

Application Number:	2014/0310	Application Type:	Full
Proposal:	Erection of 26 detached dwellings with access from Yarraville Street (Outline)	Location:	Land At Lower Carr Farm, To The Rear Of Hardman Avenue And Adjacent Yarraville Street Rawtenstall
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	16 December 2014
Applicant:	Mr K Charlesworth	Determination Expiry Date:	06 January 2014
Agent:	GL Consultancy		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Departure / Major

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 refuse Permission for the reasons set out in Section 10.

2. SITE

Lower Carr Farm comprises a traditional two storey stone and slate renovated farmhouse with a private drive and associated parking, turning and outbuildings. The house sits above and to the side of fields within the applicant's ownership in an area designated as countryside.

The application site comprises an irregularly shaped parcel of land of approximately 1.4 hectares also located in an area of countryside immediately adjacent the urban boundary of Rawtenstall to the side and rear of Lower Carr Farmhouse, to the rear of No's 2-54 Hardman Avenue and to the side of No.18 Yarraville Street.

The land for its most part comprises semi-improved grassland with areas of marshy grassland within them. The land slopes downwards for its most part to where it abuts the rear gardens of the semi-detached properties along Hardman Avenue. There are a number of ditches and culverts running through the site which has a history of flooding and drainage problems due to surface water run-off from higher level land. In 2012 this caused significant flooding to the area and as a result the Council, with the applicant's consent installed an open ditch running parallel and adjacent to the rear gardens of properties along Hardman Avenue, and other works.

To its north eastern end a small part of the site forms part of a garage site containing four garages and unmanaged coarse grassland to its south and east. Both these areas are designated as Greenlands as well as Countryside. The garage site is owned by Green Vale Homes. That part of the site is separated from the rest by the private access drive to Lower Carr Farm.

Three other former farmsteads are in close proximity to the site, those being Middle Carr Farm, Higher Carr Farm and Hall Carr Farm. Middle Carr Farm is a Grade II Listed Building approximately 130 metres to the north of Hardman Avenue. These scattered farmsteads form a distinctive part of the countryside character of the area.

The site is approximately 600 meters from Rawtenstall Town Centre.

There are numerous Public footpaths in close vicinity to the site including No. 261 which runs in part along the private access road and behind Lower Carr Farm. Others link to the wider countryside area beyond, including a bridleway to the east. Public footpath No.242 runs from the private access drive behind Yarraville Street and the garage plots, to Bocholt Way.

3. PROPOSAL

The applicant seeks outline planning permission including access, layout and scale for the construction of 26 dwellings.

The dwellings would comprise six, three bedroomed and twenty, four bedroomed detached dwellings accessed from the eastern end of Yarraville Street close to its junction with Hardman Avenue.

In respect of planning contributions the applicant has indicated they would provide the following:

- Seven of the houses to be reduced market value Affordable Units
- £32,800 to meet the requirements of the Council's Open Space and Play Provision SPD.

The following have also been submitted:

- An ecological Appraisal has been submitted with the application, comprising a desktop study, extended Phase 1 Habitat Survey and a bat survey.
- A brief heritage statement
- A phase 1 contaminated land report
- A design and access statement
- A completed transport assessment form
- Photomontages from various viewpoints to demonstrate visual impact
- A Land Drainage Scheme

- A Flood Risk Assessment

The applicant considers that there will be no impact at all on the Grade II Listed Middle Carr Farm.

Whilst aware that the application site is within an area of countryside and therefore could be refused, the applicant considers that there are very special circumstances, namely:

- *“In approving the new core strategy following the consultation process, members of the full council resolved to utilise this site in the new plan as long as the drainage and the landscape issues were resolved as they have been and that is a matter of public record. Without this site and similar other ones, the new plan is fundamentally flawed and other sites that were not being taken forward have also recently been approved.”*
- *“As can be seen from the EA report there has been an historic issue with flooding to the site, the development of which will remove that severe issue from being a burden upon the local residents.”*

In respect of land drainage the applicant proposes to divert the existing ditches around and through the proposed development. In addition new land drains and swales will be placed along the boundary of the higher land to prevent overland water from entering the site.

4. 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 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment
Section 12	Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 4	Rawtenstall
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale’s Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable & Supported Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Preserving and Enhancing Rossendale’s Built Environment
Policy 17	Rossendale’s Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)

5. **CONSULTATION RESPONSES**

Environment Agency

Following receipt of Flood Risk Assessment comment as follows:

We are able to remove our previous objection but would strongly recommend that before the application is determined the applicant reviews the Flood Risk Assessment (FRA) to address the points raised below and the concerns of Mr Forster (Property Services Manager, Rossendale BC).

