economic needs/benefits for the local rural community (Policy 21).

### **LCC (Highways)**

No objection. Detailed comments are as follows:

The proposal will see the creation of a 4 bedroom house at the location which will require the construction of an access to the adopted highway of Lomas Lane. This work will be required to be undertaken by the highway authority and I would request that if this application is approved this is conditioned as part of any approval.

The site includes a garage with parking for 2 cars and bicycles. For this size of development the expectation would normally be that 3 off road parking spaces are provided. Although the garage only has 2 spaces I believe that there is sufficient room within the hard-standing area of the site to accommodate a further parking place without impacting adversely on the ability of vehicles to manoeuvre such that they can enter and leave the site in forward gear.

The proposed access point has limited visibility to the southern approach due to the existing road layout. However there are only a few properties located to the south of the site and Lomas Lane is a narrow road which is likely to create low speeds so any issue is likely to be minimal. It is intended that the new access is gated. Any gate should be set back at least 6 metres from the carriageway edge and open away from the highway in order to allow vehicles to pull off the highway to operate said gate.

Overall I believe this development will not have a detrimental impact on the highway network so have no objection to the proposals as they currently stand.

### **United Utilities (Water)**

No objections but with informative regarding connections to the property.

### **RBC (Environmental Health)**

No objections

### **Environment Agency**

No objections but with informative if water abstraction is intended

### **Rossendale Civic Trust**

The Trust provides an extensive response which raises concerns which can be summarized as follows:

- Proposal is sited in highly visible location 3 metres above neighbouring properties and imposes a different character to Balladen. Together with practicalities of steep gradients should be of more neighbourly design.
- Not clear how Passivhaus has affected siting and design and design is not compact with elevated living area with exposure to winds in all directions and windows on all sides.
- Questions whether elevated first floor living area is a design requirement which contradicts statements in the Design and Access statement regarding topography, maintaining rural feel of immediate surroundings and protecting views for neighbours as well as providing views over the whole area.
- No surveys provided in relation to ground investigation, wildlife surveys or challenging topography
- Concern in respect of impact from construction traffic and steepness of gradient to access proposed garage from Lomas Lane
- Do not consider the proposal will deliver wider social and environmental benefits
- Questions the relevance of contribution to housing provision arguments submitted given only for 1 house
- That the SHLAA site is not proposed via changes in the urban boundary review or adopted Core Strategy

## **7. Notification Responses**

To accord with the General Development Procedure Order a press notice was published advertising the proposal as a departure from the Local Plan. In addition 2 site notices were posted on 21/1/14 and letters were sent to 12 neighbours by 23/1/14.

In response: Objections have been received from 10 residents from 7 different households though 4 of the different households share the same surname. Objections have also been received separately from 2 planning agents acting on behalf of 2 of the households.

3 letters of support have been received from 3 different households including one from a family member of the applicant.

### Objecting comments

The objections can be summarised as follows:

- Contrary to Planning Policy – It is a greenfield site, outside the urban boundary, is not of a size and nature appropriate to the role of the settlement, is not essential for agriculture and related activities, tourism, sports, leisure or business purposes or located within the village. Need for the house in this location has not been justified, nor does it support the rural economy or the economic sustainability of local communities. The SHLAA is incorrect to state it is a brownfield site. Proximity to urban boundary argument is spurious as the boundary is to contain the spread of development. It will not contribute to housing need priorities outlined in the SHMA and as it is outside the urban boundary is not intended to contribute towards housing requirements for the Rawtenstall area. Does not meet the criteria of paragraph 55 of the NPPF which encourages authorities to avoid new isolated homes in the countryside which this is, does not provide for an agriculture worker, does not secure the future of a heritage asset and is neither truly outstanding or sufficiently ground breaking to meet the final criteria of para 55. To permit this type and form of development in designated countryside on the basis it would “deliver significant environmental benefits” would lead to copycat designs in Rossendale using passivhaus or other eco systems. It is not so unique and does not require a rural location for successful implementation. The planning appeal case submitted in support of the application in relation paragraph 55 of NPPF is not comparable. The emphasis in the appeal case being about living and working and proposals are part of a wider sustainable and mutually dependent system involving

home, landscape and farming methods, using best practices. This proposal is unrelated to the use of land apart from the fact the applicant lives nearby.

