

Application Number:	2015/0466	Application Type:	Outline (excluding only landscaping)
Proposal:	Erection of 2 dwellings	Location:	Land adj 72 Holland Avenue Rawtenstall
Report of:	Planning Unit Manager		
Report to:	Development Control Committee	Committee Date :	7 / 6 / 16
Applicant:	Mr A Lambert	Determination Expiry Date:	10 / 6 / 16
Agent:	Mr S Hartley		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	YES
Other (please state):	

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. RECOMMENDATION

That Permission be granted for the reasons outlined in Section 9 and subject to the Conditions set out in Section 10.

2. SITE

The Application relates to a broadly rectangular site of 0.2ha towards the northern end of Holland Avenue, to the west side of the residential property known as Collinge Fold Farm.

For the most part the site is under grass and rises up from the level of Holland Avenue, a poorly surfaced track running on a W-E axis through the middle of it. Whilst the northern half of the site has a frontage to Holland Avenue, the southern half is setback from Holland

Avenue, behind what has the appearance of a public footpath but is designated a Byway Open to All Traffic. The site thereby stands 10m-20m from the side-boundary of 72 Holland Avenue.

The 2-storey house at Collinge Fold Farm is of stone/slate construction, the gable standing 2+m from the site boundary possessing a first-floor & ground-floor windows. The 2-storey house at 72 Holland Avenue is also of stone/slate construction, the gable standing 20+m from the site boundary possessing windows.

The site is within the Urban Boundary of Rawtenstall. The open land to its north and west sides is designated as Countryside.

3. **RELEVANT DEVELOPMENT CONTROL HISTORY**

2003/0024 Erection of 5 Houses (Outline)
Refused 21/10/03 for the following reasons :

- 1 The road network leading to Holland Avenue is via streets which are ill-suited to take additional traffic. Furthermore, the application site is in close proximity to a bus turning area. For these reasons it is considered that the proposed development would have a detrimental impact on highway safety in the locality thereby failing to accord with policy DC1 of the Rossendale District Local Plan which states that the development proposals should "not be detrimental to existing conditions in the surrounding area."
- 2 Development of this greenfield site, some of which falls outside the defined urban boundary, does not accord with policy DS5 (Development Outside the Urban Boundary and the Green Belts) of the Rossendale District Local Plan or Government guidance in the form of PPG3 (Housing) which states that the presumption will be that previously developed sites should be developed before greenfield sites.

2004/0282 Erection of 2 Houses (Outline inc means of access)
Refused 21/6/04 for the following reasons :

- 1 Development of this greenfield site for residential purposes would be contrary to PPG3 and policies 1f and 12 of the proposed changes Joint Lancashire Structure Plan. These policies seek to ensure that land is used efficiently by way of encouraging the conversion of existing buildings and the use of previously developed land (brownfield sites) before the use of greenfield sites.
- 2 There are sufficient accessible brownfield sites and extant planning permissions within the Borough to meet the total and annual housing targets as specified in both policy 43 of the adopted Lancashire Structure Plan and policy 12 of the proposed changes Joint Lancashire Structure Plan.

The subsequent Appeal was dismissed on 9/2/05. The Inspector's decision letter states :

I consider the main issue in this appeal to be whether the proposal would be an appropriate form of development for the site, having regard to the established policy framework surrounding the provision of housing.

The structure plan is under review. Policy 1 of the Joint Lancashire Structure Plan 2001-2016 (proposed changes to Deposit Edition) states that development will be focussed in the principal urban areas, and will contribute to a range of objectives. These include the efficient use of buildings and land; high accessibility for all by walking, cycling and public transport; and urban regeneration. Policy 12 states that provision will be made for 1,920 new dwellings in Rossendale during the period 2001-2016. These are to be provided at a rate of 220 units per year between 2001-2006, and 80 houses per year for the remaining years of the period, 2006-16. Priority is to be given to the re-use or conversion of existing buildings, and then the use of brownfield sites. The emerging structure plan has been the subject of an examination in public, and the County Council have published changes proposed in response to the report of the panel. The plan is therefore at an advanced stage in its progress towards adoption, and I attach significant weight to its provisions.

No evidence has been put forward to suggest that the site comprises previously developed land. Although Policy 43 of the adopted Lancashire Structure Plan acknowledges a role for the use of greenfield land in providing for house building, the plan was adopted before the publication in March 2000 of the Government document 'Planning Policy Note 3: Housing' (PPG 3), which sets out the objective of giving priority to re-using previously developed land and existing buildings within urban areas in preference to greenfield sites.

In my view, the 'plan, monitor and manage' approach to housing development introduced by PPG 3 requires that any potential shortfall in the delivery of housing targets should be formally addressed by the Council as part of the monitoring process, with a view to determining what course of action to pursue. This approach is considered in more detail on page 16 of the Government document 'Planning to Deliver', published in 2001. Should this result in a decision to bring forward additional sites, these would require to be assessed in the light of the development sequence set out in PPG 3 and Policy 12 of the emerging structure plan. I consider that in the absence of such an analysis, a decision in favour of the appeal proposal would amount to a piecemeal approach resulting in a small number of houses at low density on a greenfield site. In my view, such an approach would not accord with the process of 'plan, monitor and manage' or the development sequence at the heart of the current policy framework. I therefore conclude that the development of the site in the manner proposed would not be an appropriate form of development for this site, and that it would conflict with Policy 12 of the emerging Joint Lancashire Structure Plan.

It was argued for the appellant that the development would comprise a visual stop to the view along Holland Avenue. However, I consider that the present opportunity to see from this street out into open countryside is entirely appropriate at this location high up on the edge of the town, and the construction of a physical feature that would impede this view does not to my mind add weight to the case for the proposal. I have taken account of the appellant's intention that construction of the dwellings would be accompanied by an improved bus turning facility, and of the easy access from the site to a range of services and facilities, but these do not outweigh the main conclusion that I have reached. I have also taken account of the support of Council officers for a previous application on the site, but I find nothing in the deliberations surrounding that case to affect my conclusion in this appeal.

