

Application Number:	2016/0630	Application Type:	Full
Proposal:	Erection of 8 dwellings including new access road, landscaping and land stabilisation and drainage works (part retrospective)	Location:	Land at Hurst Platt, Waingate Road, Rawtenstall
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21/06/2017
Applicant(s):	Mr Brendan Kiely and Mr Harrison Kiely	Determination Expiry Date:	30/06/2017
Agent:	Mr N Anyon (Croft Goode Architects)		

Contact Officer:	James Dagleish	Telephone:	01706 238643
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):	

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

Approve full planning permission subject to conditions and **SUBJECT TO MICHAEL POOLER'S ACCEPTANCE OF A SUITABLE SCHEME IN RESPECT OF LAND STABILITY AND DRAINAGE.**

APPLICATION DETAILS

2. SITE

The application relates to a substantial parcel of land located to the north of Newchurch Road in Rawtenstall, accessed via Green Street.

The land has been partially developed; two pairs of semi-detached three-storey stone dwellings have been constructed on the western portion of the site. Excavations have taken place toward the eastern end of the site, extending into the slope to the north, and a steel sheet piled retaining wall has been constructed at the foot of the slope. Foundations have been partially constructed for an additional pair of semi-detached dwellings.

The slope at the northern end of the site has undergone some movement, which appears to have resulted in damage to the gardens and outbuildings of residential properties to the north along Hurst Crescent.

The site is surrounded on its north, west and south sides by residential properties and their gardens. To the east of the site is a small area of woodland.

The site lies within the defined urban boundary.

3. RELEVANT PLANNING HISTORY

2008/0681 - Erection of 3 no. detached dwellings (Refused)

2009/0028 - Erection of 3 dwellings (Refused, than allowed on appeal, not implemented)

2012/0544 - Erection of 3 dwellings (Approved, not implemented)

2013/0470 – Outline: Construction of 8 Dwellings Comprising Four Semi Detached Pairs (Approved, not implemented)

2014/0168 - Erection of 8 houses (Approved, not implemented. The construction of the four dwellings currently on site commenced but without the discharge of several pre-commencement conditions included on planning permission 2014/0168, and as such it is not considered that planning permission 2014/0168 has been lawfully implemented)

2015/0087 - Variation of condition 6 (access road and retaining walls) pursuant to planning permission 2014/0168 (Not determined)

2015/0088 - Discharge of Conditions: 5 (road improvements) 8 (contruction method statement) 10 (foul & surface water drainage) & 11(structural stability of land & properties) pursuant to planning permission 2014/0168 (Refused)

2015/0507 - Variation of Condition 11 (land stability) pursuant to Planning Permission 2014/0168 (Refused)

2015/0508 - Discharge of Conditions: 3 (design and facing materials); 5 (scheme to improve section of Green Street); 8 (Construction Method Statement); and 10 (foul/surface water drainage) pursuant to planning permission 2014/0168 (Split Decision – Only Conditions 3 and 8 were discharged)

2016/0167 - Variation of conditions: 5 (scheme to improve section of Green Street); 10 (foul / surface water drainage); and 11 (land stability) pursuant to planning permission 2014/0168 (Not determined)

4. PROPOSAL

Planning permission was granted previously (ref: 2014/0168) for the construction of four pairs of semi-detached dwellings on the land, subject to eleven conditions. Several of those conditions required the submission and approval of details to the Council prior to the commencement of development on the site. Development was carried out by the land owner at the time to construct two pairs of semi-detached dwellings on the site, and significant excavations took place at the foot of the slope toward the north east end of the site and a steel sheet piled retaining wall was put in place. Foundations were constructed on the excavated area for another pair of semi-detached dwellings.

The above works took place without the necessary discharge of a number of the aforementioned pre-commencement conditions, and as such it is not considered that planning permission 2014/0168 has been lawfully implemented.

A Temporary Stop Notice was served on the site by the Council's Planning Enforcement Team and the developer at the time was advised to cease the unauthorised works until they had been regularised and brought within planning control.

The slope to the north of the site has undergone some movement, which has resulted in a land slip towards the top of the slope. It appears that damage to the rear gardens and outbuildings of some residential properties along Hurst Crescent was caused by the land slip.

Subsequently the land was sold to a new developer (the current applicant). Further to discussions between officers and the current developer, the current application has been submitted to regularise the development that has already occurred on the site and for the erection of a further two pairs of semi-detached three-storey dwellings (bringing the total to eight), to match those already constructed (and largely in line with the planning permission previously granted for eight dwellings under 2014/0168).

The current application also includes proposed works to drain and stabilise the site including the slope to the north of the site, including:

- The installation of land drainage within the slope
- The installation of a new sheet piled retaining wall, approximately 2m higher than the existing sheet piled wall at the foot of the slope
- Backfilling the slope behind the new sheet piled wall with single-size granular stone fill, covered with topsoil and grass
- Construction of a gabion retaining wall to the rear of the gardens of plots 1-4 at the western end of the site

The proposed dwellings themselves would match those that have been constructed on site, resulting in a line of four pairs of semi-detached properties aligned approximately in an east-west

direction. The dwellings would be of stone construction to match those which have already been built, and would have roof slates again to match those already constructed. Windows and doors on the dwellings would be grey UPVC units to match those on the existing houses.

Access to the development would be via the existing access along Green Street, and the access road to the dwellings would be surfaced in tarmac. The parking spaces in front of the dwellings would be surfaced with porous paving.

5. POLICY CONTEXT

National

National Planning Policy Framework

- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- Policy AVP4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change, etc
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Considerations

- National Planning Practice Guidance
- RBC Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

Environment Agency

No comments to make on the application.

RBC Building Control

No comments to make on the application.

Contaminated Land

No objection subject to conditions.

Ecology

No objection subject to condition.

LCC (Highways)

No objection subject to conditions.

Consulting Structural / Civil Engineer (Michael Pooler Associates)

Awaiting comments.

RBC Property Services

No comments have been received.

United Utilities

No objection subject to conditions.

7. REPRESENTATIONS

To accord with the General Development Procedure Order 48 neighbours were sent letters on 12/04/2017 and 4 site notices were posted on 12/04/2017.

Five letters of objection and one other representation have been received, raising the following points:

- Piled foundations may cause adverse impacts to residential properties to the north.
- Inadequate access to the site, and the development will cause highway safety issues.
- Existing land drainage issues on the site.
- Site not suitable for building.
- Facing materials need to match houses already constructed on site, including those for retaining wall to the proposed access road.
- Planting of native tree species is required to the rear of the site.
- Development would harm the privacy enjoyed by neighbouring residents.
- Inadequate landscaping is proposed.
- Concerns over land stability.

8. REPORT

The main considerations of the application are:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking and Highway Safety

Principle

The site is located within the defined urban boundary, and the principle of residential development (8 dwellings) has already been established on the site by previous planning approvals.

Given the history of land instability on the site, it is considered that the acceptability of the scheme in principle is partly dependent on whether or not it can be demonstrated that the proposed works will satisfactorily stabilise the slope to the north of the proposed dwellings.

Paragraph 121 of the Framework states:

“Planning policies and decisions should also ensure that:

- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation”*

The applicant has appointed engineers to devise a suitable scheme of land stabilisation and a drainage solution for this site. The Council has appointed Michael Pooler Associates to assess the proposed scheme on its behalf. Discussions have been held between the case officer and Michael Pooler during which Michael has indicated that the slope stability scheme’s design appears to be progressing in a favourable direction.

However, at the time of writing further technical information is still awaited from the applicant’s consulting engineer relating to the design of the proposed slope stability works. The applicant has confirmed that the information will be provided by Wednesday 14th June. Until such information is received, the Council’s consulting engineer (Michael Pooler Associates) is unable to provide formal confirmation that the proposed scheme is acceptable. It is anticipated that final confirmation of the acceptability of the proposed slope stability and drainage scheme will be provided in the update report.

It is considered necessary to include a condition requiring that the proposed land stabilisation and drainage works are carried out prior to any other construction works taking place to the proposed dwellings on site, in order that any risk of land instability is addressed without delay.