- The site is not isolated but within a small hamlet close to the built up area of Balladen and therefore not suitable in principle for the location of a NPPF paragraph 55 development. As such normal policies apply and it should be refused. However, if this view is not accepted and it is considered isolated then having regard to the criteria it is not truly outstanding or innovative, does not exhibit the highest standards of architecture, does not significantly enhance its immediate setting and is not sensitive to the defining characteristics of the area, the four criteria all of which need to be met to be compliant with paragraph 55 of the NPPF. Appeal cases have been submitted to amplify the point.
- Will set precedent
- Impact on Heritage of area
- Impact in Spring Water use – The key concern being the impact on capacity / reserves of the spring, particularly in light of an increase in users of the spring. The spring will loose pressure / become exhausted.
- Traffic and Access – due to blind bends on Lomas lane and increased traffic giving rise to traffic dangers at Balladen School and Children’s centre and for Balladen both during construction and subsequently.
- Strength of bridge on Lomas Lane a concern
- Not comparable or sensitive / sympathetic to character of area. It is contended the proposal will sit on higher land greatly diminishing open views across the field, will result in removal of an extensive section of the dry stone wall to create sufficient access, a wall which is a strong feature which contributes to the character of the area and will change character of a field from countryside to suburbia. The sandstone wall at ground floor of property will be a hard urban and unsympathetic element alien to the naturalness of the rural area. It will dominate long and short views and the mono pitch roof will stand proud from all directions. The application site forms part of an open area in the countryside and it’s important that these sensitive views at the rural urban interface are not punctuated by inappropriately sited and designed dwellings such as in this case so that the visual amenity of the countryside area is protected. Concern is also expressed that the roof top garden element will become a focal point for entertainment. Finally that the development will not protect residential amenity in terms of outlook, overlooking / loss of privacy, noise and light pollution.
- Materials to be used are out of character
- The significant landscape remodelling and large and geometric shape mean it would appear as a building imposed on the landscape sitting high in Balladen with an uncompromising relationship to its surroundings
- The Places Matter design panel’s comments ‘keep it strongly shaped as a contrast to the more natural surroundings’ conflicts with the conclusion the house will ‘leave a delicate mark on the landscape’.
- The South Pennines is a highly valued landscape which provides an important recreation resource, recognised for the important moorland habitat and historic and cultural heritage. The valley Balladen sits in has small groups of vernacular style buildings. The open rising field contributes positively to the local environment enclosing the hamlet it sits in. The development would radically change the appearance and function of the site. The house would be perched in a dominant position at odds with the current role of the open field that forms the backdrop and setting for the hamlet. It will detract rather than enhance its immediate setting and insensitive to the defining characteristics of the local area.
- Design for Passivhaus whilst a well thought out concept, it is one that could be equally applied to a new dwelling in the urban area and nothing requires it to be only on a rural location. Proposal viewed in isolation without a visit to site. Whilst the Places Matter panel considers the scheme of good quality and innovation, it is not a design which respects and responds to local context, distinctiveness and character. Use of sandstone on the ground floor has resulted in a large and extensive wall which dominates the building and does not

bring subtlety of the material used elsewhere in the valley. Otherwise there is little in the design which relates specifically to the locality and which could not be relocated to the flat urban areas rather than requiring the considerable excavation and earthworks to achieve a suitable site for the scheme.

- The property would be a second home
- Proposal is too large in scale and will over-dominate due to elevated position and height of building, and will be an uncompromising incongruous intrusion which will affect the living conditions of No7 especially from their garden to an extent that would be unreasonable and overbearing.
- Will impact on the fragile ecosystem of wildlife
- Will affect amenity value for ramblers and proposal will jar due to appearance
- The Passivhaus website claims to realised 30,000 buildings to date so cannot be classed as truly exception or innovative. Lifetime homes standard developed 20 years ago so not truly outstanding / innovative.

### Supporting comments

The reasons for support can be summarised as.

- The design is sensitive to the area and to the environment
- Minimal impact and in keeping with surroundings
- Sustainable development
- Will raise the standard of architecture in Rossendale for future developments

The applicant's agent has also submitted further documentation in response to the objections received. The response can be summarised as follows:

