

<b>Application Number:</b>	2016/0041	<b>Application Type:</b>	Other
<b>Proposal:</b>	Creation of new door opening from kitchen, increase in bin store size, erection of new fence along boundary with adjacent property, and erection of a new gate set back from front elevation of previously approved extension.	<b>Location:</b>	Farmers Glory Inn, Roundhill Road, Haslingden, BB4 5TU.
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	7.6.2016
<b>Applicant:</b>	Mr Y Ali	<b>Determination Expiry Date:</b>	Extension of time until 17.6.2016
<b>Agent:</b>	Mr D Hancock		

<b>Contact Officer:</b>	Tom Parkinson (Urban Vision)	<b>Telephone:</b>	01706 252 432
<b>Email:</b>	tomparkinson@rossendalebc.gov.uk		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	Councillor Ann Kenyon Issues concerning the putting up of a fence which will end up approximately 9 ft. The lack of privacy to local residents and other building issues.
<b>3 or more objections received</b>	
<b>Other (please state):</b>	

## HUMAN RIGHTS

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

### Article 8

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

### Article 1 of Protocol 1

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

## 1. **RECOMMENDATION**

That the Committee approve planning permission for the reasons set out in Section 9 and subject to the conditions outlined in Section 10.

## 2. **SITE**

The application site comprises of a Victorian-era detached 2 storey stone building formerly used as a Public House and now converted into an Indian restaurant. The site is located in the Green Belt/a Countryside Area. The plot includes hard standing and a rockery to the front (south) adjacent to Roundhill Road (the B6236), the hard standing also running past the property's gable (south-east) elevation on which the applicant is in the process of constructing a single storey side extension as per planning permission reference 2014/0245. The rear of the property includes a single storey kitchen element beyond which is an enclosed grassed area. Boundaries are marked by stone walls. The plot is located at the corner of Roundhill Road and Roundhill Lane, the latter running past the property's north-west (gable elevation), with the restaurant's separate surface car park on the opposite side of this side road. The plot is bound by residential properties to the north-west and south-east (both sides), and open fields to the front and rear.

The ground level falls moving from west to east such that the adjacent property (Roundhill Lodge) is on land approximately 0.5m lower than the application site. The ground level also falls by approximately 1m moving from the rear elevation to the rear boundary.

The site visit revealed works had commenced with several post holes dug, the hard standing adjacent to the rear kitchen element removed and replaced with a rubble surface, and the proposed kitchen door installed.

## 3. **RELEVANT PLANNING HISTORY**

1998/240: Proposed conservatory and kitchen extension. Approved – exact date unknown.

2014/0245: Single storey side extension to provide additional seating. Approved 28 July 2014.

2015/0039: Discharge of condition 6 (details of size, siting and design of refuse bins) of planning permission reference 2014/0245. LPA confirmed this condition can be discharged subject to its implementation in accordance with the submitted approved plans.

2016/0044: Variation of condition 3 (External Materials) pursuant to Planning Permission 2014/0245 re single storey side extension to provide additional seating. Refused 11 April 2016.

## 4. **PROPOSAL**

The applicant proposes to erect a 1.2m high wood panel fence adjacent to the common boundary wall separating the application site with the adjacent property to the south-east (Roundhill Lodge, Roundhill Road), together with a set of 1.2m high wooden double gates controlling access to the side hard standing and set back 5.5m from the roadside pavement edge, in addition to inserting a wooden kitchen door in the property's side (south-east) elevation (as noted above a UPVC has already been inserted), and extending the bin area to the rear of the property. The existing timber fenced bin store would be increased in width from 4m to 5.8m.

**Amendments:** The applicant originally proposed 2m high fencing and gates, the latter set back 4.2m from pavement edge, together with a UPVC kitchen door. Amendments have been carried out following advice from the LPA and the Highways consultee.

## 5. POLICY CONTEXT

### National

#### **National Planning Policy Framework**

Section 1: Building a Strong Competitive Economy;  
Section 3: Supporting a Prosperous Rural Economy;  
Section 4: Promoting Sustainable Transport;  
Section 7: Requiring Good Design;  
Section 12: Conserving and Enhancing the Historic Environment.