Subject to Michael Pooler's acceptance of a suitable scheme in respect of land stability and drainage and the above condition, the proposed scheme is considered acceptable in principle.

Visual Amenity

The design and appearance of the proposed dwellings would be similar to that previously approved under 2014/0168 and it is proposed to use facing materials to match those on the dwellings already constructed.

The design, scale and appearance of the proposed dwellings would be acceptable, and it is considered appropriate to include a condition requiring the facing materials to match those on the dwellings already constructed.

The applicant has confirmed that the proposed retaining wall on the southern edge of the site will be faced in 140mm coursed stone which would be appropriate in the context of the site, and it is considered appropriate to include a condition requiring that the wall is faced as such.

The submitted landscaping and boundary treatment details are appropriate, and it is considered necessary to include a condition requiring that the proposed planting is carried out in the first planting season following either completion of the development or first occupation of any of the dwellings (whichever is the sooner).

Subject to the above conditions, the proposed scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

The siting, orientation and fenestration of the proposed dwellings would not differ significantly from the scheme approved under 2014/0168.

Given the siting and orientation of the proposed dwellings, and the separation distances involved between the site and other residential properties, it is not considered that the scheme would result in any undue loss of daylight, outlook or privacy to any nearby residential properties.

Given the proximity to other residential properties, it is considered appropriate to include a condition restricting the hours of construction in order to prevent undue noise disturbance during construction works.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access / Parking and Highway Safety

The Local Highway Authority has no objection to the proposed scheme (subject to conditions), which in terms of access arrangements is similar to that previously approved under 2014/0168.

Concerns were initially raised by the Local Highway Authority regarding the length of the proposed driveways serving Plots 7 and 8. However, it has since been clarified that there is a 2m-wide underpass incorporated into the front elevations of the dwellings which effectively extends the length of the driveways to an acceptable standard. In any case, the applicant has now provided amended plans showing that roller shutter garage doors are to be used (rather than up-and-over garage doors) to maximise the available driveway length for cars to be parked.

The conditions requested by the Local Highway Authority include:

- None of the dwellings shall be occupied until their garages are available to use for the parking of cars and the hard standing fronting them has been provided with a hard permeable surface as shown on the submitted drawings. Notwithstanding permitted development rights, the garages and driveways shall be kept freely available for the parking of cars in perpetuity.
- Within 3 months of the grant of planning permission a scheme to improve the section of Green Street from its junction with Holmes Street in an easterly direction to the red edge shown on the plan shall be submitted to and approved by the Local Planning Authority and shall be constructed prior to the occupation of any of the houses.
- Within 3 months of the grant of planning permission full engineering, drainage, street lighting and constructional details of the access road, including the retaining wall and the pedestrian/vehicle restraint along the southerly side of the access road shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Subject to the above conditions, the proposed scheme is considered acceptable in terms of access / parking and highway safety.

9. CONCLUSION

An unlawful commencement of a previously approved development commenced on this site and this application seeks to regularise the situation at site. At the time of writing this report the Council's consultant engineer has not formally confirmed acceptance of the proposed land stabilisation and drainage solutions for this site however it is considered that an acceptable solution can be achieved to resolve the issues at this site.

10. RECOMMENDATION

Approve full planning permission subject to conditions and **SUBJECT TO MICHAEL POOLER'S ACCEPTANCE OF A SUITABLE SCHEME IN RESPECT OF LAND STABILITY AND DRAINAGE.**

11. CONDITIONS

1. The development shall be carried out in accordance with the following:

- Application Form date stamped 12th April 2017 by the Local Planning Authority.
- Site Location Plan (Croft Goode Architects Drawing Number 16-2218-EX001 Revision B) date stamped 25th April 2017 by the Local Planning Authority.
- Site Layout (James Crosbie Associates Ltd Drawing Number 01 Revision P2) date stamped 12th April 2017 by the Local Planning Authority.
- Proposed Floor Plans (Croft Goode Architects Drawing Number 16-2218-PN101) date stamped 12th April 2017 by the Local Planning Authority.
- Sections Through Site (James Crosbie Associates Ltd Drawing Number 02 Revision P2) date stamped 12th April 2017 by the Local Planning Authority.
- Detailed Landscape Proposals (Margaret Twigg Landscape Architects Drawing Number 452.01) date stamped 2nd June 2017 by the Local Planning Authority.
- Proposed Elevations (Croft Goode Architects Drawing Number 16-2218-003) date stamped 1st June 2017 by the Local Planning Authority.
- Proposed Site Sections (Croft Goode Architects Drawing Number 16-2218-PN301) date stamped 12th April 2017 by the Local Planning Authority.
- Property Management North West Ltd arrangements for future management and maintenance of the proposed streets within the development (date stamped 12th June 2017 by the Local Planning Authority).

Reason: For the avoidance of doubt.

2. No development in respect of the construction of the dwellinghouses hereby permitted shall take place until the slope stability and drainage works as shown on approved drawing Numbers 01 (Revision P2) and 02 (Revision P2) (by James Crosbie Associates Ltd) have been completed in full.

Reason: In the interests of land stability and to ensure adequate drainage of the site.

3. Any 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 shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours.

4. Notwithstanding what is shown on the submitted plans and documents, the dwellings hereby permitted shall be constructed with facing materials to match those used in the

construction of the elevations and roof of the dwelling on Plot 1 which has already been constructed on the site.

Reason: To ensure the development is of satisfactory appearance.

5. Notwithstanding what is shown on the submitted plans and documents, the retaining wall to the new access road along the southern boundary of the site shall be faced in coursed stone to match that used in the construction of the elevations of the dwelling on Plot 1 which has already been constructed on the site.

Reason: To ensure the development is of satisfactory appearance.

6. None of the dwellings hereby permitted shall be occupied until their garages are available for use for the parking of cars, and until the driveways fronting them have been surfaced in a hard permeable material as shown on Margaret Twigg Landscape Architects drawing number 452.01.

Reason: In the interests of highway safety and to ensure that sufficient parking provision is provided for the size of the dwellings hereby approved.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Order amending or revoking and re-enacting it, each of the garages shall be kept freely available for the parking of cars at all times.

Reason: In the interests of highway safety and to ensure that sufficient parking provision is provided and retained for the size of the dwellings hereby approved.

8. Within three months of the date of the planning permission hereby granted, a scheme (including proposed layout, construction details, materials, width, lighting and drainage) to improve the section of Green Street from its junction with Holmes Street in an easterly direction to the red edge shown on the submitted site location plan (Croft Goode Architects Drawing Number 16-2218-EX001 Revision B) shall be submitted to the Local Planning Authority for its approval. The development shall thereafter be fully implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted.

Reason: In the interests of highway safety and to manage surface water runoff.

9. Within three months of the date of the planning permission hereby granted, full engineering, drainage, street lighting and constructional details of the access road (including the retaining wall and the pedestrian/vehicle restraint along the southerly side of the access road) shall be submitted to the Local Planning Authority for its approval. The development shall thereafter be fully implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted.

Reason: In the interests of highway safety and to manage surface water runoff.

10. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

11. All new planting forming part of the approved scheme (as shown on Margaret Twigg Landscape Architects drawing number 452.01) shall be carried out in the first planting season either following completion of the development or following first occupation of the last dwelling to be occupied (whichever is the sooner). Any trees or plants which within a period of 5 years of first occupation of the final dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All lawns, trees, shrubs and hedges located forward of the front elevations of the dwellings hereby permitted shall be retained thereafter and any that die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to enhance the biodiversity value of the site.

12. If, during any works on site, land contamination is suspected or found, or land contamination is caused, the Local Planning Authority shall be notified immediately. Within one month of such notification taking place a risk assessment (together with a scheme including full details of any proposed remediation measures, together with timescales for their implementation) shall be submitted to the Local Planning Authority for its approval. The development shall thereafter be carried out in accordance with the agreed details. Within one month of the completion of the development or within one month of first occupation of any of the dwellings hereby permitted (whichever is the sooner), a verification report (demonstrating that the approved remediation measures have been carried out in accordance with the approved details) shall be submitted to the Local Planning Authority for its approval.