Flood Risk

Firstly, we would refer you to the concerns raised by your own property services manager Michael Forster in his memo of 10 November. He is more informed in relation to the existing flood risks and flood history associated with the development site and the adjoining properties to the north. We would agree with the concerns raised by Mr Forster and note that whilst he does not raise objection to the proposal, he suggests the applicant should confirm the adequacy of existing culverted watercourses. Referring to the FRA by Infrastructure Design (ref:1182/2), there is no assessment made in relation to the capacity of the existing downstream culverts. The FRA has acknowledged the presence of the watercourses crossing the site and provided an outline design to route these through the site. However, no assessment appears to have been made in relation to the flows that these would need to convey. As such, the proposed pipe sizes shown on the drainage layout in appendix C are presumably notional.

The surface water drainage strategy outlined in the FRA is based on limiting run-off from the development to greenfield rate and this is appropriate. We assume that the statement in 6.4.4 that the site is "brownfield" is an error. It also states that potential for infiltration is unlikely to be proven. Therefore, even with a restricted discharge rate there would be an increase in volume running off the site after development. If the existing downstream receptors are blocked (as noted), or of restricted capacity, the additional volumes could make flooding worse to the adjoining properties. In view of the flood history of the location investigation of the condition and capacity of the downstream culverts is recommended as part of the FRA.

The proposal refers to filling the existing ditches that currently intercept overland flows and give the adjoining properties some protection against flooding. We would suggest that some form of boundary ditch or bund be considered to reduce residual risks to the adjoining properties.

Informative

The prior written consent of the Lead Local Flood Authority will be required under section 23 of the Land Drainage Act 1991 for the diversion and/or culverting of the ordinary watercourses that cross the site. We have copied this response to Lancashire County Council so that they are aware of this issue

RBC (Land Drainage Officer)

A number of existing culverts are to be cut off and diverted.

Due to evidence of severe flooding to this area in the past, it is essential that calculations are provided and approved by the Council to demonstrate that both existing diverted flows and new surface water flows from this development, both property, hard-standings and

roads, can be accommodated and that no further creation of hard standings is permitted at this development in the future.

It also needs to be proven that the downstream sections are of sufficient capacity and of sufficient standard, to cope with the existing and additional flows.

SUDS requirements will also need to be complied with. It also needs to be demonstrated that the new system can cope with the 1 in 50 event that occurred twice in 2012.

A scheme needs to be designed for a 1:100 + 20% event.

RBC (Forward Planning)

The proposal is contrary to Policy 1 of the Core Strategy as it is not located within the urban area.

Policy 2 of the Core Strategy indicates that un-allocated greenfield land should only be permitted where it is for 100% affordable housing or it can demonstrate significant social, economic or environmental benefits. While development of the site would deliver affordable housing it would be only 30% of the total provision. The proposals do deliver a range of different housing types but it is questionable whether the benefits are substantial

Policy 3 indicates that the majority of new housing should be constructed in the Rawtenstall area. The development would contribute to this but this does not over-ride the fact that it is located in the rural area.

Policy 4 requires a minimum of 30% affordable housing on greenfield sites. While the proposal meets this minimum threshold it does not meet the higher aspirational target of 40%. Rawtenstall is a high demand area and as the development is rural (though it is not in my view a “rural exception”) there should be an aspiration for a higher degree of affordable housing than the minimum level. Further information is also required on the different affordable tenures to be provided and how these will be delivered.

Policy 9 addresses accessibility. The site is close to Rawtenstall town centre which is within walkable distance. The topography of the area however impacts on this, especially for those with any disability or carrying heavy shopping; pushing a buggy, etc.

Policy 16 is relevant to this proposal, in particular bullet 5. The setting of Middle Carr Farm needs particular attention.

While the site is adjacent to Green Infrastructure (Policy 17), the land does not make a particularly significant contribution to the implementation of this.

The land has been independently assessed by landscape architect Penny Bennett in line with Policy 18. While accepting that a relatively small proportion of the site would be acceptable in landscape terms the appraisal concludes that overall there would be an adverse impact on landscape character which is amplified by some elements of the design. There are no significant biodiversity issues but with respect to bullet 4) groundwater issues do require full consideration.

Policy 19 requires that designs should mitigate climate change particular energy efficient design and the use of SUDS to mitigate flood risk.