#### **National Planning Practice Guidance**

### Development Plan Policies

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

AVP 6: Strategy for Haslingden and Rising Bridge;  
Policy 1: General Development Locations and Principles;  
Policy 8: Transport;  
Policy 9: Accessibility;  
Policy 16: Preserving and Enhancing the Built Environment;  
Policy 18: Biodiversity, Geodiversity and Landscape Conservation;  
Policy 21: Supporting the Rural Economy and its Communities;  
Policy 23: Promoting High Quality Design & Spaces;  
Policy 24: Planning Application Requirements.

## 6. CONSULTATION RESPONSES

**Highways:** No objection subject to an amendment.

*I would raise no objection to the proposal subject to an amendment to the plan.*

*The proposed gates between the extension and the boundary with the adjacent property should be set back by 5.5 metres from the back of the highway (pavement) to ensure that a vehicle can park without overhanging the highway. The gates are currently shown set back 4.2 metres and therefore the amendment required is 1.3 metres.*

*When I visited the site a vehicle was parked in front of the gates and overhanging the highway which is a highway safety concern.*

**RBC Environmental Health:** No objection.

*EH have no objections to the planning application.*

**RBC Operations:** No comment received.

**RBC Conservation Officer:** No objection subject to condition.

*The proposals appear acceptable providing the door is a softwood timber which should not be stained but should be painted in gloss paint.*

*Suitable colours include:*

*Olive yellow 1020*

*Blue pigeon RAL 5014*

*Moss green 6005*

*Reed green RAL 6013*

*Olive grey RAL 7002*

*Moss grey RAL 7003*

*Brown grey RAL 7013*

*Cement grey RAL 7034*

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a site notice has been displayed and 5 neighbour letters issued.

A single neighbour letter has been received which raises the following issues:

*The application is not for proposed development but rather a retrospective application because the proposed door has already been put in.*

The totality of the development, including any elements which have already been put in place, will be included within this assessment. It is noted that the applicant has now agreed to replace the UPVC door with a wooden door.

*The proposed extended bin store would be on raised land and would impact their privacy.*

The proposed bin store extension would be along the rear of the applicant's property which would be away from the neighbour's property compared to the previously approved scheme and on a concrete hard standing which is lower than the current side hard standing. Privacy impacts are considered below.

*Should the proposed fence be placed on top of the wall this would be have an unacceptable overbearing impact due to the difference in height between the 2 plots.*

The fencing will not be placed on top of the common boundary but would instead be built on the applicant's plot's internal ground level and therefore adjacent to the common boundary.

*The proposed fencing would block access to the common boundary thereby preventing maintenance.*

This is not a planning consideration but rather a private legal matter between both parties.

*The proposed side facing door would result in an unacceptable privacy impact on the neighbour's patio.*

The proposed development's amenity impact is considered further below.

*The applicant is incorrect in stating on their plans that all deliveries are through the front door and instead use the new back door for this (the side facing kitchen door). The applicant is in breach of a previous planning condition controlling delivery times.*

The LPA's Enforcement Department is currently investigating the applicant's site.

*Raising the tarmac at the side of the property would require a new drainage system.*

The proposed development would result in the lowering of the hard standing at the rear corner of the property.

*The applicant is currently erecting the previously approved single storey side extension at unsociable hours.*

The LPA's Enforcement Department is currently investigating the applicant's site.

*There is constant parking outside the front of the property raising highways safety concerns for traffic pulling out from the neighbour's property.*

This issue should be referred to the Highways Department.

## **8. ASSESSMENT**

The main considerations of the application are:

The main considerations of the application are: 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; and 4) Highways Safety.

### **Principle**

The proposed development would amount to relatively minor additions to this property which is located within the Green Belt and a Countryside Area. None of the proposed elements would add to the property's volume in Green Belt terms, the proposed bin area being an open topped fenced element rather than a proper building extension, with the proposal being a minor addition to the latter. It is not considered that the proposed development would have an unacceptable impact on Green Belt openness at this point with the development, apart from the bin store, being located between the applicant's property and the adjacent dwelling house. As such the proposed is considered to be acceptable in principle.