- The 2 agents' submissions conflict with each other, one indicating the site is considered isolated, the other that it falls within the hamlet of Balladen. The applicant is of the view the proposals meet the criteria of paragraph 55 if the site is considered isolated but otherwise should be considered to promote sustainable development in a rural area by virtue of its location adjacent to the urban boundary and high quality design. It will enhance or at least maintain the vitality of the rural area and support the community of Rawtenstall. They submit an appeal decision which they contend supports the view development should also be allowed if not considered isolated.
- Other provision eg affordable housing to meet the criteria wouldn't be of such high quality design due to costs
- Planning system doesn't exist to protect the private interests of one person against the activities of another
- There is no right to a view
- Information submitted by objectors is inconsistent, misleading or wholly inaccurate, not taking account of landscaping proposed or to be relied upon in respect of demonstrating scale when compared to the architects drawings
- Distances from surrounding properties are significantly beyond spacing standards in the Council's Residential alterations and extensions SPD used for development control purposes. 37 metres and 43 metres from the proposal to Plane Tree House and 7 Balladen respectively.
- The proposal does reflect the urban grain of the hamlet being located close to the lane and bears traces of the previous industrial nature of the area.
- There are no statutorily heritage protected buildings or features in Balladen
- Backdrop of trees and distant hills mean it will not be prominent on the skyline or elevated view and provides a transition from higher buildings around barn 1 down to the cottages beyond Plane tree house. It will be obscured by mature tree planting which is a character of the hamlet and will sit below Barn 1 from viewpoint on Lomas Lane. The architect has

sought to minimise visual impact by use of materials and modelling of the land around the site.

- Repeats reference to support from Places Matter! And highlights NPPF references to importance of good design whilst not seeking to impose styles or tastes which stifle innovation, originality or initiative.
- That Passivhaus proposals are rare in the UK, only approximately 250 have been completed
- Materials chosen are appropriate to the area
- Road safety concerns are unfounded and not supported by LCC. However, will look to minimise vehicle movements and materials will be in components to be brought on smaller trucks
- Will investigate reinstatement of wall on Lomas Lane after construction
- Cut and fill works necessary but will return landscape to natural environment
- Spring water supply will not exhaust spring reserves based on very efficient use of proposed property, a holding tank already installed for applicant's current property, past knowledge of dry spells and given the number of residents in the village.
- Property is not to be a second home. They will sell their current home in Balladen
- Will not set a precedent, each case should be judged on its merits
- Places Matter did visit the site
- The informal orchard and pond and dry stone walls of the lower floor will improve biodiversity and wildlife.

## 8. **ASSESSMENT**

The main considerations of the application are:

- 1) Principle; 2) Housing Policy; 3) Visual Amenity;
- 4) Neighbour Amenity; 5) Access/Parking;

### Principle incorporating considerations in respect of design / housing policy and visual amenity

I note the strong submissions by the applicant and the arguments put forward that the proposal is appropriate whether the site is considered in the context of paragraph 55 of the NPPF as an isolated development in the countryside or within the settlement of Balladen and near to Rawtenstall and therefore should be considered as sustainable and supporting a rural community.

Furthermore, I note the NPPF as referenced by the applicant does refer to the encouragement and use of design panels by applicants and local authorities alike and having regard to this consideration it is right that their comments should be accorded significant weight.

With this in mind, I note the comments of the design panel which support the application, their justification for this and comment that they consider the proposals to be of great quality and innovation, represents the highest standards of architecture and has the potential to enhance the existing landscape setting.

However, I am concerned at apparent anomalies in the comments of Places Matter. This relates most particularly to the apparent contradiction of the proposal being both a contrast to its more natural surroundings, but also a delicate mark in the landscape, how the cantilevered element and lack of natural light to some rooms optimises energy efficiency and how the proposal has been justified / benchmarked by Places Matter in relation to the 4 criteria of bullet point 4 of paragraph 55 of the NPPF. Indeed, I am not convinced that the comments of Places Matter whilst supporting the proposal give full support that all four criteria of paragraph 55 have been met. Overall in this regard I echo concerns made in the comments by Forward Planning. It is my overall view that whilst the panel may consider the proposal may make the most of the topography, my opinion is that this is in relation to provision of a proposal in respect of commanding views for the occupants resulting from the elevated position it will take. However, its siting and design is not considered in

detail from wider views and in relation to the character of the Hamlet by the panel. I am also not convinced the proposals in terms of design, remodelling of the land, pallet of materials etc and the changes it will cause to visual amenity of the setting to the hamlet by the nature / scale and spread of the development are appropriate. The apparent anomalies by the panel add to these concerns.

Having regard to these concerns but also the policy context as outlined by Forward Planning which clearly indicates the proposals for residential development in this location would be contrary to national and local plan polices unless justified by way of the criteria of paragraph 55 lead me to conclude that the case has not been made. That is the proposal is justified or that the harms it causes by development of a greenfield site beyond the urban boundary are not outweighed by the suite of measures to overcome these policy and visual amenity concerns, and that whilst aspects of the proposals are commendable, it does fall short of the highest requirements set out by paragraph 55. In coming to this conclusion, I note also the applicant's case for its location to be considered sustainable. Whilst it is true it is within walking distance of the primary school and transport connections, these facilities would be accessed along the narrow and winding Lomas Lane from Balladen. It therefore fails to convince me that the site is so well located that it can be considered as contributing to its sustainability.