Reason: In the interests of preventing harm to the future occupants of the development from land contamination.

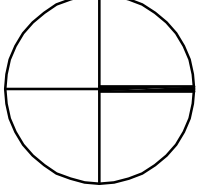
INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adapted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.



Please Note

Drawings are based on those submitted as part of previously approved application (Application Number 2014/0168). We are acting as agents on behalf of the applicant and do not assume copyright or ownership of any design or intellectual property.

Site area = 2,547m² (0.25 hectares, 0.63 acres)

..... Site boundary

..... Client ownership

.....
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rev	description	date	drawn	check
B	Blue edge amended following email from Planning on 19.04.2015	25-Apr-17	NJA	RJE
A	Application red edge amended to incorporate works to scope north of site.	06-Apr-17	RJE	N/A

client

Berkshire Homes

project

New Housing Development

Hurst Platt

Rawtenstall

drawing

Existing Site Location Plan

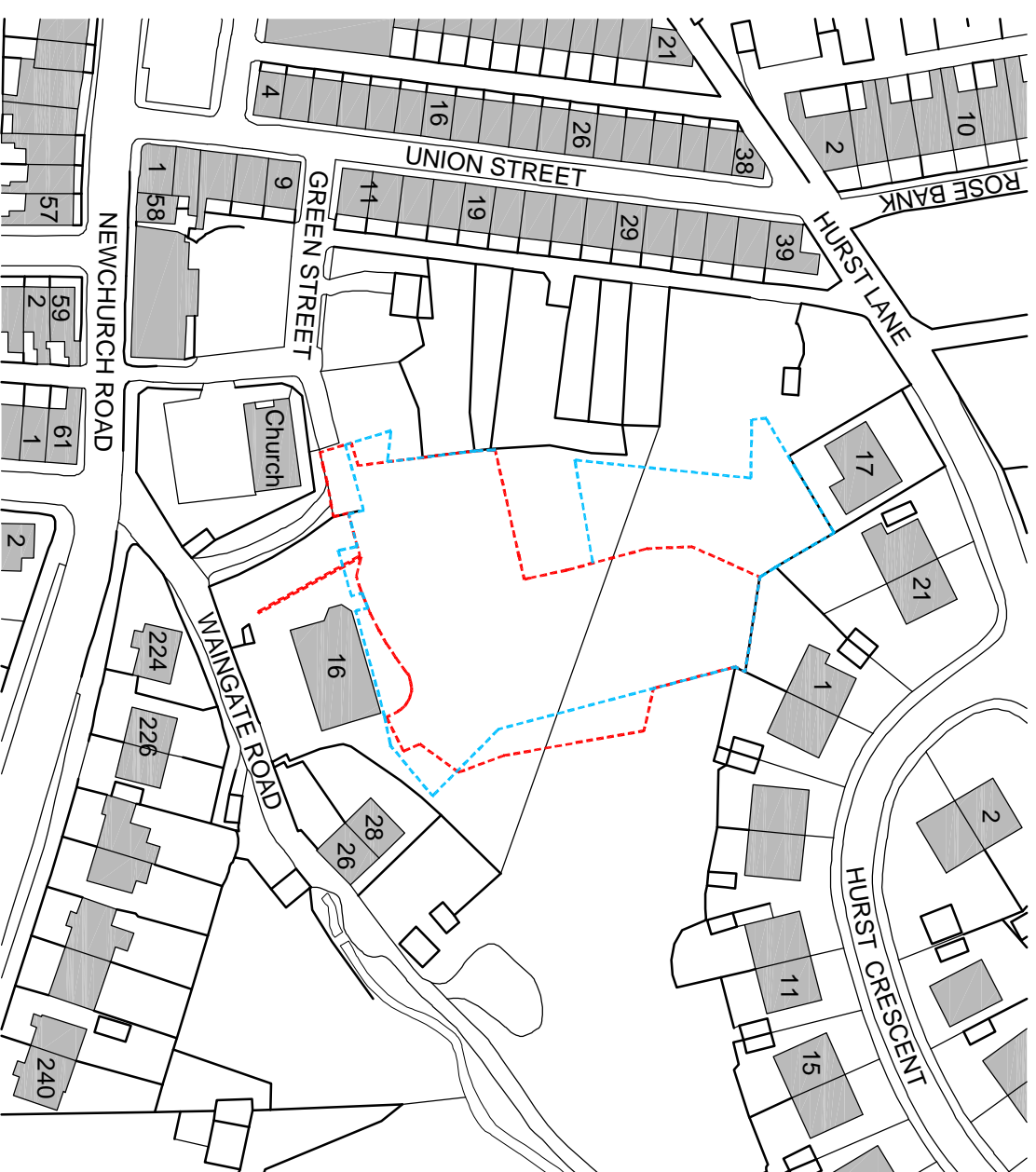
file name 16-2218-EX001 Existing Site Location Plan Rev B drawn 25-Apr-17

drawing reference	rev	scale
16-2218-EX001	B	1:1250 @ A3

issue status

Planning original by RJE checked by NJM

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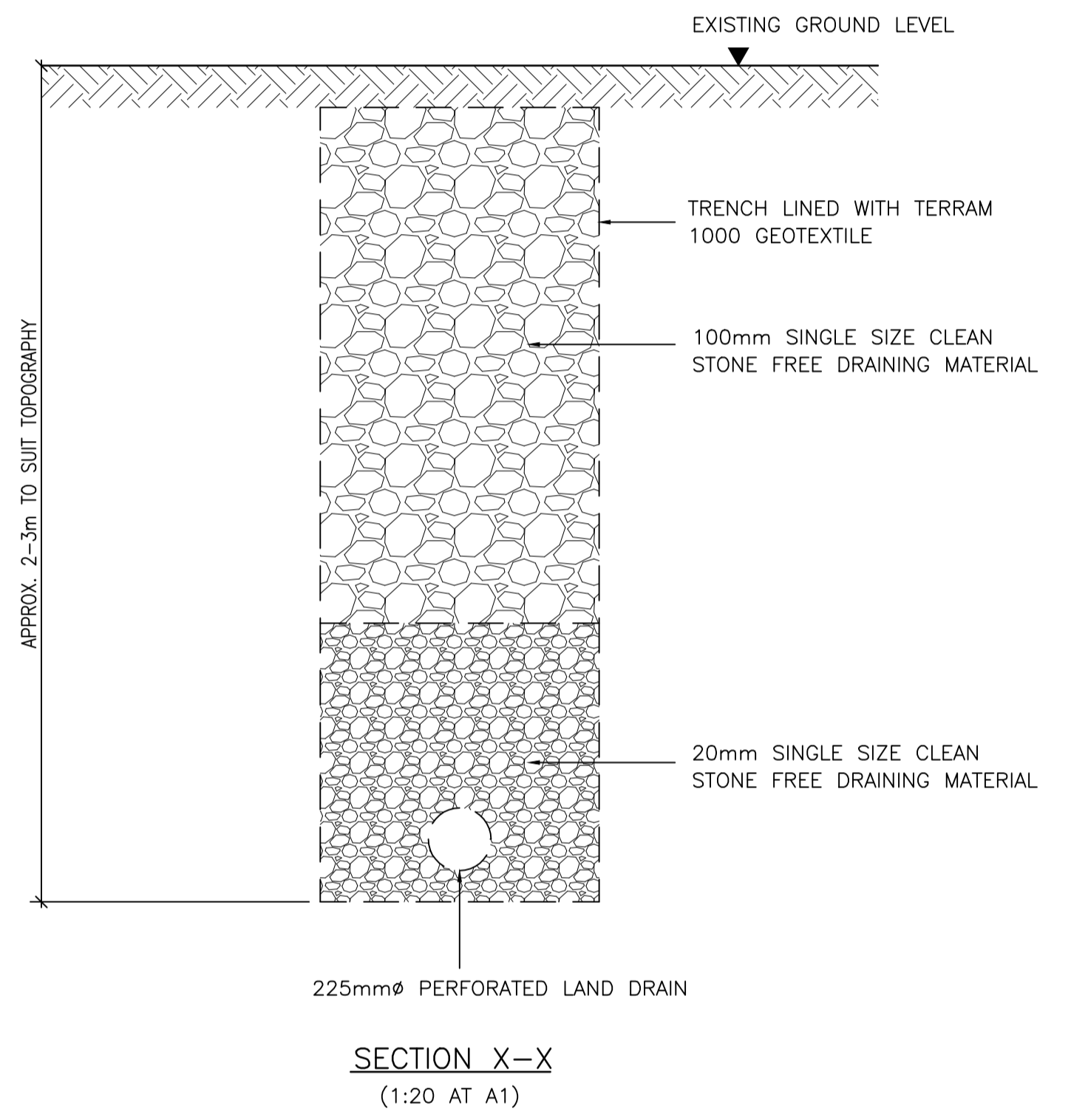