4. **PROPOSAL**

The application seeks permission to erect two 4-bedroomed houses, with attached double-garages; details of Access, Layout, Scale & Appearance have been submitted for approval at this stage, with only the matter of landscaping reserved for later consideration.

The proposed houses are to have slate roofs and stone walls.

As first submitted the house to occupy the northern half of the site was to take vehicular access directly from Holland Avenue, whilst that to occupy the southern half of the site was to take its vehicular access from the track running on a W-E axis through the middle of the site.

In accordance with the wishes of LCC Highways, an amended scheme has been submitted that proposes both houses be served by the track running on a W-E axis through the middle of the site, suitably up-graded, with that section of it forward of a cattle-grid to provide Holland Avenue with a vehicle turning-head to adoptable standard. This layout plan also acknowledges that to provide level platforms on which to construct the proposed houses will entail excavation towards the northern and western boundaries of the site, but not to an extent that will then require construction of retaining walls exceeding 0.5m in height.

The application is accompanied by a Planning Statement that states :

"This application is a resubmission of application 2004/282 for 2 dwellings which was refused by the council and later refused on appeal. However, the reason for the appeal refusal was wholly connected with planning policy – particularly housing supply – since when policy has changed. But in addition the site red edge has been amended to make it clear that all is within the Urban Boundary."

The application is also accompanied by a letter from Singleton Clamp & Partners, dated 22/4/04, stating that the 2 houses proposed by Application 2004/0282 could be expected to add 1 vehicle movement in the busiest hour of the day to traffic on the local highway network. Consequently, it concluded that there was no highway or traffic impact reason to resist the development then proposed.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP4 Area Vision for Rawtenstall, etc
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change, etc
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

6. **CONSULTATION RESPONSES**

RBC Environmental Health

No objection.

LCC Highways

No objection to the amended plan.

There is sufficient parking and turning to accommodate the vehicles. The proposed new footway should be built to LCC specification; there appears to be some earthworks and re-grading of the banking required and details of this should be provided.

The Byway lies outside the red edge and will not be affected by the proposal development.

LCC Drainage

No comments.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order neighbours were notified by letter on 25/1/16 and a site notice posted on 11/2/16.

The following comments have been received :

22 Holland Avenue

It has come to my attention that you plan to build behind Holland Avenue.

I can tell you categorically that the trees behind Holland Avenue are a flood defence and last year the flooding was so bad that without those trees we would all have gone under. It is with absolute opposition that I write and tell you that the neighbours that I have spoken to are all in agreement that no new homes should be built to the rear of Holland Avenue.

68 Holland Avenue

Object.

Our concern is with parking and general congestion in the area. With cars being double parked usually the whole length of Holland Avenue. This always causes difficulty when I am trying to drive down to 68 Holland Avenue.

There is limited access to Holland Avenue, as it can only be accessed via Prospect Road. Prospect Road itself is a very busy road with cars usually parked on both sides, which makes access up to Holland Avenue and egress on to Burnley Road difficult.

The other way to exit Holland Avenue is via Beech Street and then on to Whittle Street, both of these streets are usually filled with parked cars. Whittle Street is very narrow and exit from Whittle Street on to Haslingden Old Road is more often than not troublesome.

There is already a Highway Safety issue. To allow Planning Permission to go ahead would bring more cars in to the area, which will make the situation even worse than it is already!

70 Holland Avenue

The site in question is marshy, and there run-off from the hill in most days. Whilst the submitted plans show a stream, no mention of the stream running adjacent to the footpath is included, the end of which currently empties into the existing cattle grid (which will be moved). This streambed is visible in the landscape and will cross the boundary of the new property. What provision will be made to stop water from this stream changing course on to existing properties during heavy rain?

The new properties do not protect the view of the current residents as the fields offer an unimpeded view of Cribden, and have done for over 90 years. The current field has a stile which is used widely by residents and visitors to access the fields.

Regarding the traffic survey, there has been significant increase in car ownership in the UK since 2004 and current access to Holland Avenue via Prospect road is already difficult given the poor condition of Prospect Road in particular. Whilst the bus service that then ran has terminated, the turning area is currently used by residents, council vehicles and other delivery vehicles servicing the existing properties. Parking is already insufficient for existing residents, and there are more than 34 vehicles parked on Holland Avenue already.

My main concern in the drainage of the fields given that the stream and marsh land have not been referred to in the drainage assessment.

75 Holland Avenue

Strongly oppose.

The only access to Holland Avenue for vehicles is up Prospect Road which can be a challenge because of on-street parking, emergency vehicles sometimes unable to access the avenue. Holland Avenue is already quite congested with traffic which the proposed dwellings would make worse, particularly if the turning area fronting the site is decreased in size.

Visitors sometimes park in the turning area due to there being nowhere else to park. Its also a safety issue for children. There is a Day Nursery at the end of Beech Street and quite often carers bring children to play/get back to nature.

Our view of open land and wildlife (including deer, foxes, etc) will be spoilt by the proposed houses.

79 Holland Avenue

At present the avenue is congested with parked cars, with the majority parking on the pavement, which is more than a nuisance and unsafe for pedestrians, including those with prams. To add more property would only make the congestion problem worse, particularly as the site is by the turning area.

Collinge Fold Farm

Objection.