Policy 21 states that rural development should be located in settlements unless there are significant benefits to the local rural community.

Policy 22 requires developments to contribute to additional services or infrastructure where this is required. I note that the applicant is contributing to open space which is supported.

Policy 23 promotes high quality design. I am not persuaded that the proposal is of the highest quality of design and protects important local and longer distance views (bullet 6).

Conclusion

Overall the proposal is not considered to be acceptable when considered against planning policy. While it would deliver new housing including affordable units the overall design would impact landscape character and the setting of a listed building while surface water run-off is an issue. Fundamentally, the site is outside the current urban area and proposals to alter the countryside boundary in this location can be given very limited weight.

RBC (Conservation Officer)

The proposal is for 26 two-storey dwellings to the northwest of Grade II listed Middle Carr Farm, Rawtenstall, a row of 4 stone cottages dating to c.1800. Tripartite weavers' windows are visible on the north elevation and the surrounding farmland to the south, east and west are well-preserved. There has been a gradual encroachment on the rural setting of this listed building from the north through development in Rawtenstall. The nearest 20th century development is currently approximately 130 metres to the north of the site.

The setting of vernacular buildings in Rossendale contributes an important element to their overall significance, as they are associated with their surroundings. This is observed here at Middle Carr Farm, where inhabitants would have relied on the adjacent land for income. The development will cause further encroachment to the setting of the listed building but the raised aspect of Middle Carr Farm means the impact will be diminished slightly, so the development should not visually overpower the listed building. However, as the building is raised, this will give clear views of the development site from the listed building. No photomontage is provided for the site from the setting of Middle Carr Farm, or from the proposed development site looking towards the listed building.

The outline application includes proposed boundary treatments which will be highly visible from the listed building. These are proposed as close boarded fencing between properties and high timber post and rail fencing to boundary edges. Timber close boarded fencing will introduce a very suburban feel to this largely rural area, and will have a negative impact on the setting of the listed building. A more appropriate boundary treatment should be considered, possibly the use of natural locally sourced stone, which will reinforce local distinctive character, and help to preserve the rural setting of the listed building.

Providing the current boundary treatment is exchanged for a more appropriate treatment, the proposal is broadly in line with Policy 16 of Rossendale Borough Council's Core Strategy Development Plan Document 5 and b: *"The Council will protect, conserve, preserve and enhance Rossendale's historic built environment including listed buildings...their futures, including their settings, will be safeguarded by 5. Ensuring that development is a. Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context, b. Of a high standard of design, reinforcing the local distinctiveness."*

RBC (Env Health)

No objection

RBC (Contaminated Land)

Council records indicate infilled areas within the site curtilage presumed from the previous historic use of a brick works. With this in mind I would ask that prior to commencement of development the following shall be submitted to the Local Planning Authority:

- a) A Contaminated Land Phase II Report to assess the actual/potential Contamination risks at the site for approval by the Local Planning Authority. This should specifically consider gas protection measures.
- b) Should the approved Phase II Report indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.
- c) The remediation scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to first occupation of any part of the development hereby approved.

RBC (Strategic Housing)

Having reviewed the application the element regarding affordable housing is woefully lacking in substance. No contact has been made by the applicant to the Council's Strategic Housing Department to provide any context to how these properties would be affordable and the Design and Access Statement provides a blanket statement of "to acquire the houses at 'affordable' rates as this would be a planning condition."

The applicant has failed to address housing need, type of housing and the most obvious point that as the site would be classified as a Rural Exception site (due to its location) that there is a 100% affordable housing requirement on the site. Further work would be required to demonstrate why this site would be suitable for affordable housing.

At this moment in time we are not supportive of the current application.

LCC (Highways)

No objection

Public footpath 255 crosses the rear gardens of plots 22-24 and will require a diversion order.

The estate road will be built and the adopted by LCC under a Section 38 Agreement of the Highways Act

The off-site highway works will include the re-surfacing of Hall Carr Road from its junction with Hardman Avenue in a south easterly direction to its junction with the link path to the new estate road.

LCC (Ecology)

Sufficient survey work has been carried out to inform this application and that the submitted Ecological Survey & Assessment on the whole provides an accurate assessment of the ecological value of the site and the likely ecological impacts resulting from the proposal.

It seems reasonably unlikely that the proposals would result in significant ecological impacts provided the recommendations below are followed.