### **Visual amenity**

The proposed development, comprising of 1.2m high wooden gates and fencing, a side facing wooden door and an extended bin storage area would all be relatively minor additions, with the gates, fence and doorway located between the property's side elevation and the side boundary and therefore not particularly visually prominent within the local area, unless when viewed from directly to the front or rear of the property. The proposed timber materials would be acceptable at this rural location. It is considered that the proposed development would have an acceptable visual impact subject to a planning condition requiring the applicant's submission of material details for the LPA's written approval prior to the commence of further work.

It is noted that the Conservation Officer has not objected to the proposed development.

It is therefore concluded that the proposed development would comply with the NPPF and Core Strategy Policies 1, 18, 23 and 24 in terms of its visual impact.

### **Neighbour Amenity**

The applicant has already installed a UPVC kitchen door in the property's side elevation, although they have agreed to replace this with a wooden door. Whilst it is accepted that the side door would face the rear corner of the adjacent property at a distance of 3.1m, with this door being on land approximately 0.5m higher than the neighbouring plot, and with oblique views towards the neighbour's rear patio, this door would not directly overlook the neighbour's patio area, it would not have a glazed element and it is preferable that the door is at this point with the bin store along the rear elevation rather than the other way round in terms of neighbour amenity impacts. The neighbour property is located next to what was a pub and is now a restaurant and as such occupants cannot expect a complete lack of noise and fumes. It is noted that the Environmental Health consultee has not objected to the proposed development.

The proposed fencing has now been reduced from 2m to 1.2m high above the plot's ground level, and taking into account the approximately 0.5m difference between the 2 plots would appear to be approximately 1.7m high when viewed from the adjacent property, which would be acceptable in terms of its overbearing impact. It is noted that the proposed fencing would not impact any neighbouring side facing ground floor habitable room outlooks.

The extension to the bin area would be located further from the adjacent property.

The proposed development would comply with Core Strategy Policies 1, 23 and 24 and the NPPF with reference to its impact on neighbour amenity.

### **Highways Safety**

The Highways consultee has confirmed no objections to the development provided the proposed gates were moved away from the footpath, which the applicant has done.

The proposed development would comply with Core Strategy Policies 1, 23 and 24 and the NPPF with reference to its highways safety impacts.

## **9. SUMMARY REASON FOR APPROVAL**

The proposed development has been found to be acceptable in terms of its principle in addition to its visual amenity, neighbour amenity and highways safety impacts. It is therefore considered that the scheme would accord with Policy AVP 6, together with Policies 1, 8, 9, 16, 18, 21, 23 and 24 of the Council's Core Strategy, and the National Planning Policy Framework.

## **10. RECOMMENDATION**

That the application be granted planning permission.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.*

2. The development shall be carried out in accordance with the following unless otherwise required by the conditions below:

‘Elevations after Proposed Amendments’, drawing number 7003.2, received 20 May 2016;

‘Proposed Ground Floor’, drawing number 7003.4, received 20 May 2016; and

‘Proposed Elevations Showing Fence Line and Gate Plan’, drawing number 7003.6, received 20 May 2016.

*Reason: To ensure the development complies with the approved plans and avoids undue harm to visual or neighbour amenity, in accordance with Policy 24 of the Adopted Core Strategy (2011).*

3. No further development shall take place until full details of the colour and type of the materials to be used for the timber gates, wood panel fencing, side facing kitchen door and bin store have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials, unless agreed otherwise in writing by the Local Planning Authority. Within 2 months of the date of the approval of these details the UPVC door shall be removed and replaced by the softwood timber door.

*Reason: In the interests of visual amenity and to comply with Policies 18 and 24 of the Adopted Core Strategy (2011).*

4. The proposed softwood timber door should not be stained but should be painted in gloss paint. Suitable colours include Olive yellow 1020, Blue pigeon RAL 5014, Moss green 6005, Reed green RAL 6013, Olive grey RAL 7002, Moss grey RAL 7003, Brown grey RAL 7013 or Cement grey RAL 7034.