The new red outline on the plans cuts off access to our entrance gate which we have used for the last 38 years and does not reflect the terms of the covenant clearly defined in the documents lodged at the land registry. I know that this is not a reason for the rejection of the plans but there is a covenant registered with the Land Registry which states that vehicular access must be maintained along the left edge of Collinge Fold Farm and as such the detailed plans cannot be implemented as drawn so changes to the detailed plans are inevitable. A further complication is another covenant which grants Collinge Fold Farm and the occupants of nos 2,4,6 and 8 Annies' View access to the spring in the land (shown on numerous plans). This may be difficult if the spring is under the lounge floor of one of the dwellings.

Also I wish to emphasise that Holland Avenue (the only access to the site) is populated by property which has no off-road parking - in fact parking on the footpath is commonplace.

Access to our property and Collinge Fold Cottage plus the whole of Collinge Street is difficult as it is, without the addition of more traffic.

I will deal with our objections in the order of the submitted Planning Statement :

- The applicant admits that the plan is a re-submission of a plan submitted in 2004 which has already been turned down by the council and was refused again on appeal. They state that since 2004 the housing policy has changed.

I accept that the policy has changed which resulted in a housing plan for 15 years where the council identified green and brownfield sites where property could be built. This piece of land was not identified as a place for development in this comprehensive review.

I do not accept that the land is within the urban boundary.

- The application intimates that the “bus turnaround” fronting the site is no longer required.

Since 2004 the traffic density on Holland Avenue itself has increased dramatically. When everyone is home from work cars are parked outside the houses such that there is no space for even a car to do a three point turn. This results in traffic having to use the bus turnaround in order to get out of Holland Avenue. For larger vehicles the turnaround is a necessity; as the use of on-line shopping increases exponentially the number of delivery wagons and vans does the same. The lower end of Holland avenue is occupied by bungalows for the aged, often with disabilities; large vehicles with disabled access and the ability to carry wheelchairs are a constant presence on the avenue and use the “bus turnaround”.

- It is stated that the plan can be implemented without impacting the existing line of footpath 239. This is not borne out by the detailed plans which take no account of the line of the footpath.
- The NPPF allows for land to be developed but is not meant to ride roughshod over common sense reasons why a plan should be rejected such as public safety and traffic density. What is essentially the same planning application has been rejected previously including "on appeal" for good reason.

Collinge Fold Cottage, Collinge Street

Strong objection to the amended scheme for 2 houses.

As an immediate neighbor the proposed development will have a serious impact on our standard of living. Our specific objections are as follows :

- In recent weeks the rain water that has run off the hill has caused damage. Any building in this area will increase the surface water in an already overburdened drainage system.
- Holland Avenue is a cul-de-sac. While it is true to say that 2 more houses would not impact on the busyness of Holland Avenue the development would negatively encroach on the turning circle at the end of Holland Avenue. Since the woefully out-of-date traffic survey presented with the application the make-up and volume of traffic has obviously changed. Large amounts of parked vehicles along Holland Avenue, especially in the evening / at weekends, mean that cars cannot perform a 3-point turn and require the turning circle.

- One of the proposed houses is over a well we have a right to take water from/access.
- Building of 2 executive homes here does not take into consideration the Urban Boundary and neighbouring terraced houses and will adversely affect views from neighbouring properties.
- The area is well used, loved and respected by people who enjoy the open appearance of the hills - dog-walkers, joggers, families, mountain bikers, birdwatchers, organized groups of ramblers.

6 Collinge Street

Object most strongly to the proposed development of two new dwellings at this location.

Our objections are on the following grounds:

- The urban boundary change has now made what in reality was countryside/farmland, into urban, which is at best far stretched and takes private land, incorporating it into urban land. There surely must be a number of more useable and better suited urban sites, that could be used for new housing and also a number of urban sites, with new houses already built, that are still yet to be purchased. The construction of 2 houses, does not in any which way alleviate the need for housing in the Council's own Core Strategy.
- Access seems to have been completely over-looked/ignored. The end of Holland Avenue, the front of the proposed building site, is most definitely a turning circle/cul-de-sac. It is a must for large vehicles such as emergency vehicles, large delivery transport vehicles (there are a large number of older residents rely on these), Council refuse vehicles, authority vehicles and engineer vans visiting the mast at the top of the hill, among many others. The turning circle is already under immense stress and unsuitable for large vehicles turning, as our pavements continually sustain damage. Two more houses could be deemed as not having an impact on the amount of traffic movement along Holland Avenue. However the development would have a huge impact on the turning circle at the end of Holland Avenue.
- The applicant has shown a traffic survey from 2004. This is completely useless and irrelevant, as the traffic volume, use of the turning circle and number of cars per household has dramatically changed in 12 years. It is futile to rely on a survey 12 years old, it would be advisable for someone to actually visit the end of Holland Avenue of an evening, to see the reality that the turning circle is not only used as a turning circle, but also to park.
- The proposed development is actually situated on the right we have to access a well, this is on our actual deeds and has not been taken into consideration.
- It is stated that the area is not within 20 metres of a watercourse, river, stream or beck. This is completely untrue as there is a stream that comes from a spring starting in the middle of the site. This makes the site completely unsuitable for any proposed build. The stream at the front of the proposed site is frequently overwhelmed when it rains. It currently overflows to the degree that it runs onto the road, down past our houses. You only have to look at the site topography to see that it is indeed always waterlogged, hence the plants such as reeds and moss.

- A Core Strategy policy refers to the views and general maintenance of the original appearance of the environment and need to be sympathetic to the neighbourhood. This will not be the case whatsoever. The 2 planned sites are huge, taking the full frontage. As the build will probably have to slope upwards, residents will lose their entire view of open landscape. So an entire community loses its view, to oblige 2 new houses and their owners. These views, walks and overall environment, are not only enjoyed by all residents of the immediate area, but residents from many other neighbouring areas and is actually visited by many people who find the area of great beauty and well-being.