If Rossendale Borough Council is minded to approve the above application or any amended proposals, it is recommended that the following matters be dealt with at the reserved matters/full application stage and/or by planning conditions (or Section 106 agreements):

At the reserved matters/full application stage the applicant will need to demonstrate that there would be adequate replacement planting and habitat creation to ensure that the biodiversity value of the site is maintained, as a minimum, and enhanced (in line with the NPPF).

I recommend that species rich native hedgerows are planted around site boundaries and there be appropriate tree planting through the site, along with installation of bird nest boxes and bat roosting opportunities. The submitted Ecological Survey & Assessment (ERAP Ltd, August 2014, ref: 2014_065) also provides appropriate recommendations and these should be followed.

Landscape planting/habitat creation and planting along site boundaries should comprise native species and habitats appropriate to the locality.

No tree felling, vegetation clearance works, demolition work, works affecting stone walls or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

In order to ensure that impacts on amphibians and hedgehogs are avoided the recommendations detailed in section 5.7 & 5.8 of the Ecological Survey & Assessment report (ERAP Ltd, August 2014, ref: 2014_065) shall be implemented in full

All plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site, such as Japanese Knotweed and Montbretia, shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.

Prior to the commencement of works there shall be a repeat survey of the site and surrounding land for the presence of badgers. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Rossendale Borough Council for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of badgers will be implemented in full.

All shrubs, trees and woodland areas being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837: 2012 Trees in relation to design, demolition and construction-

Recommendations).

External lighting associated with the development shall be kept to a minimum, shall be directional and designed to avoid excessive light spill and shall not illuminate woodland area to the north and south of the site or any bat roosting opportunities installed within the site.

LCC (Rights of Way)

Awaiting Comments

LCC (Planning Contributions)

Awaiting Comments

United Utilities

No objection

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 24/10/2014, site notices were posted on 31/10/2014 and 95 letters were sent to neighbours on 07/10/2014.

Fifty two letters of objections have been received, one letter of support and three representations.

The main points of objectors has been summarised below:

- Increased traffic congestion
- There isn't capacity in the local schools
- The scheme would adversely affect the character of the settlement and have an adverse impact on local views and viewpoints. In addition plots 20-24 would be highly visible due to the slope of the land
- The photomontages do not show any nearby vantage points or views from Bocholt Way.
- The area has existing flooding, drainage and excess surface water issues
- The applicant suggests the proposed houses would allow residents to move to larger houses, however, due to high levels of unemployment in the area this is aspirational.
- The southwest corner on the site impacts on a popular local bridleway. There is no reference to it in the application or a suggested mitigation for the restriction of access.
- Loss of privacy
- There has been no bus service on Hardman Avenue for years
- Traffic Noise

7. ASSESSMENT

The main considerations of the application are :

1) Principle /Housing Policy; 2) Flood Risk 3) Affordable Housing; 4) Visual Amenity/Heritage Impact 5) Access/Parking; 6) Ecology; 7) Planning Contributions

Principle/Housing Policy

In accordance with Section 70 of the Town and Country Planning Act 1990 applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 of the NPPF states that;

“The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, and this means in respect of decision making:

“approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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; or

specific policies in this Framework indicate development should be restricted”

Paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

With regards to the above, the Council has an identified housing land supply of deliverable sites in excess of the five years + 5% required by the NPPF.

The Council’s Core Strategy seeks to locate development within the defined urban boundary, and where necessary as amended in the Site Allocations DPD, subject to certain criteria. All of the houses would be on land designated in the Council’s Core Strategy as Countryside. In addition two of the houses would be sited on land designated as Greenlands within an area of Countryside.

The scheme does not accord with the Development Plan in respect of housing and is also contrary to its Greenlands Policy.

Members will be aware that the Council is currently in the consultation phase of Stage 1 (Green Belt and Urban Boundary reviews) of its Lives and Landscapes DPD. Site Allocations is Stage 2. The DPD is not programmed for adoption until 2017. Members should also be aware that the site has been included in the SHLAA where it scored well due to its sustainable location.

At the 16 July Council meeting the Council published its responses to the proposed boundary changes. As part of the response for this site it was considered that further studies would be required to ascertain whether the landscape impacts are capable of appropriate mitigation. It was also highlighted that flooding and drainage issues required further analysis prior to a final decision being reached as to whether it is appropriate to incorporate the land into the urban boundary.

From the information received to date it is not considered that the landscape impacts and drainage issues have been fully resolved. These will be discussed later in the report. However, even if these were to be addressed the scheme would still not be in accordance with the development plan and is unacceptable in principle on this basis.