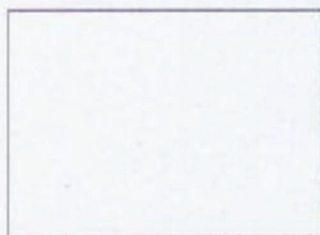
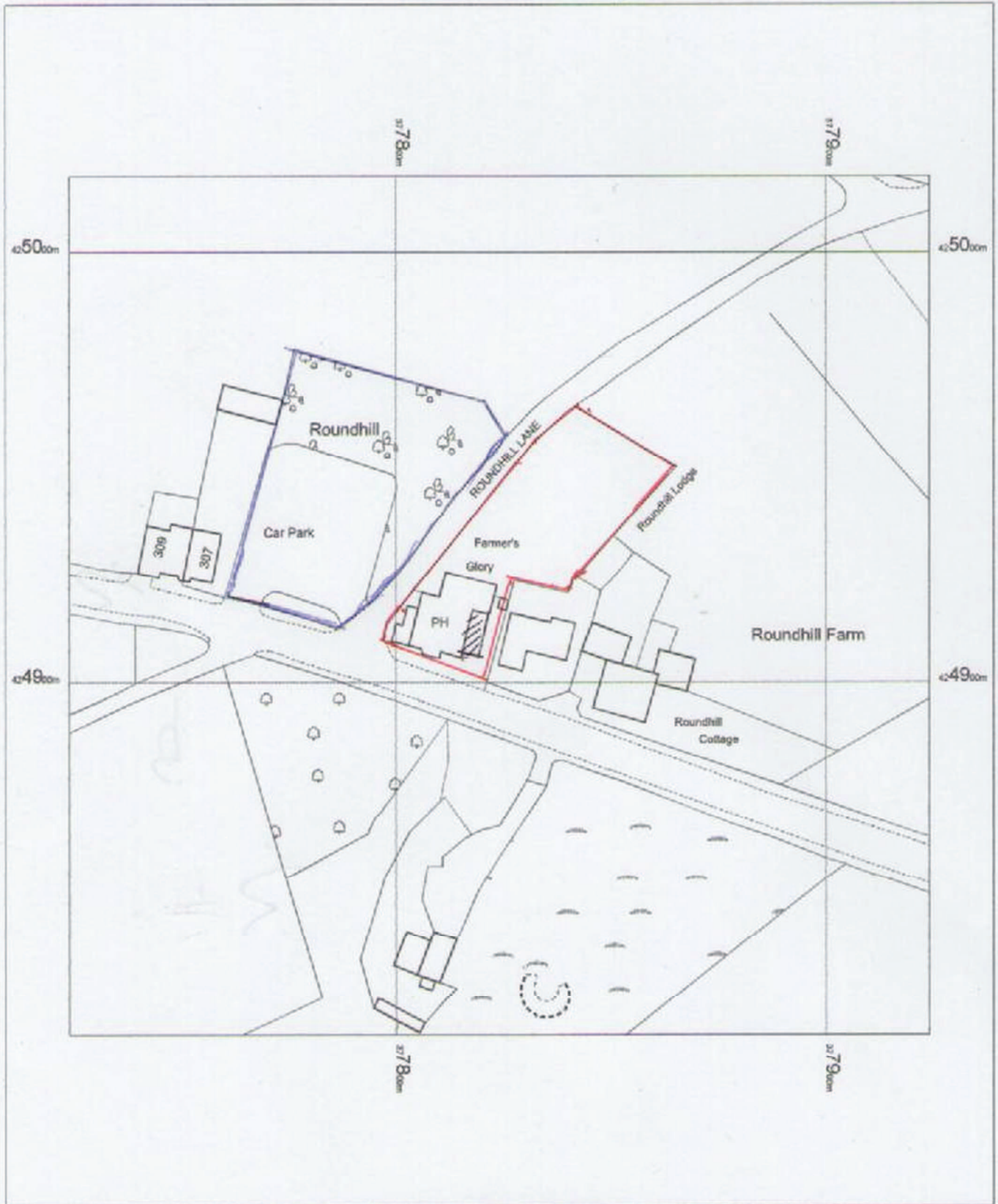
*Reason: In the interests of visual amenity and to comply with Policies 18 and 24 of the Adopted Core Strategy (2011).*