8 Annies View, Collinge Street

This is a re-submission of a plan submitted in 2004 that was refused initially and on appeal.

No change to the Urban Boundary has been registered and in addition has been misinterpreted. Since the previous application in 2004 the number of vehicles on Holland Avenue has increased substantially. This density should be confirmed by Council Officials performing a survey to include evenings and weekends when usage is at its maximum. The turning circle is required more than ever as many more larger vehicles, vans, delivery vehicles, buses to assist the elderly, refuse collections, maintenance and emergency services have no choice but to use this facility as Holland Avenue is effectively a cul-de-sac.

With the recent increase in extreme weather conditions the drainage of resulting water is a major problem. The presence of another two dwellings would greatly increase the burden on the existing drainage system resulting in more damage to surrounding properties.

We object strongly to this proposal as it has been penned with an ill-considered approach towards boundaries, traffic conditions on the Avenue, convenience of the existing inhabitants and the impact it will have upon countless members of the public who love and use this area. The impact on the diverse wildlife including deer, bats, birds, badgers, hares etc. from the placement of these properties would be severe.

There is also the covenant which grants 2,4,6 and 8 Annie's View access to the spring on the land mentioned which would be impossible under these plans.

Rossendale Civic Trust

RCT note a previous Appeal for 2 houses, and amongst the reasons for dismissal received in 2005:

"It was argued for the appellant that the development would comprise a visual stop to the view along Holland Avenue. However, I consider that the present opportunity to see from this street out into open countryside is entirely appropriate at this location high up on the edge of the town, and the construction of a physical feature would impede this view does not to me mind add weight to the case for the proposal."

RCT considers this application seeks to sit building far too high above its neighbours; level of Manhole in Holland Avenue 100.59, Plot 1 Finished Ground Floor 104.00, so issues of skyline-development. To introduce two large detached houses into an area of small terrace and terrace-type houses is surely contrary to the historic development of this settlement.

RCT question the design of the proposed houses in "*positively contributing to the landscape*", finding it hard to see how two large, prosaically standard buildings, such as the ones proposed could make a positive contribution. They are totally alien in size, character and community spirit to this neighbourhood of smaller houses. And by being pushed back into the site, as opposed to the previous road side proposals, the buildings will be set higher

than road level, and therefore dominate the end of the Avenue by closing off the views even more. This loss of close and distant views will affect the whole length of Holland Avenue and Beech Street, and also impact on Collinge Fold. By sitting across this last open space, these buildings will create significant harm to the existing amenity of the people living in the area.

There is no "street scene" elevation to show the proposed houses are really sympathetic in scale and siting in relation to Holland Avenue and Collinge Fold Farm.

RCT note that, in terms of sustainability, the applicant only makes reference to the houses themselves and their compatibility with building regulations. There is no reference to the sustainability of the location as a current working and living environment.

RCT note the single access to this site, along Prospect Road and Holland Avenue. Both are regularly reduced along most of their length to one car width, not adequate for emergency or delivery vehicles. Prospect Road has three blind bends on which cars cannot see approaching traffic from either direction. On regular occasions cars have to negotiate one of these blind bends in reverse.

RCT's view is that two large houses, here, are not "*a significant social, economic or environmental benefit*", and note, from the previous refusal, that building here would be anything but an environmental benefit, in their closing off the open view from the street scene. The harm, that building on this site will cause, is demonstrably greater than any public benefit.

8. **ASSESSMENT**

The main considerations of the application are :

- 1) Principle;
- 2) Visual Amenity;
- 3) Neighbour Amenity;
- 4) Access/Parking; &
- 5) Other Matters.

Principle

Policy 1 of the adopted Core Strategy states that the greatest amount of new development should take place in Rawtenstall. The application site has a frontage to a residential street. Although it is 'greenfield', it is located within the Urban Boundary of Rawtenstall as shown on the Proposals Map that accompanied the Rossendale District Local Plan (adopted in 1995) and was carried forward into the Core Strategy (adopted in 2011).

A number of objectors refer to Application 2004/0282, when permission for erection of 2 houses on this site was refused by this Council and subsequently dismissed on Appeal. Significant weight cannot be given to those decisions. I say this not so much because of the time which has since elapsed but because of the changes in national & local housing policies and their application in local circumstances - the Appeal Inspector considered there then to be no reason to go against the policy presumption that permission should be refused given the over-supply of housing sites then prevailing in Rossendale.

With respect to current housing policy, the Government places considerable emphasis on housing delivery and the existence or otherwise of a 5-year land supply is a key component in delivering this aspiration. Paragraph 49 of NPPF indicates that housing applications

should be considered positively, with Local Plan policies not considered to be up-to-date if a 5-year supply cannot be demonstrated.

The Council is of the opinion that it cannot presently demonstrate that it has a 5-year housing land supply and, consequently, Local Plan policies in this regard are not to be considered up-to-date. When the Council considers the work it has commissioned to enable it to finalise its SHMAA is complete it is likely that it will be in a position to demonstrate an up to date 5-year housing land supply. At present it cannot do so.

Paragraph 14 of the NPPF states that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.

Clearly, the proposal will make a positive, though small, contribution towards meeting the Borough's need for housing. Whether the proposal will have a positive, neutral or negative impact in relation to other matters is considered below.

Visual Amenity

I can appreciate that local residents would wish to retain views they presently have from their properties/the end of Holland Avenue through to the open countryside. However, though far from small, the two houses proposed will still allow views through to the open countryside to the rear of the site, not least by reason of retention of the roadway through the middle of the site that gives access to that land and as amendment of the scheme will now result in a garage to each side of it rather than houses. I am also mindful that the southern half of the application site is setback from Holland Avenue, behind what has the appearance of a public footpath but is designated a Byway Open to All Traffic. The proposed house will not obstruct this means of public access to the countryside and to the wider public footpath network.