This remains an unallocated site within an area designated as Countryside and Greenlands and should be determined on that basis, particularly so given the Council has an identified housing land supply of deliverable sites in excess of the five years + 5% required by the NPPF.

The scheme is considered unacceptable in principle.

Flood Risk

The Environment Agency concurs with the concerns raised by the Council's land Drainage Engineer. It has been requested that further information is provided to ensure that the capacity of existing downstream culverts can take the surface water run-off from the site and the land above it.

The Environment Agency comment having regard to the submitted FRA that *"..even with a restricted discharge rate there would be an increase in volume running off the site after development. If the existing downstream receptors are blocked (as noted), or of restricted capacity, the additional volumes could make flooding worse to the adjoining properties. In view of the flood history of the location investigation of the condition and capacity of the downstream culverts is recommended as part of the FRA."*

"The proposal refers to filling the existing ditches that currently intercept overland flows and give the adjoining properties some protection against flooding. We would suggest that some form of boundary ditch or bund be considered to reduce residual risks to the adjoining properties."

The applicant's Flood Risk consultant has responded to the above:

"In mitigation of the development proposals at the site, the existing ditches running around and through the proposed development will be diverted as shown on the FRA supporting plan. New land drains and swales will also be placed along the boundary of the higher land to prevent overland water from entering the site."

"It must be pointed out that these ditches are historic features that have always been in place and therefore the proposed development does not look to alter this current scenario. In fact all the problems on the current network are in land not owned by the applicant and the view would be that under the land drainage act it is the land owner's responsibility to repair these blocked culverts. The current flow regime was put in place to assist the local residents and therefore we do not consider it is the land owner's responsibility to check the capacity of the downstream networks. In addition the flows emanating from the new development will discharge at the same greenfield rate that currently discharges and so there is no increase in the peak flow rates. This is also supported by the prevention and source control SuDS measures put forward by the applicant."

"Our view is that these comments really need made as a planning condition and resolved at detailed design stage when more information is available on the final layout, levels etc."

From the information provided to date neither myself nor the land drainage officer are satisfied that the drainage problems associated with the site have been adequately addressed. Any scheme would require both existing surface water drainage problems to be tackled whilst also ensuring that the drainage system (both proposed and existing off site) are able to accommodate surface water run-off generated by the proposed dwellings.

It would not be possible to condition full details of the drainage scheme if as the applicant's consultant suggests, that it could impact on the layout, as the layout is being sought at this outline stage.

The scheme is considered unacceptable in terms of flood risk.

Notwithstanding the above, neither a neutral impact or an improvement on the land drainage issues with the site would outweigh the other objections to the scheme.

Affordable Housing

The applicant is willing to provide seven affordable units which would equate to 30% of the housing proposed on the site. There has however, been no assessment of the housing need or type of housing that would be appropriate for the site, and the Council's Strategic Housing Department has not been approached regarding the matter.

Given the location of the site it is considered that affordable housing would be desirable, however, it has not been demonstrated that three or four bed housing (it has not been made clear which would be designated as the affordable units) are appropriate for the area.

Furthermore given the location it would be required that 40% of the houses are provided as affordable units, not the 30% proposed.

Accordingly the scheme would not satisfy Policy 4 of the Council's Core Strategy in respect of Affordable Housing provision.

Visual Amenity /Heritage Impact

Subject to addressing suitable boundary treatments at the reserved matters stage I am satisfied, taking into account the comments from the Council's conservation Officer that the scheme would not harm the character and setting of the Grade II Listed Middle Carr Farm.

However, in terms of visual amenity the site would be prominent from both long and short distance viewpoints. I disagree with the planning submission the photomontages provided demonstrate that there is no visual impact from nearby or from distant viewpoints, most particularly in relation to those houses that would rise upwards perpendicular to Hardman Avenue (plots 1-6), and to those houses on plots 17-24. They would have significant prominence.

Plots 25 and 26, adjacent the garage plots would be highly visible on approach from Yarraville Street. Due to their size and siting they would be imposing features in their own right, and would detract from the character of the area and the openness of that part of the Greenlands and countryside.

Furthermore, in my opinion by reason of the layout and the scale of the dwellings they would sit uncomfortably close to both Lower Carr Farmhouse and Hall Carr Farm, and by reason of the finished floor levels relative to both of those properties they would begin to dominate them in a manner that would be unacceptable.

The development is of a significant size and would have an undoubted impact on the essentially open and rural character of the area. It would represent a significant urbanising form of development when viewed from the local footpath network and longer range viewpoints, removing a distinctive visual break between the urban form and the farmsteads to an unacceptable degree.