### **INFORMATIVE NOTES**

1. Standard approval informative – amended to be compatible with the NPPF;
2. Coal standing advice informative.



# The Farmers Glory

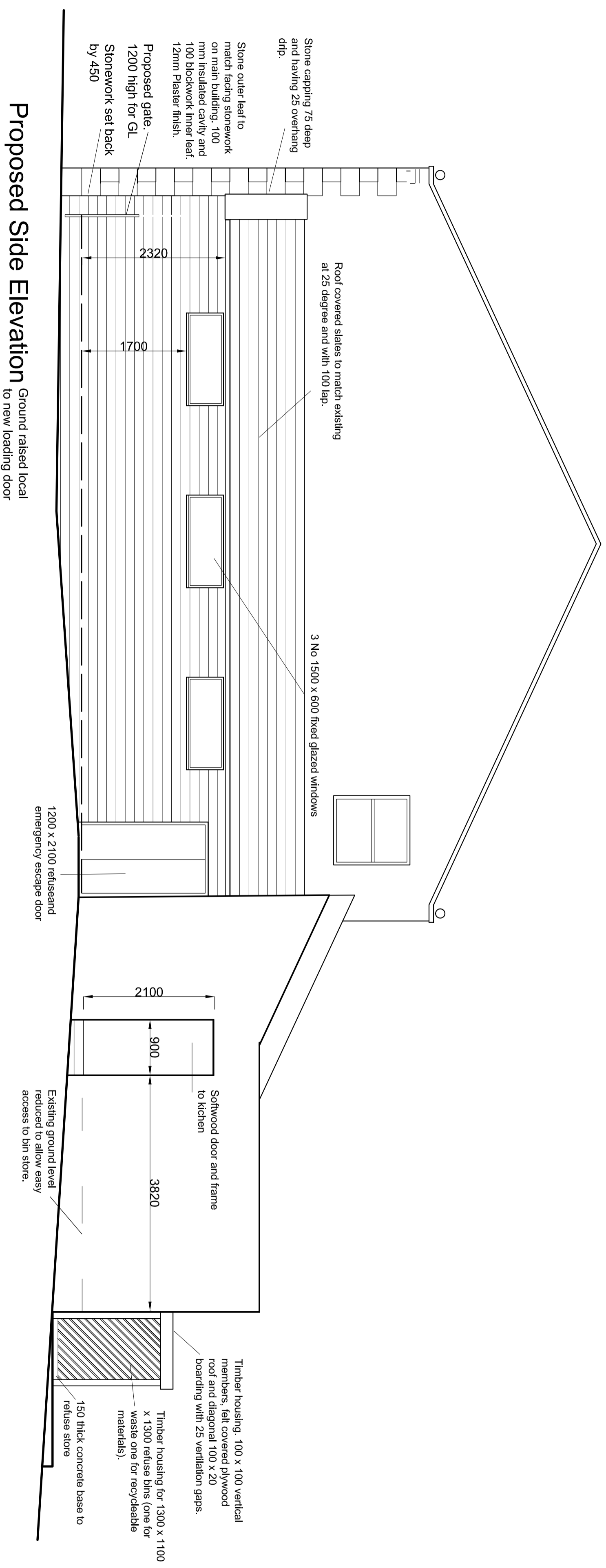


OS Mastermap  
20 September 2012, ID: BLJT-00177734  
[www.planningapplicationmaps.co.uk](http://www.planningapplicationmaps.co.uk)

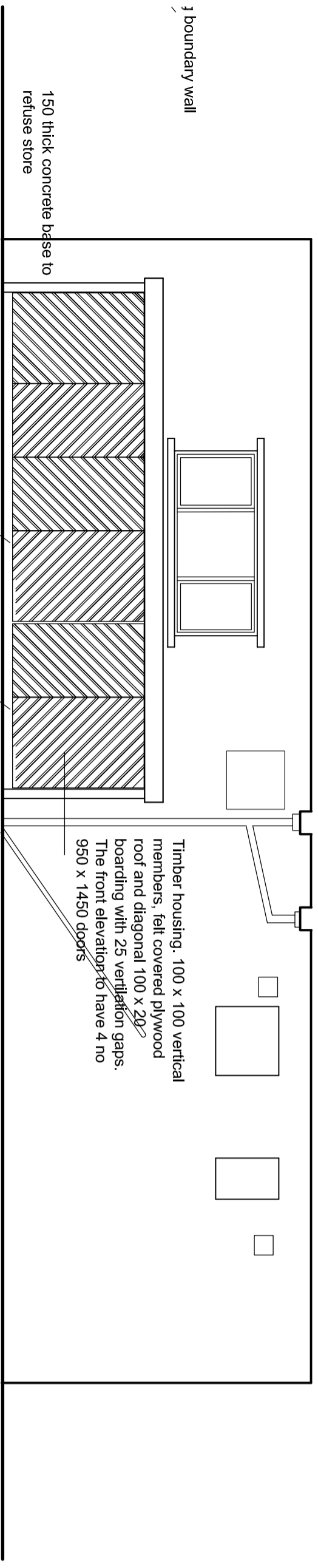
1:1250 scale print at A4, Centre: 377824 E, 424918 N  
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**Proposed Side Elevation** Ground raised local to new loading door