The proposed houses are considered to be of appropriate design/appearance. They are to be of 2-storeys, with slate roofs and stone walls, as are the nearby properties. The most southerly of the proposed houses will have a floor level 2m higher than the house at No 72, by reason of its greater setback from Holland Avenue and the way in which the land rises up from the highway. However, I am satisfied that it will not appear unduly prominent or incongruous in the street-scene.

Conditions are recommended to regulate the level at which the houses are built, their facing materials and also to ensure appropriate landscaping/boundary treatment, it being important boundaries to the byway and to the open countryside to the north and west sides of the site are suitably soft/green.

Neighbour Amenity

The proposed dwellings will stand sufficiently far from neighbouring houses that they will not result in unacceptable detriment in terms of light/outlook/privacy/overbearing.

A number of the objectors have referred to private rights to/over the application site. As they are private rights they do not provide reason to refuse the application; it would rest with the applicant to reach agree with those neighbours regarding their extinguishment/diversion where necessary.

The issues raised by objectors in relation to traffic matters are addressed below.

Access / Parking

One of the principal concerns of objectors is that traffic congestion presently occurs and will be made worse by the addition of the two houses now proposed.

It is undoubtedly the case that many of the houses fronting Prospect Road and Holland Avenue lack off-street parking facilities and this gives rise to problems with on-street parking. Having regard to the level of on-street parking that presently occurs on Holland Avenue where there are houses to each side of it is particularly important that vehicles can turn around to the front of the application site.

Notwithstanding that the Traffic Assessment submitted with the application dates from 2004, LCC Highways is satisfied that the traffic movements/off-street parking need for the two 4-bedroomed houses being proposed can be predicted. It is satisfied that the garages/hardstanding shown on the submitted drawings is adequate to meet their need for off-street parking. Furthermore, the submitted drawings show that the existing farm track midway along the site frontage to be up-graded to serve them is to be up-graded. This is to entail the cattle-grid being moved further back and the intervening area between it and the adopted highway being properly surfaced to form a vehicle turning-head to adoptable standard, something that Holland Avenue presently lacks and is much needed.

A condition is recommended to ensure that this turning-head is provided if construction of either of the proposed houses proceeds. On this basis I concur with the view of LCC Highways that it would not be inappropriate for permission to be granted for access/parking reasons, notwithstanding the levels of on-street parking that presently takes place elsewhere on Holland Avenue.

Other Matters

The site and its surroundings are not in an area the Environment Agency has identified as being at risk of flooding. Nor has LCC Drainage identified this as an area that is particularly susceptible to flooding. Nevertheless, construction of the proposed houses will interfere with existing surface-water drainage from the site and the rising land to its rear. A condition is recommended to ensure design/implementation of a suitable scheme of surface-water drainage.

The site is not designated for its wildlife interest and I do not have reason to believe that there are protected species present/reliant on it.

9. SUMMARY REASON FOR APPROVAL

Notwithstanding that the site is greenfield and the congestion that presently occurs on the approach roads to it, the proposed development is considered to be acceptable in principle as the site is within the Urban Boundary and, subject to the conditions, it is considered that it will not result in unacceptable harm to visual and neighbour amenity, biodiversity, flood risk or highway safety. Consideration has been given to Policies AVP4 /1 / 2 / 3 / 8 / 9 / 16 / 18 / 19 / 23 / 24 of the Council's adopted Core Strategy DPD (2011) and NPPF.

10. RECOMMENDATION

That permission be granted.

CONDITIONS

1. Application for approval of the Reserved Matters, namely Landscaping (including Boundary Treatments), shall be made not later than the expiration of 3 years from the

date of this decision and the development must be begun not later than the expiration of 2 years from the final approval of the reserved matters.

Reason : Required by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the Location Plan received on 30/3/16 and Drawing No HA-30-03-16, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason : For the avoidance of doubt.

3. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. It shall provide for :

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Vehicle wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Hours at which deliveries / removals of materials and equipment by HGV will occur.

Reason : In the interests of neighbour amenity and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

4. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The approved scheme shall be implemented in full prior to first occupation of any dwelling or as otherwise first agreed in writing by the Local Planning Authority.

Reason : To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 19 and 24 of the Rossendale Core Strategy DPD (2011).

5. Prior to first occupation of either of the houses hereby permitted the Cattle Grid shall be re-sited in accordance with Drwg No HA-30-03-16 and the intervening area between it and the carriageway of Holland Avenue shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads. Likewise, prior to first occupation of either of the houses hereby permitted the proposed new footway shown on Drwg No HA-30-03-16 shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

Reason : In the interests of highway safety, in accordance with the advice of LCC Highways and Policy 24 of the Rossendale Core Strategy DPD (2011).

6. Prior to first occupation of any of the dwellings hereby permitted the parking/ manoeuvring area to serve it shall be provided with a hard, permeable surface. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, or any order amending or revoking & re-enacting that order,

the areas so provided shall thereafter be kept freely available for the parking/ manoeuvring of cars.