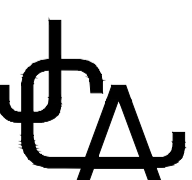
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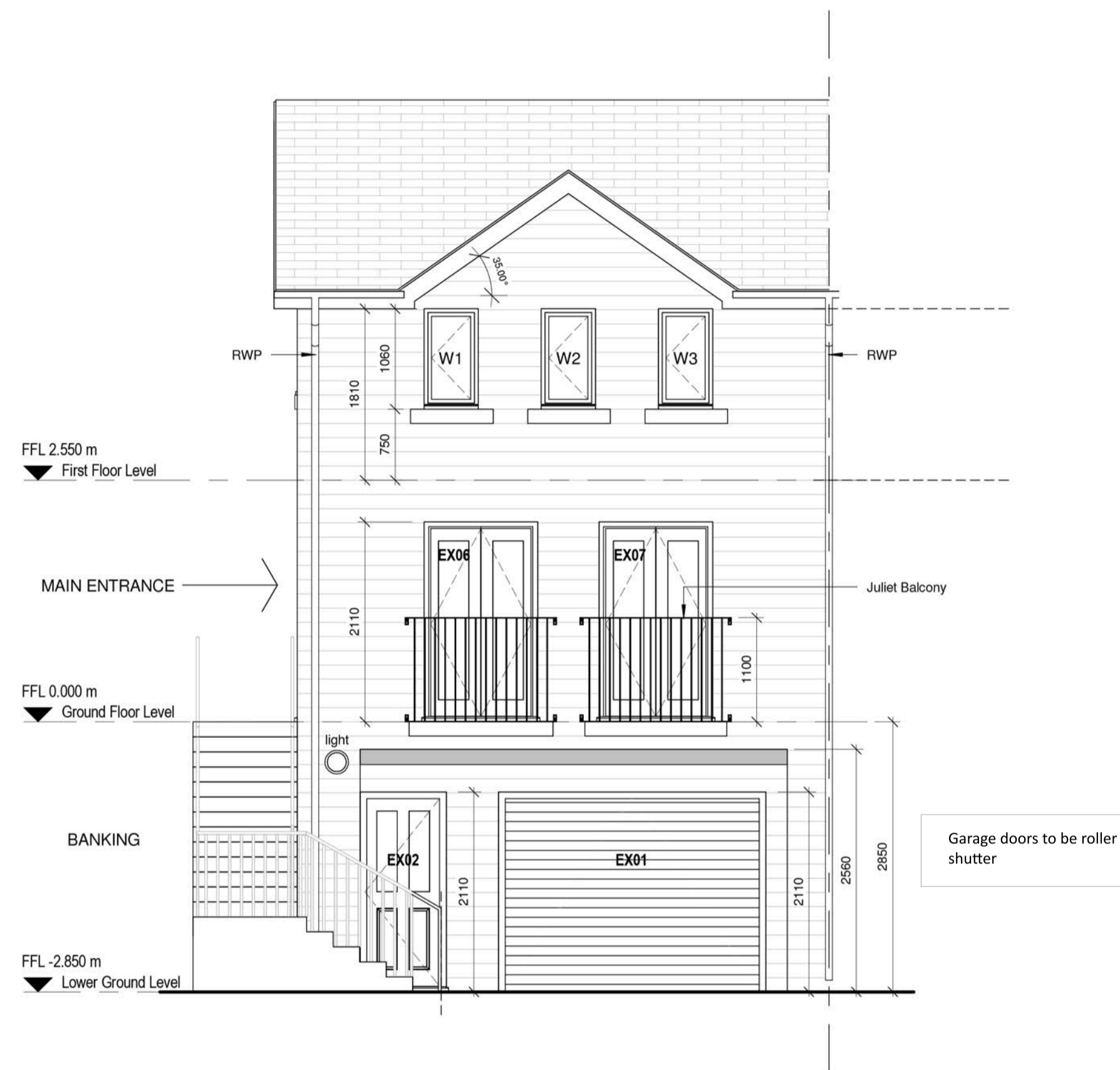
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 architects

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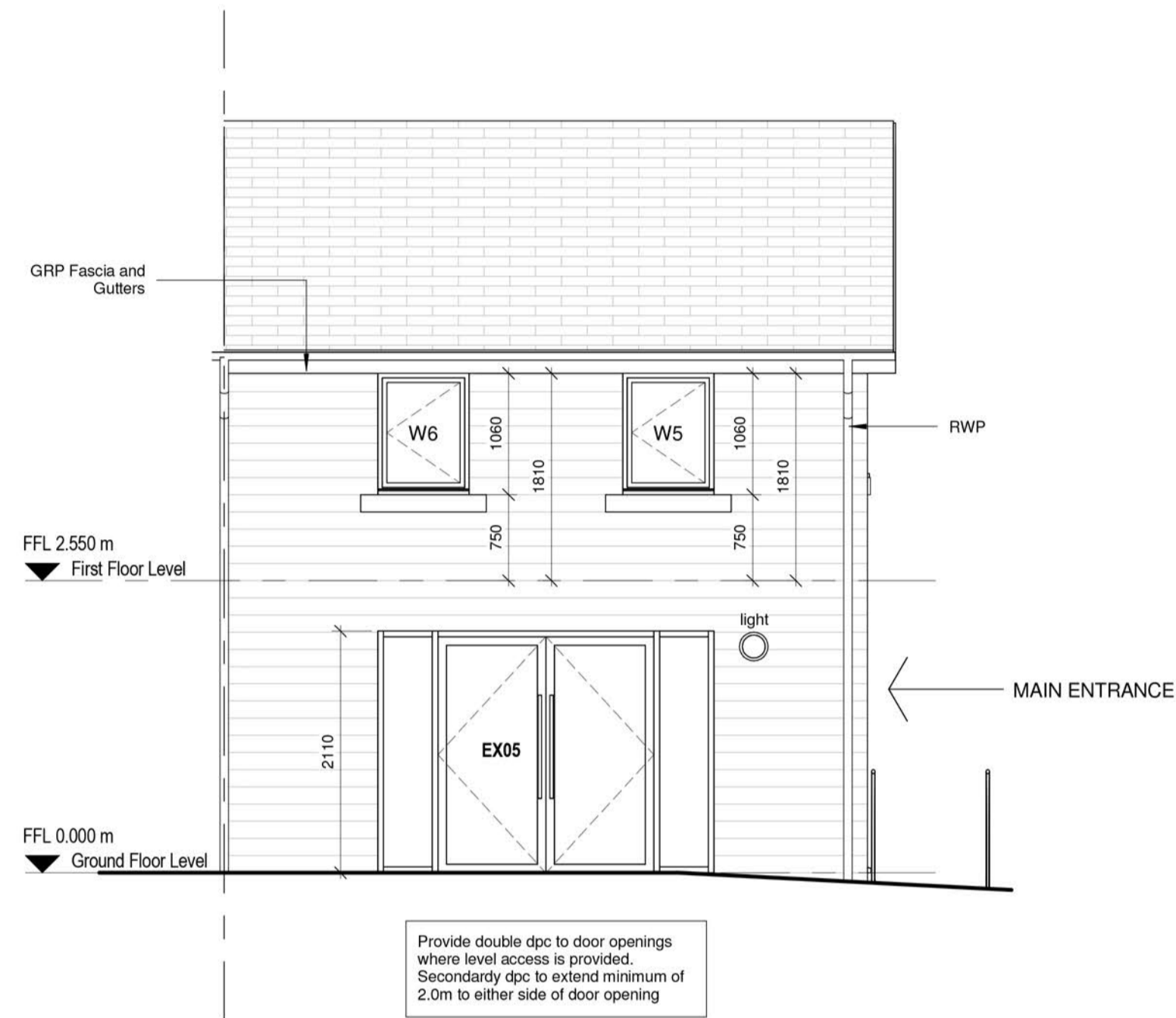
NOTES:
 1. REFER TO DRAWING NUMBER B14110/02 FOR SECTIONS & NOTES