**Proposed Rear Elevation**

A - Fence reduced to 1200 and gate set back 5500 from back of pavement line. SW door to kitchen

**Title**  
Elevations after proposed amendments

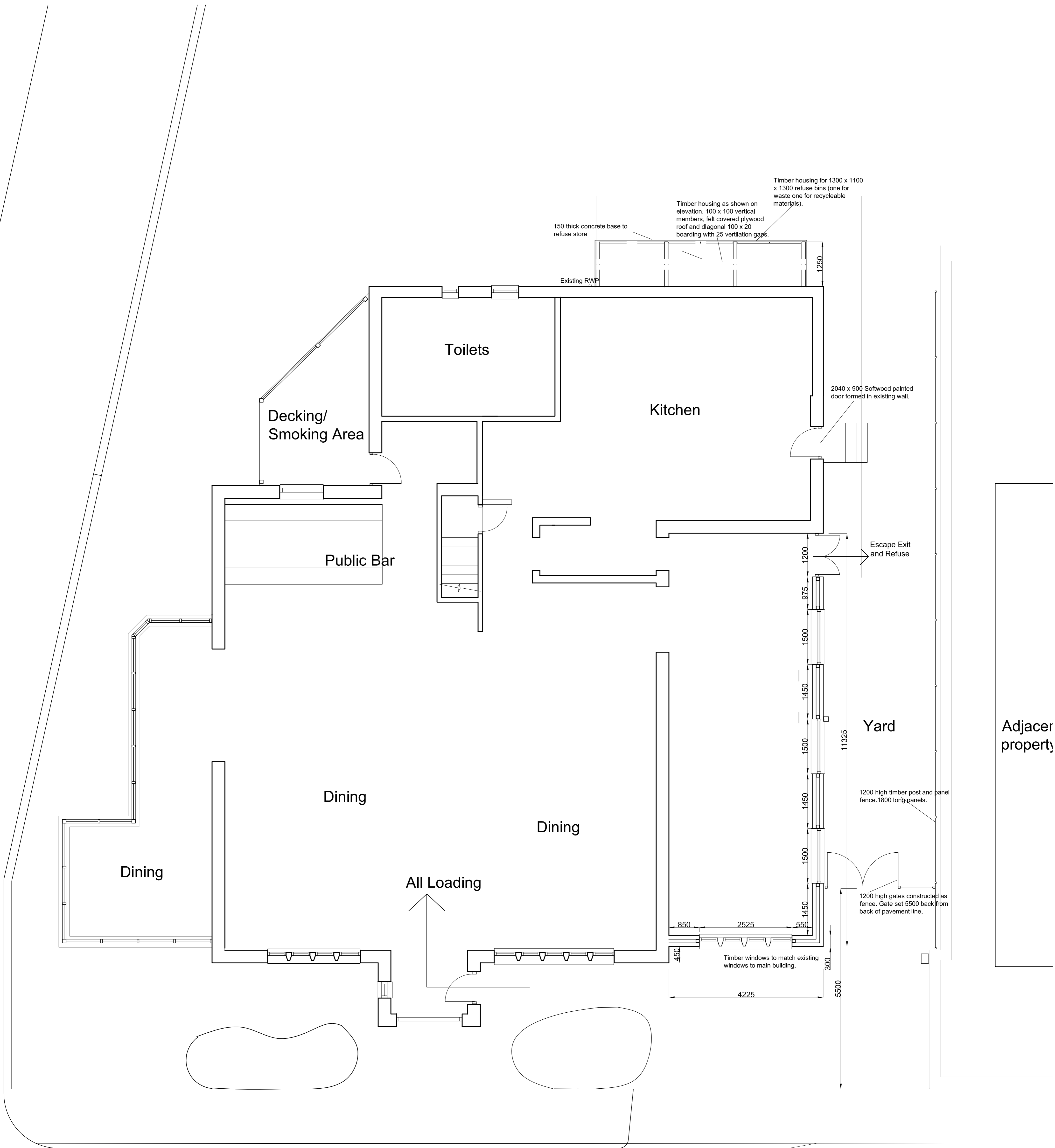
**Job**  
Farmers Glory Haslingden

**Client**

**Dwg No**  
7003.2

**Scale**  
1:50

**DJ Hancock Design**  
99 Lon Y Gors  
Pensarn  
Abergelle  
LL22 7SA  
Tel 01745 799359  
Mob 07599 008 791