Reason : In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

7. Prior to construction of either of the houses hereby permitted samples of the natural stone and natural slate to be used to construct them, and any associated retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To ensure the development is of satisfactory appearance, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

8. The scheme of Landscaping/Boundary Treatment to be submitted shall provide details of :

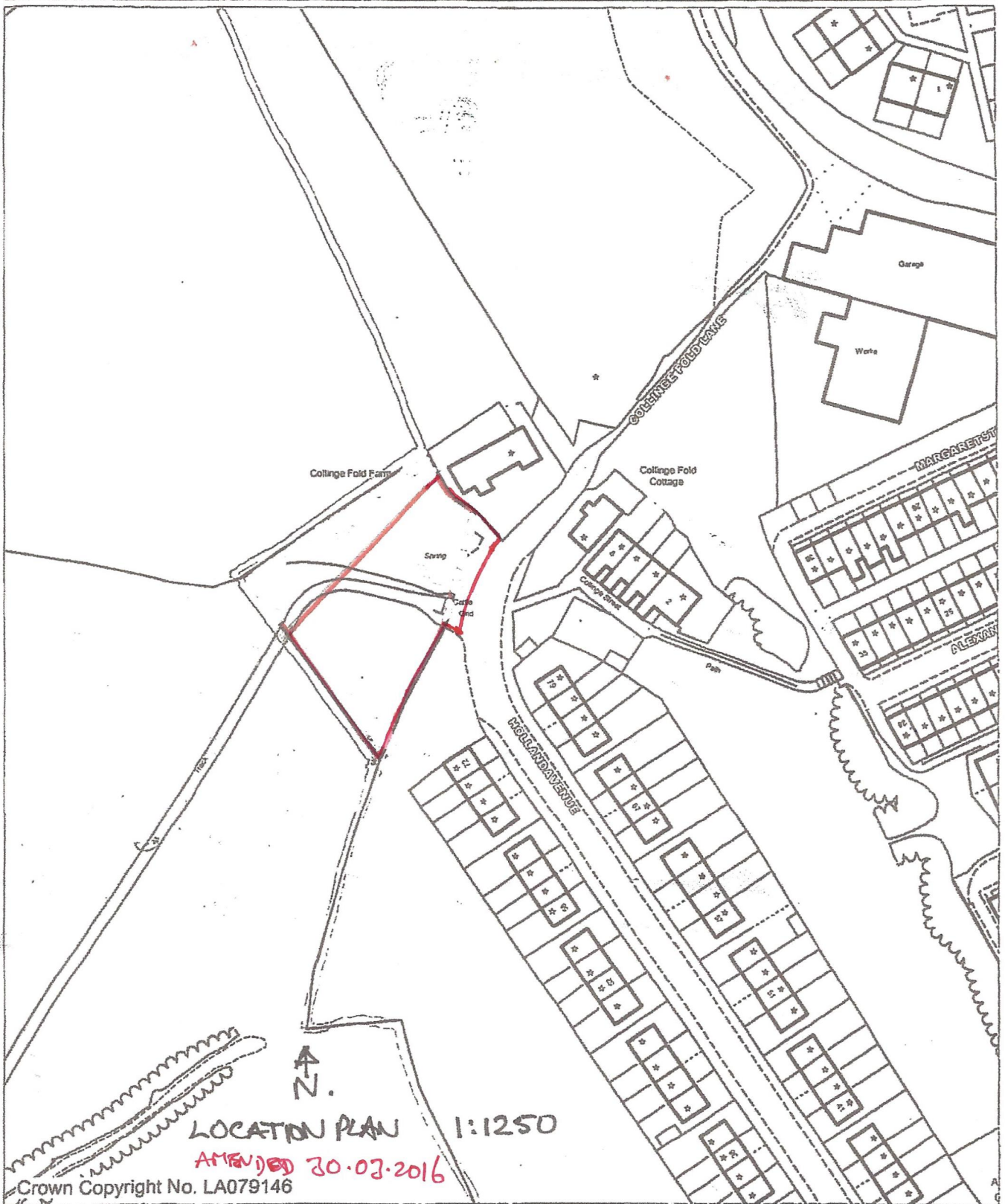
- a) retaining structures/walls/fences/gates/hard-paved areas;
- b) types and numbers of trees and shrubs to be planted, and their size and distribution; &
- c) any changes of ground level or landform.

Reason : In the interests of visual and neighbour amenity, and most particularly to ensure suitably soft/green treatment of boundaries to the byway and to the open countryside to the north and west sides of the site, in accordance with Policies 1 / 16 / 24 of the Council's adopted Core Strategy.

9. Any ground/construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays or Bank Holidays. The shell-&-auger method shall be used to form any piled-foundations, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To safeguard the amenities of nearby residents, in accordance with the Policy 1 / 24 of the Council's adopted Core Strategy.