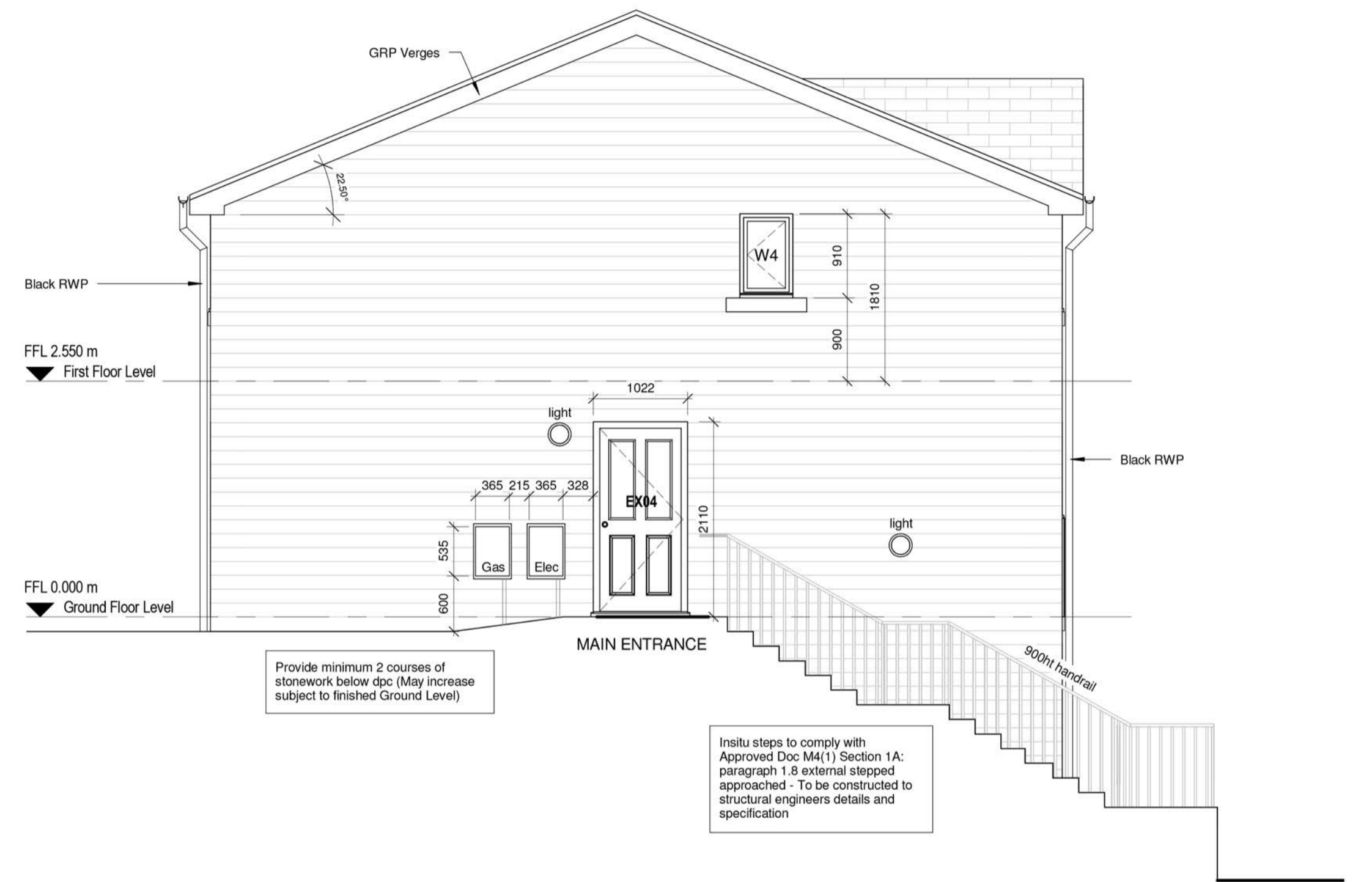
P2	03.04.17	REVISED DRAINAGE. ADDED NEW SHEET PILING	S.P.M.
P1	05.12.16	ADDED DRAINAGE TO REAR OF SITE	S.P.M.
rev	date	revisions	initials
client BERKSHIRE HOMES			
project UNION STREET RAWTENSTALL ROSSENDALE			
drawing SITE LAYOUT			
 James Crosbie Associates Ltd Consulting Civil & Structural Engineers 37 Chorley New Road, Bolton, BL1 4QR Telephone 01204 384585 Facsimile 01204 363358 Email jca@james-crosbie.co.uk			
drawn	S.P.M.	date	29.11.16
scale	1:200	checked	
contract no.	B14110	drawing no.	01 P2



1 Front Elevation
1 : 50



2 Rear Elevation
1 : 50



3 Side Elevation
1 : 50

Provide double dpc to door openings where level access is provided. Secondary dpc to extend minimum of 2.0m to either side of door opening

Provide minimum 2 courses of stonework below dpc (May increase subject to finished Ground Level)

In situ steps to comply with Approved Doc M4(1) Section 1A: paragraph 1.8 external stepped approach - To be constructed to structural engineers details and specification

Garage doors to be roller shutter

MATERIAL KEY

- Facing Stone - Standard Coursed Artificial Stonework - Planning Sampled Approved
- Roofing Tile - Standard Slate Tile to be laid in accordance with the Manufacturers Specification and Min Angle - Planning Sampled Approved
- GRP/UPVc Detailing - Door, Window Frames, Fascia & Soffit Boards, Gutters and Downpipes to be GRP/UPVc and colour to be agreed by Planning Officer.

rev	description	date	drawn	check
Revision Schedule				
0m	0.7m	1.4m	2.1m	2.8m
VISUAL SCALE 1:50				
client: Berkshire Homes				
project: Proposed Residential Development comprising 4 no 3 Bed Semi-Detachedhouses with Basement Garages at Union Street				
drawing: Proposed Elevations				
drawing no:	project - originator - volume - level - rse - drawing number	scale:		
16-2218 - 003		1 : 50	@A1	
drawn:	rev:	original by:	checked by:	
11/04/16		NM/DC	DJC	
issue status:	Preliminary			

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email: info@croftgoode.co.uk
www.croftgoode.co.uk