### Neighbour Amenity

Objections have been received highlighting concerns in respect of loss of privacy / overlooking, potential noise, outlook and light pollution. Concerns are also expressed most particularly by the residents of 7 Balladen that the proposal will be overbearing, particularly in relation to their garden.

In respect of loss of privacy / overlooking, the concerns from nearest residents are noted and are understandable given the elevated nature of the site and particularly the height of the first floor above their properties. This is notwithstanding the fact the ground is to be re-modelled so that the proposal sits lower in the ground than the existing floor level. However, in relation to habitable room to room distances for existing properties and the proposal, these distances are significantly greater than the requirements referred to in the Council's Residential Alterations and Extensions SPD which is also used in relation to the creation of new dwellings. In addition the windows of the cottages at Bess Nook and Plane Tree House would be at an oblique angle in relation to the windows in the proposed property. In respect of 7 Balladen, this property will be somewhat lower than the proposal and will also be screened from view to a large extent in time by the proposed orchard on the southern side of the property.

In relation to overlooking / privacy and potential noise, consideration is also required in relation to potential overlooking from the proposed ground floor roof garden and the proposed terrace on the eastern side of the proposed dwelling. In the first respect the nearest point of the roof garden to Plane Tree House is approximately 22 metres and approximately 18 metres from roof garden to the garden of Plane Tree House which lies to the west of the proposal. Whilst the roof garden is elevated it is considered having regard to the distances referred to, and that Lomas Lane provides separation, that these are sufficient distances to not result in overlooking that would be out of the ordinary and to an unacceptable extent. In relation to the terrace, this would face away from surrounding properties and would be shielded by the proposal and orchard. It would be at an oblique angle to Barn 1 (the applicant's current property), approximately 38 metres away and at a lower level. It is considered this is more than sufficient to not result in an unacceptable impact from noise and overlooking.

In relation to the proposal being overbearing, particularly with reference to 7 Balladen, I consider the proposed building to be sufficiently set away from No 7 to not result in the property being overbearing. I also consider the proposed orchard and the relatively low level in height that the orchard planting can be anticipated to reach will not be overbearing for the residents of No 7 or overly affect light into their property.

In relation to outlook, again it is considered that the distances of the proposal from existing properties will not result in unacceptable detriment to the outlook, though it is appreciated that the proposal will in some instances clearly be visible and will change the views upon which they see.

Finally, in relation to light pollution, it is not considered the lighting associated with the proposal would be so significant from this single dwelling as to lead to an unacceptable impact in relation to light pollution.

#### Access / Parking

Objectors concerns are noted, however, LCC Highways has not raised objection for the reasons set out in their consultation response. In considering the application, I am conscious that in any development, a period of construction and related traffic is inevitable but is ultimately temporary. In my view the levels of traffic that can be anticipated in order to remodel the land and construction of a single dwelling albeit of the scale and unusual features this proposal possesses will not be so significant that the lane will not be able to cope. The proposal will only result in an increase of one property and associated traffic once completed and therefore I do not consider a basis to justify a view different to that held by the highway authority.

### **9. RECOMMENDATION**

That Committee refuse the application

#### **REASON FOR REFUSAL**

The application relates to a greenfield site within the loose collection of buildings making up the hamlet of Balladen, in the Countryside to the south of the Urban Boundary of Rawtenstall. By reason of the National Planning Policy Framework 2012 and Development Plan policies there is a presumption against permitting erection of a dwelling in the countryside except in very limited circumstances. It is claimed that the special circumstances exist to permit the proposed dwelling due to “the exception quality or innovative nature of the design of the dwelling”, as referred to in paragraph 55 of the NPPF. It is acknowledged that the proposed dwelling is of a design of high quality and to minimise energy consumption/CO2 emissions, but it is not of such exceptional quality or innovative design to meet the test in paragraph 55 of the NPPF. Most particularly the proposed development will not enhance its immediate setting and is not sensitive to the defining characteristics of the local area, the dwelling to be of significant scale and to occupy an elevated position and be of contemporary ‘urban’ design and facing materials at odds with the existing properties of which the hamlet of Balladen is composed. Furthermore, it is not considered the suite of sustainability measures are sufficient to offset the harms caused by development on Greenfield land outside the urban boundary. Accordingly, the proposal is contrary to Sections 3, 4, 6 and 7 of the National Planning Policy Framework 2012 and policies 1, 2, 3, 9, 21, 23 and 24 of the Council’s adopted Core Strategy DPD 2011.