Land off Holland Avenue

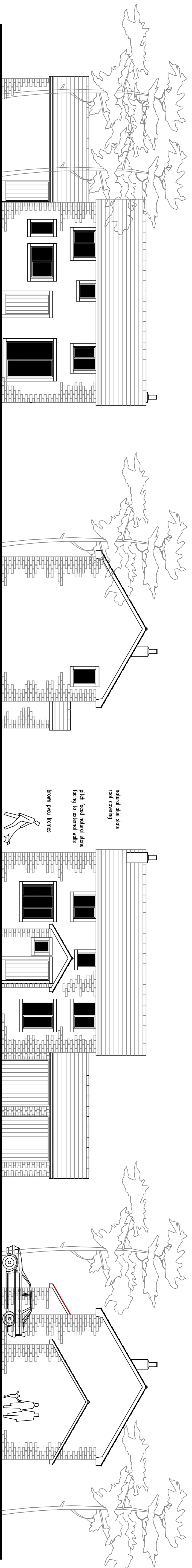


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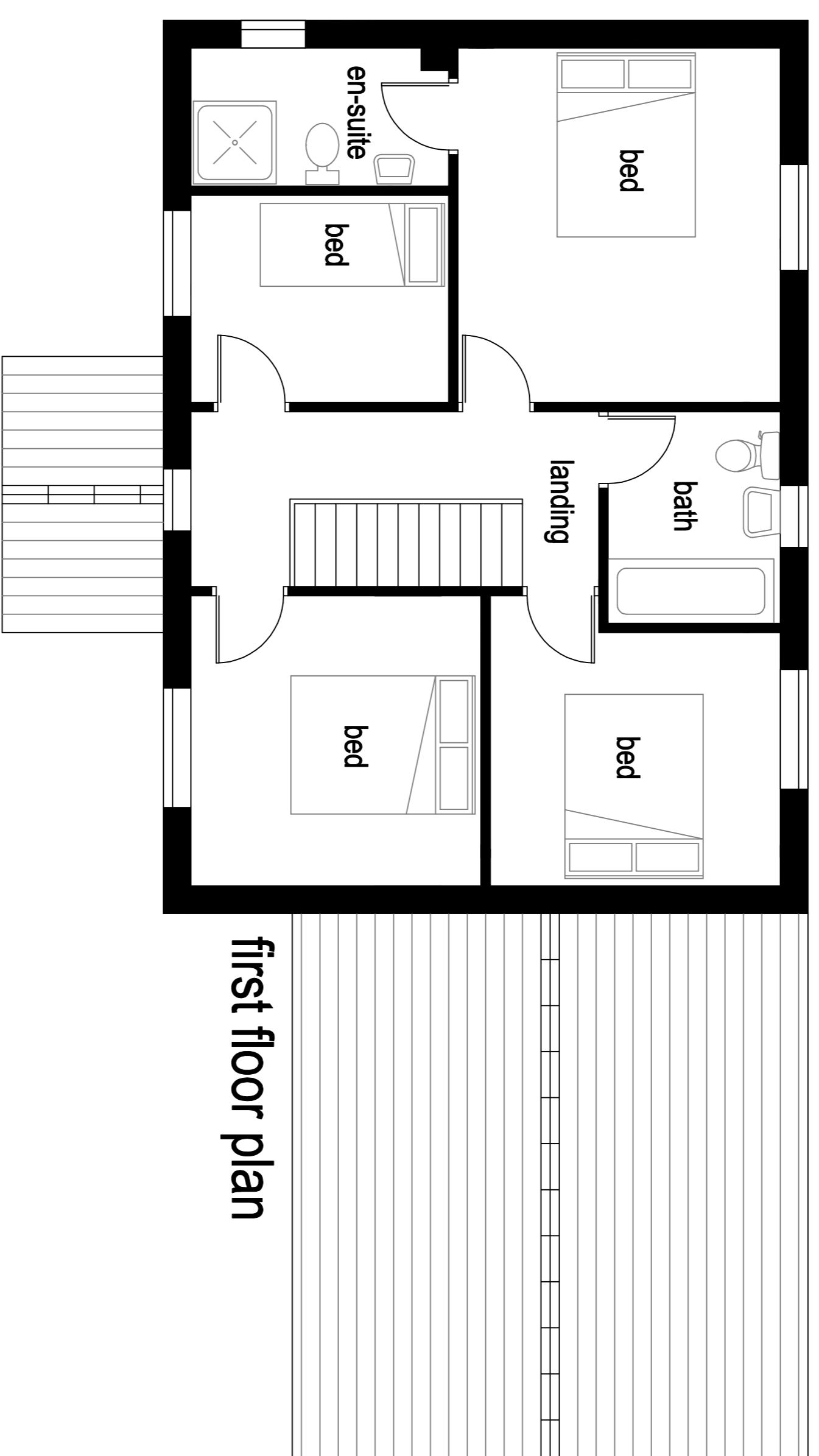
Scale 1:1250
19/04/2004
Centred at 380847.82,423582.86