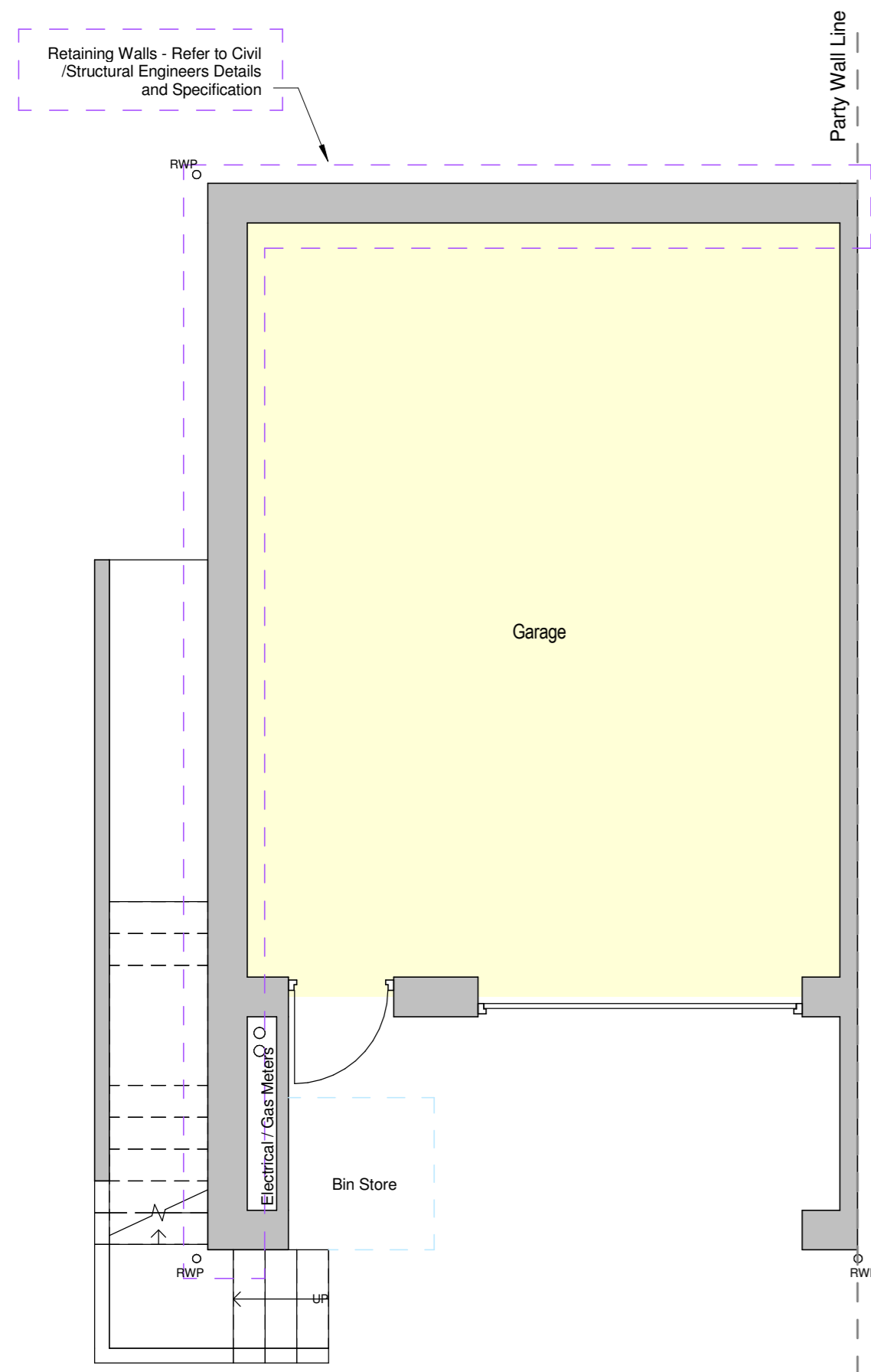
By Department Legend

- Bedroom
- Circulation
- Kitchen/Dining
- Lounge
- Parking
- Sanitary
- Storage
- Store

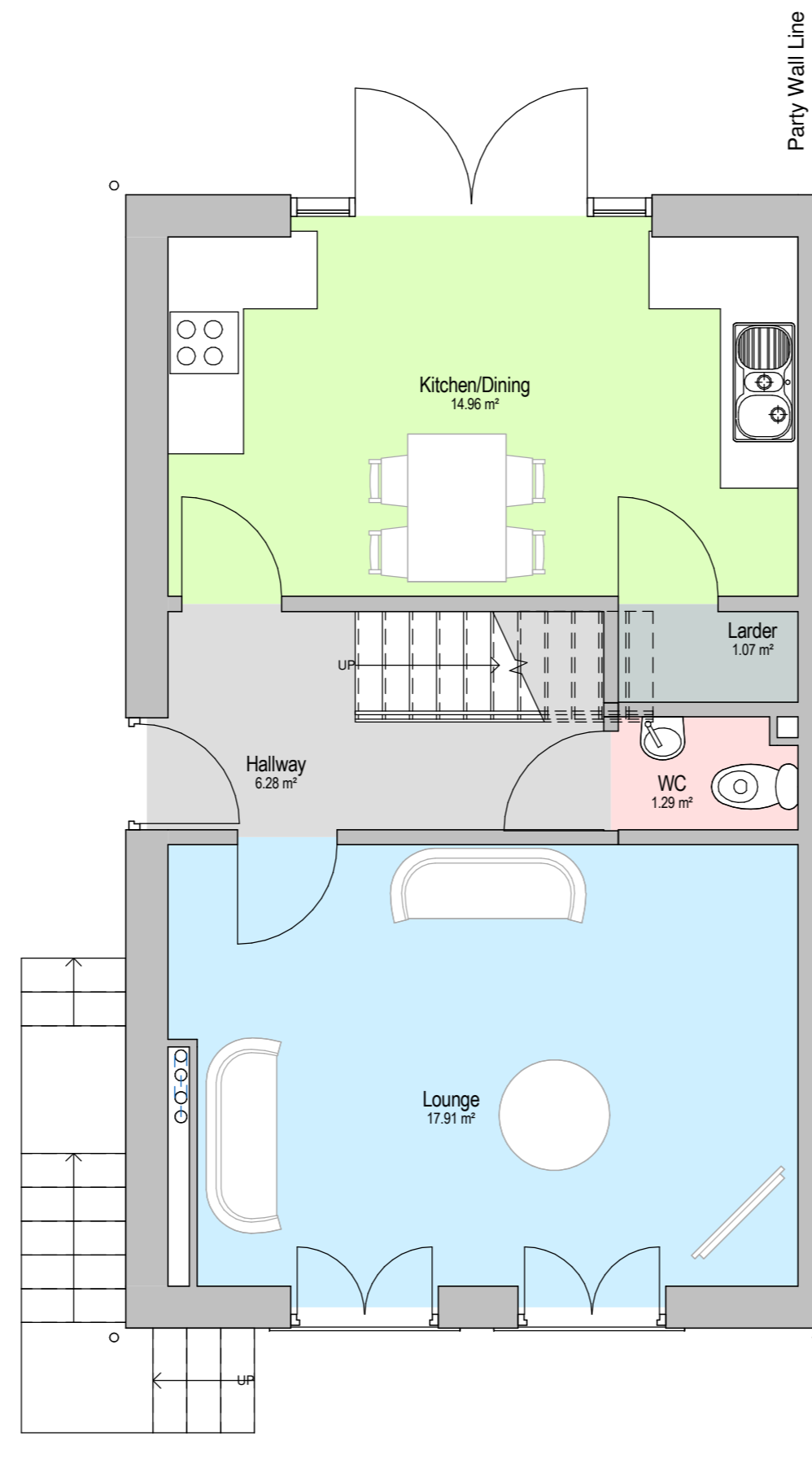
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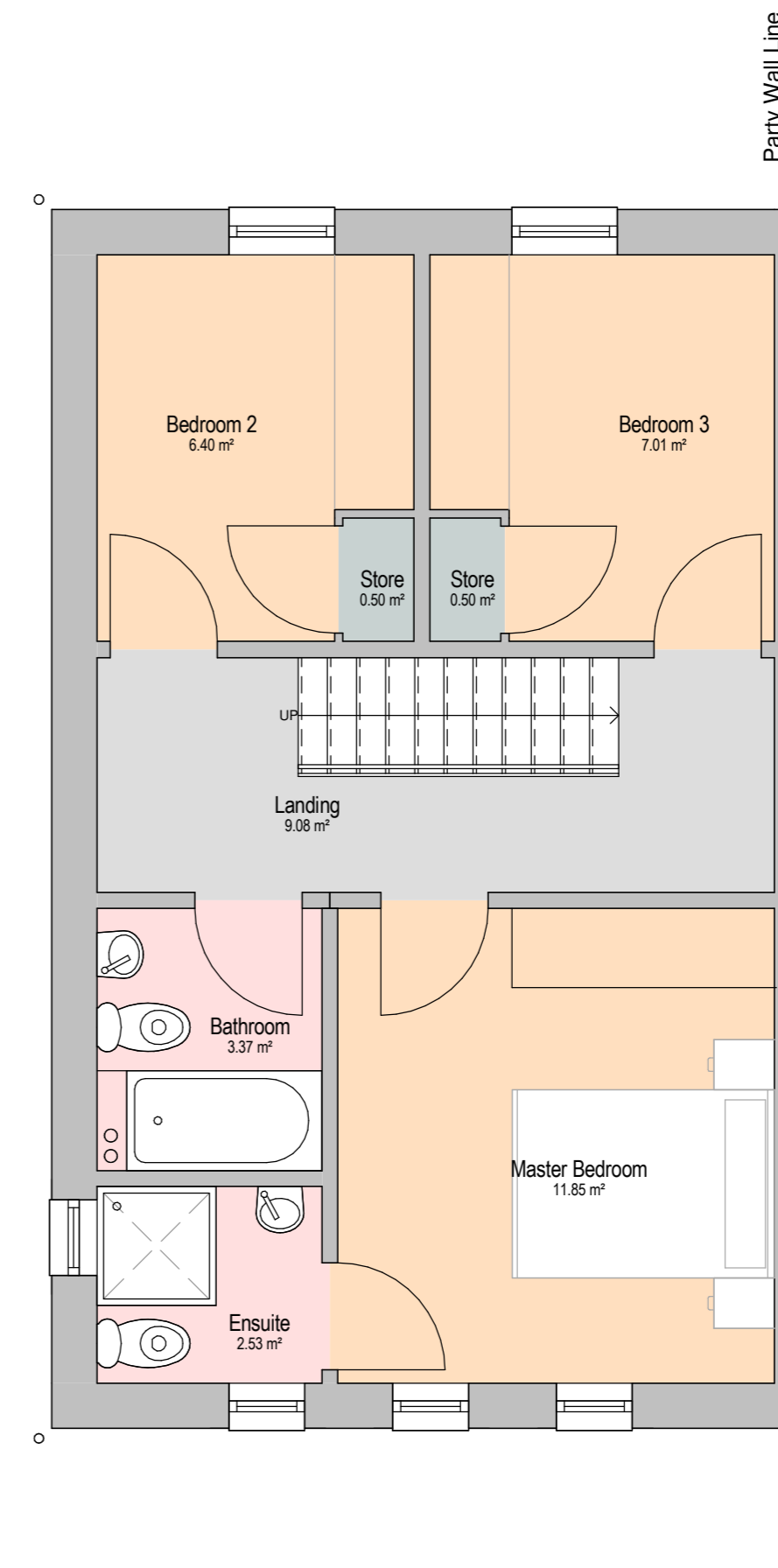
Site Area = 1,630m² (0.16 Hectres, 0.4 Acres)