Proposed Ground Floor Plan showing arrangements for yard and bin storage

A - Gate move to 5500 from back of pavement, fence height reduced to 1200 SW door to kitchen

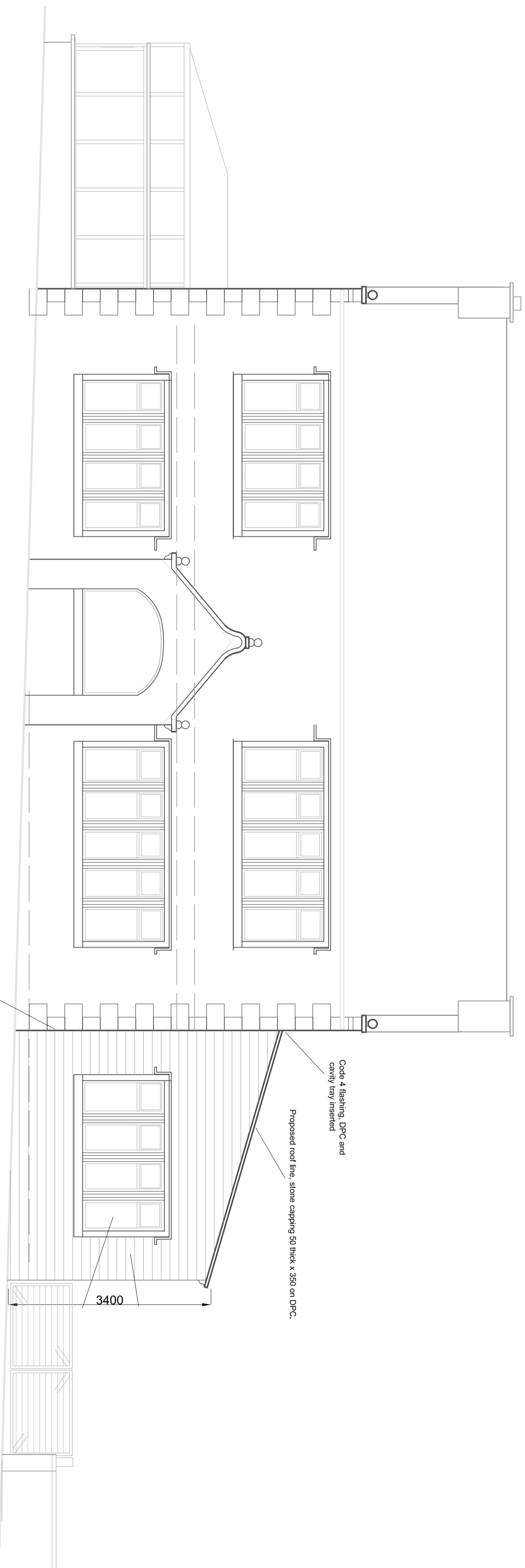
Title Proposed Ground Floor

Job Farmers Glory Haslingden

Client

Dwg No 7003.4 Scale 1:50

DJ Hancock Design  
99 Lon Y Gors  
Pensarn  
Abergele  
LL22 7SA  
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## Proposed Elevation