Location Plan
DDES

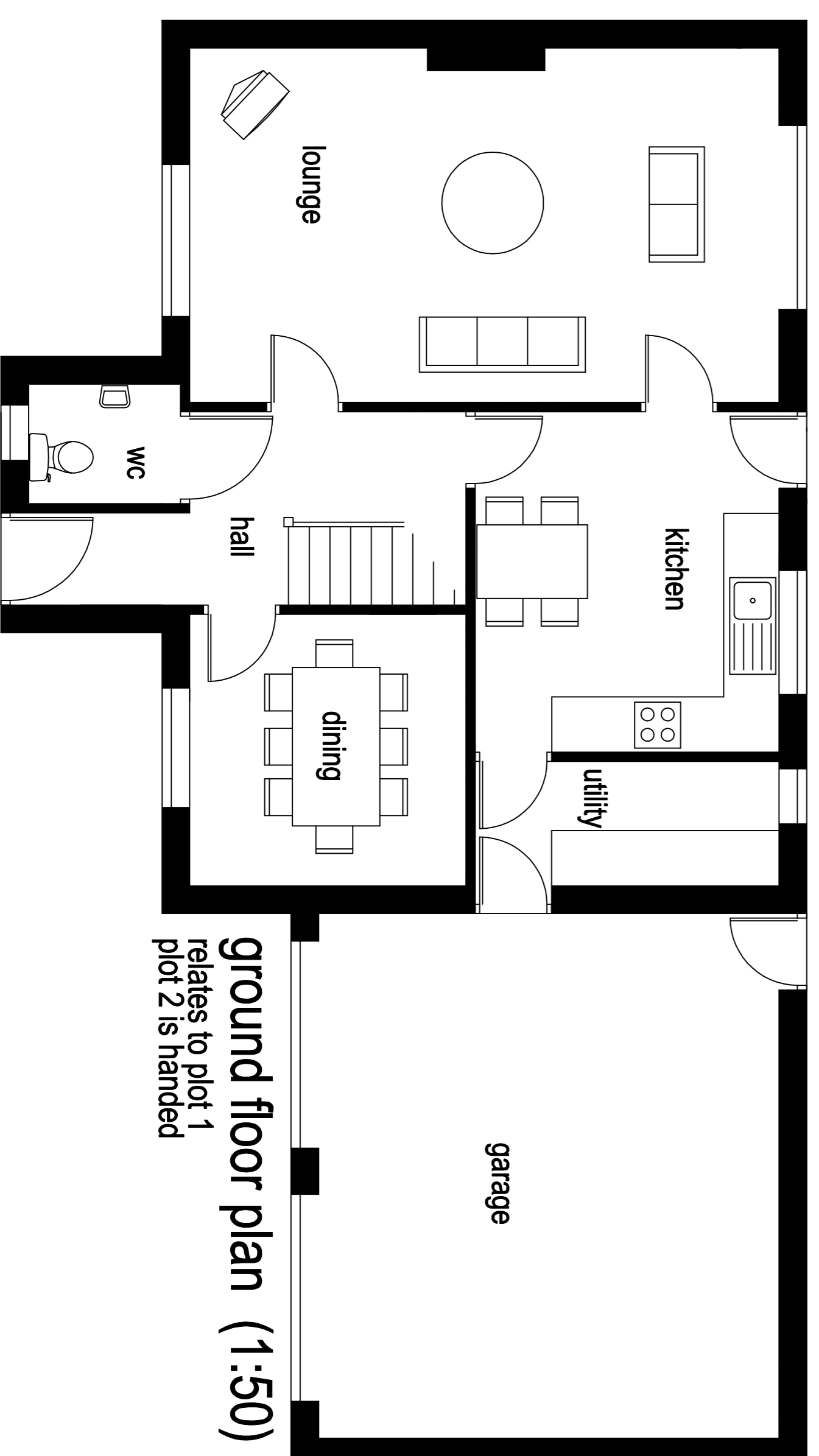




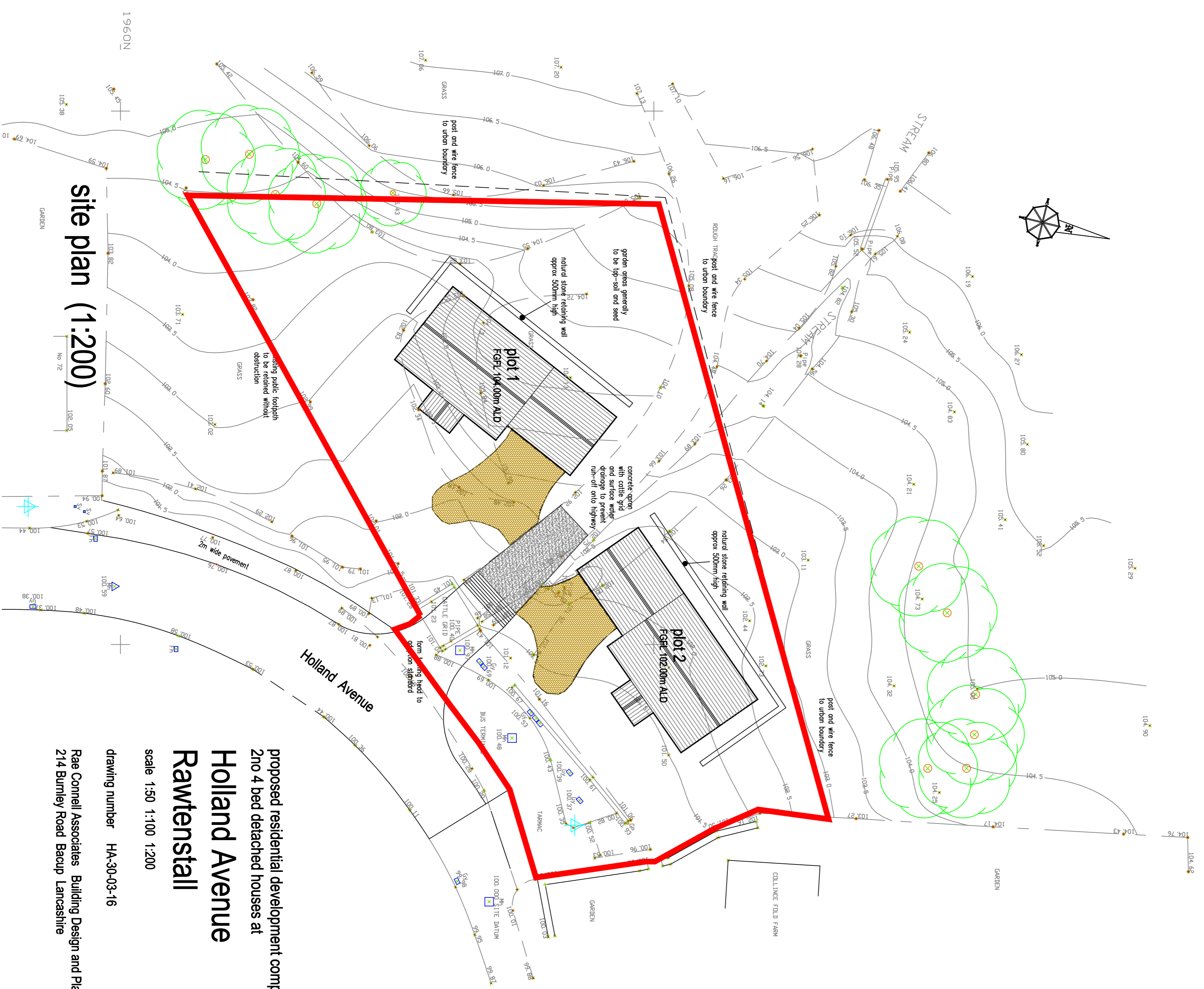
proposed elevations (1:100)



first floor plan



ground floor plan (1:50)
relates to plot 1
plot 2 is handed



site plan (1:200)

proposed residential development comprising
2 no 4 bed detached houses at
Holland Avenue
Rawtenstall

scale 1:50 1:100 1:200

drawing number HA-30-03-16

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