1 **Basement Level**
1 : 50

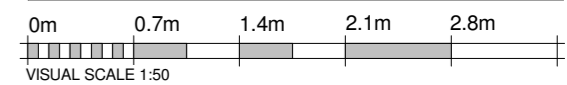


2 **Ground Floor Level**
1 : 50



3 **First Floor Level**
1 : 50

rev	description	date	drawn	check
Revision Schedule				



client:
Berkshire Homes

project:
New Housing Development, Hurst Platt
Rawtenstall

drawing:
Proposed Floor Plans

drawing no: project - originator - volume - level - type - role - drawing number
16-22018 - PN101

drawn:	rev:	scale:
20/12/16		1 : 50 @A2

issue status:	original by:
PLANNING	DKC
	checked by:
	RJE

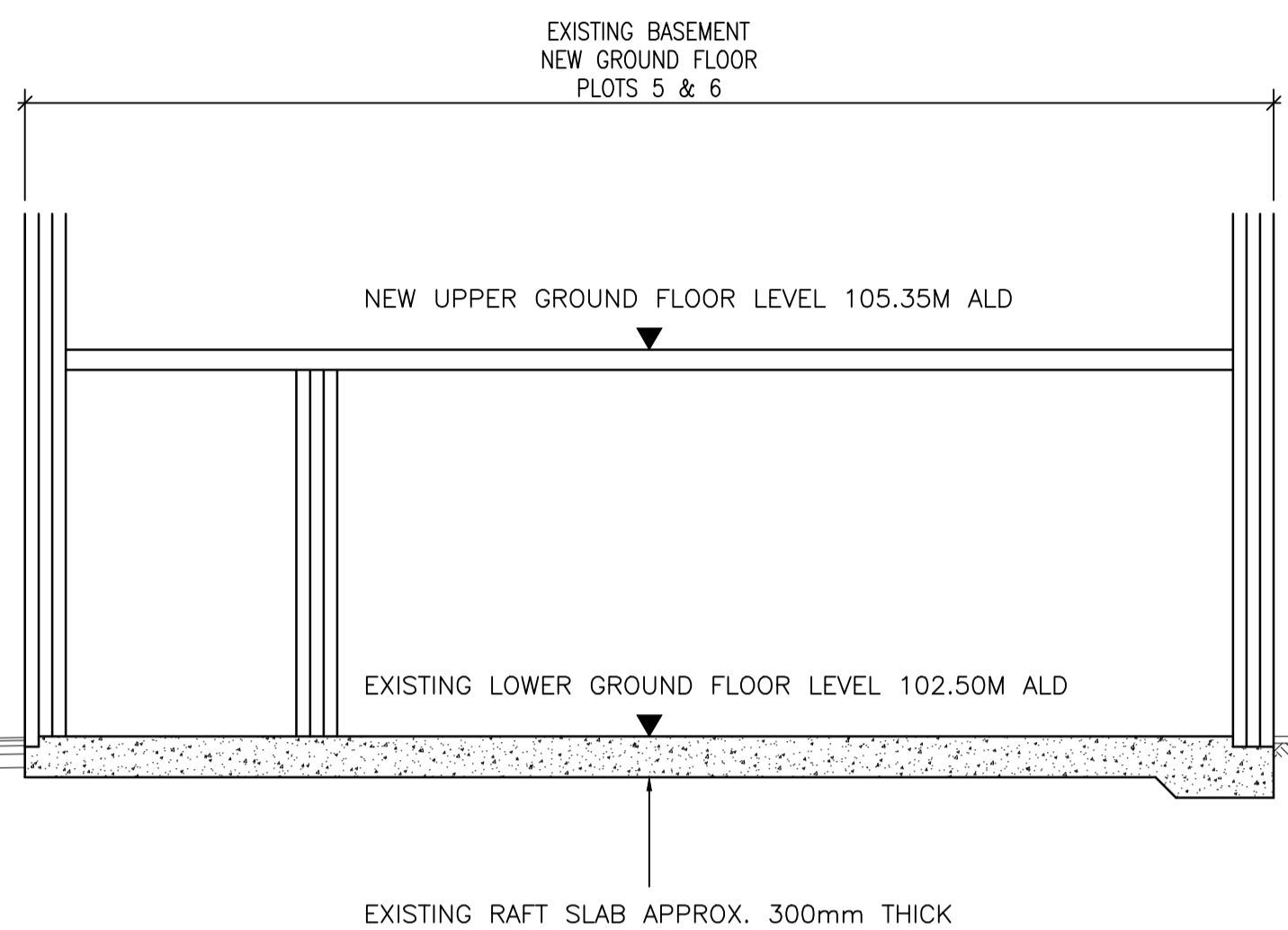
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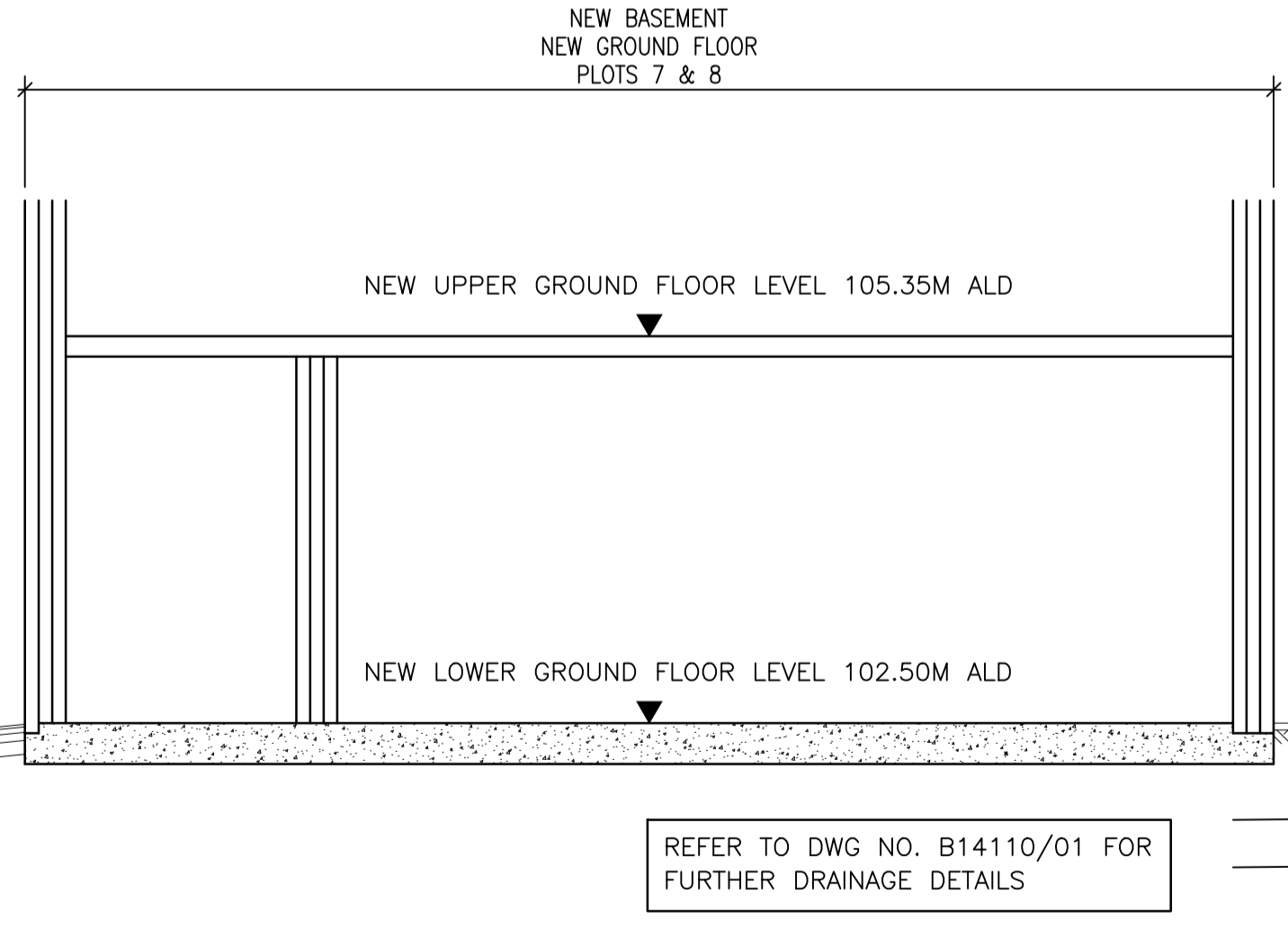
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NOTES:

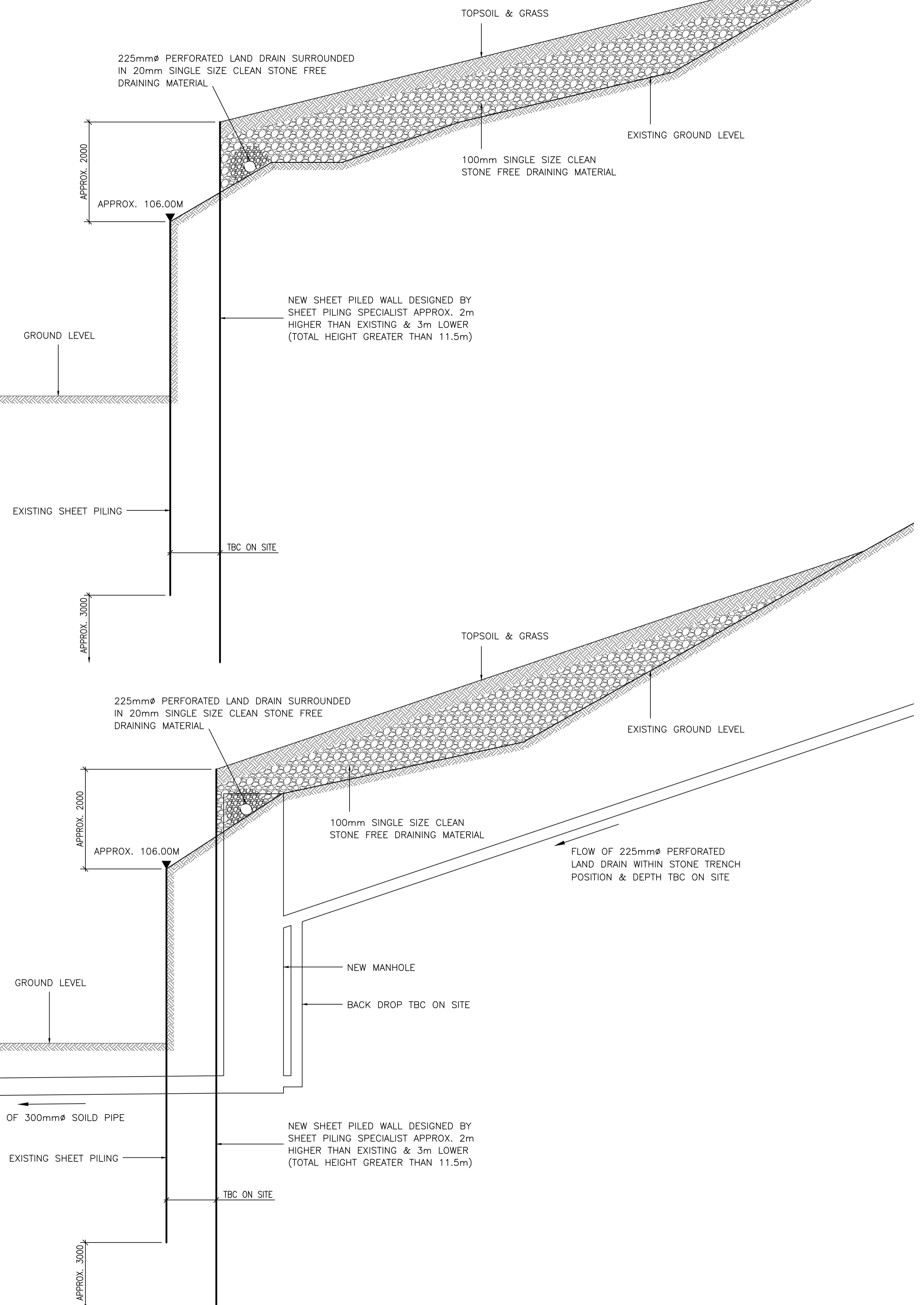
- REFER TO DRAWING NUMBER B14110/01 FOR LOCATION OF SECTIONS

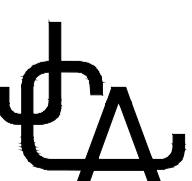


SECTION A-A
(1:50 AT A1)



SECTION B-B
(1:50 AT A1)



P2	03.04.17	REVISED DRAINAGE & ADDED NEW SHEET PILING TO SECTIONS B & C	S.P.M.
P1	05.12.16	ADDED DRAINAGE TO REAR OF SITE	S.P.M.
rev	date	revisions	initials
client BERKSHIRE HOMES			
project UNION STREET RAWTENSTALL ROSSENDALE			
drawing SECTIONS THROUGH SITE			
 James Crosbie Associates Ltd Consulting Civil & Structural Engineers 37 Chorley New Road, Bolton, BL1 4QR Telephone 01204 384585 Facsimile 01204 363358 Email jca@james-crosbie.co.uk			
drawn	S.P.M.	date	29.11.16
scale	1:50	checked	
contract no.	B14110	drawing no.	02 P2