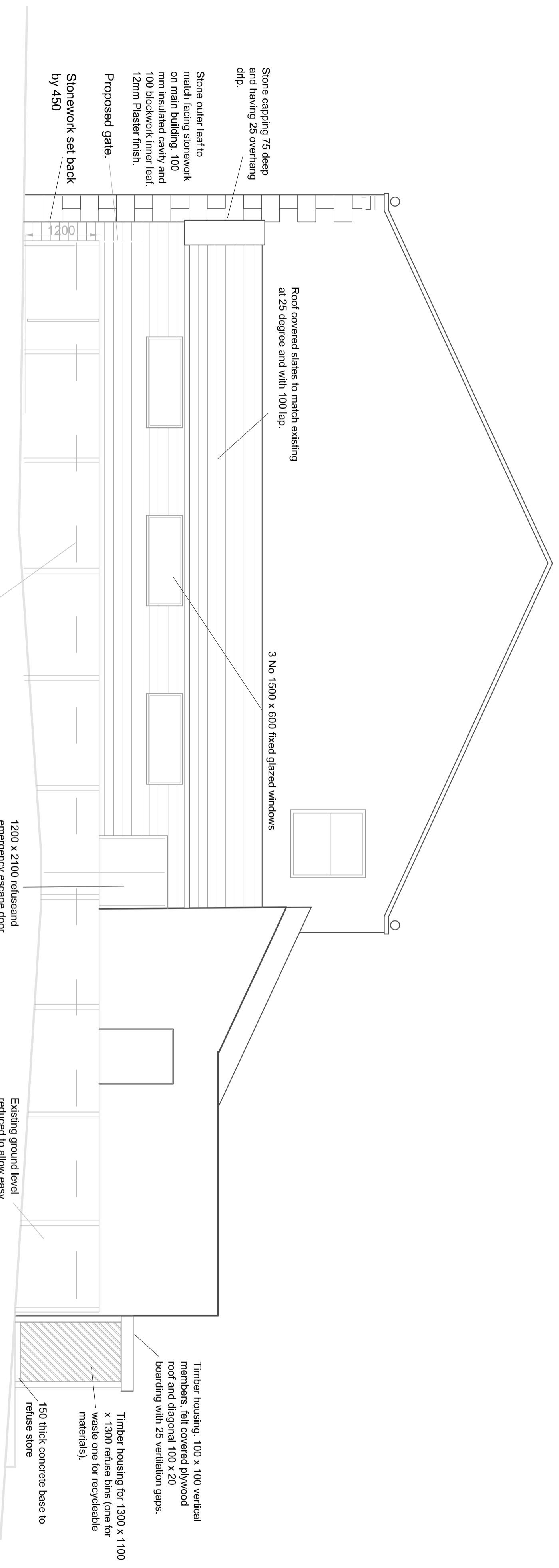
Existing building and stonework unaffected by extension. Extension wall set back 450 from line of main existing elevation.

Gate framed timber gate of similar design to fence panels

Code 4 flashing, DPC and cavity tray inserted

Proposed roof line, stone capping 50 thick x 350 on DPC.

3400



Stone capping 75 deep and having 25 overhang drip.

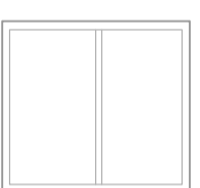
Stone outer leaf to match facing stonework on main building. 100 mm Insulated cavity and 100 blockwork inner leaf. 12mm Plaster finish.

Proposed gate.

Stonework set back by 450

Roof covered slates to match existing at 25 degree and with 100 lap.

3 No 1500 x 800 fixed glazed windows



1200

## Proposed Side Elevation

Ground raised local to new loading door

Approx level of adjacent wall

1200 x 2100 refuse and emergency escape door

Existing ground level reduced to allow easy access to bin store.

Timber housing. 100 x 100 vertical members, felt covered plywood roof and diagonal 100 x 20 boarding with 25 ventilation gaps.

Timber housing for 1300 x 1100 x 1300 refuse bins (one for waste one for recyclable materials).

150 thick concrete base to refuse store

**Title**  
Proposed Elevations showing fence line and gate Plan

**Client**  
Farmers Glory, Haslingden

**Dwg No**  
7003.6

**Scale**  
1:50

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