The application is considered unacceptable in terms of visual amenity.

Neighbour Amenity

The application does not include cross section drawings, however, from the levels provided it is clear that the housing would be significantly higher than those on Hardman Avenue, such that in some instances finished floor levels would be approximately 6m higher than those on Hardman Avenue.

Separation distances would vary from a minimum of 27m from the rear elevation of No.8 Hardman Avenue to the gable of Plot 1, and from 24-28m from the rear elevations of No's 60-40 Hardman Avenue to the rear elevation of Plots 11-16. Taking into account that the proposed houses would be substantially higher than the existing I am not satisfied that window to window separation distances would be sufficient to negate to an acceptable extent impacts on the privacy of existing occupiers. Furthermore, by reason of the land levels it would appear that there may be unacceptable overlooking due to the sloping gardens of the new properties. Whilst to an extent boundary treatments could reduce this, those boundary treatments in themselves could cause harm.

The scheme is considered unacceptable in terms of neighbour amenity.

Access / Parking

I note the objectors' concerns regarding the increase in the volume of traffic on the surrounding roads which are often double parked due to a lack of off street parking provision.

However, the scheme has been assessed by the Highway Authority who has raised no objection in this regard. Furthermore the new road would be to adoptable standard and parking within the site would accord with current standards, so there is no reason to consider that parking generated by the scheme would overflow onto Hardman Avenue/Yarraville Street.

The scheme is considered acceptable in terms of highway safety.

Ecology

Having regard to the submitted ecology report, LCC's Ecology Section has not objected to the scheme subject to conditions.

Planning Contributions

No contributions have been sought by LCC Highways. Comments are awaited from LCC Education.

Having regard to the Council's SPD there would be a requirement to make a contribution of £35,516 towards Open Space and Play provision.

The applicant has offered to pay £32,800 towards Open Space and Play provision.

it would appear that the contribution is less than that required as the applicant has miscalculated the number of houses he is proposing.

The full contribution would be required to meet with Policy.

In any case I do not consider the contribution would be sufficient to outweigh the harms of the proposal in terms of inappropriate development within the Countryside, and detriment to the essentially open and rural character of the area, visual amenity and neighbour amenity.

9. RECOMMENDATION

That the application be refused.

10. REASON FOR REFUSAL

- 1) The scheme would result in the development of an un-allocated Greenfield site within the Countryside and in part Greenlands, for housing. The applicant has not advanced the case to outweigh the harms arising from the proposal in terms of inappropriate development within the Countryside and Greenlands and its detriment to the essentially open and rural character of the area. The development is considered contrary to Sections 3, 6, 7, 8, 10, and 11 of the National Planning Policy Framework, and Policies 1, 2, 3, 4, 17, 18, 22, 23 and 24 of the Council's adopted Core Strategy DPD (2011).
- 2) By reason of the proposed layout and scale of the development, the scheme would unacceptably impact on both long and short distance views and result in a highly urbanising form of development, uncharacteristic of the rural area both in terms of the layout and scale of dwellings and would provide an inadequate buffer to both Lower Carr Farmhouse and Hall Carr Farm, detracting to an unacceptable extent from the essentially open and rural character of the countryside.
The development is considered contrary to Sections 3, 6, 7, 8, 10, and 11 of the National Planning Policy Framework, and Policies 1,17, 18, 22, 23 and 24 of the Council's adopted Core Strategy DPD (2011).
- 3) The proposed scheme by reason of the resulting separation distances and finished floor levels of those plots with front elevations facing existing housing on Hardman Avenue, would unduly detract from the from the light, privacy and outlook occupiers those properties could most reasonably expect to enjoy.
The development is considered contrary to Sections 7 of the National Planning Policy Framework, and Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).
- 4) The proposed drainage scheme would result in the diversion and replacement of a number of existing culverts and open ditches on site. Due to evidence of severe flooding to this area in the past, it is essential that calculations are provided and approved by the Council to demonstrate that both existing diverted flows and new surface water flows from this development can be accommodated and that the downstream sections are of sufficient capacity and of sufficient standard, to cope with the existing and additional flows. The above information has been requested but has not been provided, and in the absence of which it is considered that the applicant has not adequately demonstrated that the site will be acceptable in terms of flood risk.
The development is considered contrary to Section 10 of the National Planning Policy Framework, and Policies 1, 19, 22, 23 and 24 of the Council's adopted Core Strategy DPD (2011).