

<b>Application Number:</b>	2017/0389	<b>Application Type:</b>	Full
<b>Proposal:</b>	Construction of 2 no. four-bedroom dwellings, with associated landscaping and access works (resubmission of 2016/0636).	<b>Location:</b>	Land West Of The Bowling Green, Loveclough, BB4 8QU
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21/09/2017
<b>Applicant:</b>	Mr T Ashworth	<b>Determination Expiry Date:</b>	10/10/2017
<b>Agent:</b>	None		

<b>Contact Officer:</b>	<b>James Dagleish</b>	<b>Telephone:</b>	<b>01706 238643</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<b>Other (please state):</b>	

## 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

Grant planning permission subject to the conditions.

## **APPLICATION DETAILS**

### **2. SITE**

The application site lies to the west side of the bowling green associated with the CPA Club in Loveclough, and north of existing dwellings at Loveclough Place. The site comprises an elongated sloping parcel of land largely covered by grass, and containing two metal cabins. The land is bound by a 1.2m high stone wall to its southern edge, where it abuts a narrow lane which leads on to serve several properties in the area. Another narrow lane lies to the east of the site, which serves Hillside Fisheries (a recreational angling facility).

To the north, there are open fields rising away from the site. The nature of the local topography means that the site sits relatively low in the wider landscape.

Public footpaths run along the lanes to the south, west and east of the site.

The site is located outside of the urban boundary on land designated as countryside, and is adjacent to (but not within) the Loveclough Fold Conservation Area. Two listed buildings lie around 50m to the south east of the site.

### **3. RELEVANT PLANNING HISTORY**

2000/0498 - Erection of 52 no dwellings and associated garages (Approved)

2007/0570 - Change of house type to previously approved application (Refused)

2008/0117 - Change of house type to previously approved application (resubmission of previously refused application 2007/570) (Approved)

2011/0036 - Extension of time for implementation of Planning Permission 2008/0017 for the Erection of 1 no. Dwelling (Approved)

2013/0043 - Certificate of lawful development relating to a commencement of development pursuant to planning permission 2008/0017 for the erection of 1 no. dwelling (Approved)

2016/0006/PREAPP - Change from 1 large detached dwelling to four terraced town houses

2016/0636 - Erection of 3 no. dwellings with associated landscaping and access works (Withdrawn)

### **4. PROPOSAL**

Following withdrawal of application 2016/0636, the applicant now seeks planning permission for a residential development of reduced scale. The current application is now for a single pair of semi-detached dwellings, as opposed to the three dwellings for which permission was sought under 2016/0636.

The dwellings would be of contemporary design, constructed of natural stone with blue slate roofs. Both dwellings would have four bedrooms.

The front (south) elevation of the dwellings would have relatively limited window openings and glazing, with deep set angled windows. The rear elevation of the dwellings would feature a large

amount of glazing, patio doors leading on to an enclosed garden terrace area (with a glass balustrade and boundary wall), and two sets of upper floor French doors with Juliet balconies.

There would be large gable end windows on the east and west elevations.

The dwellings would have a pitched roof ridge height of around 13m, and an eaves height of around 7.0m.

A landscaping and boundary treatment scheme has been provided by the applicant, and includes details of a partial boundary wall constructed of natural stone and the use of a timber post and wire fence. Paths and driveways would be paved with permeable block paving. Several new trees are proposed to be planted, and additional areas of shrub planting are proposed.

The scheme includes the provision of six off-street car parking spaces (three per house), with four located on driveways to the front and sides of the dwellings, and two within dedicated garages.

## 5. POLICY CONTEXT

### National

#### National Planning Policy Framework (2012)

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
Section 12	Conserving and Enhancing the Historic Environment

### Development Plan Policies

#### Rossendale Core Strategy DPD (2011)

AVP 4	Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 9	Accessibility
Policy 16	Conserving and Enhancing Rossendale's Built Environment
Policy 18	Biodiversity and Landscape Conservation
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

### Other Material Considerations

National Planning Practice Guidance  
Alterations and Extensions to Residential Properties SPD

## 6. CONSULTATION RESPONSES

Consultee	Comment
RBC Conservation Officer	No objection
LCC Highways	No objection subject to conditions

LCC Public Rights of Way	No comments have been received
Ecology	No objection, recommended informative
Contaminated Land	No objection subject to conditions
RBC Operations	No comments have been received
United Utilities	No comments have been received
Limy Valley Residents Association	Objection

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 08/08/2017 and 5 neighbour letters were sent out.

Four letters of objection have been received raising the following points:

- Noise impacts and other nuisance to neighbouring properties.
- Impacts on privacy and amenity of neighbours.
- Impact on the outlook and daylight of neighbours.
- Impact on the openness of the countryside.
- Inappropriate design of the development.
- Increased traffic and parking issues.
- Impact on the bridge used to access the site.
- Inadequate outdoor amenity space at the new dwellings.
- The proposal would breach Articles 1 and 8 of the Human Rights Act.
- No need for the new dwellings.
- Impact on the adjacent Conservation Area.
- Inadequate bin storage provision.
- Concern over whether the development can be implemented.

## 8. REPORT

The main considerations of the application are:

1) Principle; 2) Visual Amenity, Countryside Impact and Heritage Impact; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety

### Principle

There is an extant planning permission for the construction of a single dwelling of substantial size and massing on the site, and as such the principle of the development of a single dwelling on the site has already been established. However, the current application is for two dwellings.

The Council cannot currently demonstrate a five-year supply of deliverable housing sites based on Full Objectively Assessed Need (FOAN), and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 49 of the Framework).

Paragraph 14 of the Framework contains a presumption in favour of sustainable development. It states that development proposals that accord with the development plan should be approved without delay and that where relevant development plan policies are out-of-date planning 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
- specific policies in the Framework indicate that development should be restricted

Although it is located well outside the urban boundary, the site is in a relatively sustainable location within ten minutes walking distance of the X43 bus route, which provides direct links to Rawtenstall town centre and other town centres outside the borough. The site is located close to Commercial Street, and Burnley Road which are adopted highways.

As the Council cannot currently demonstrate an up to date five year housing land supply based on FOAN, it is considered in accordance with paragraphs 49 and 14 of the Framework that the policies in the Council's Core Strategy insofar as they relate to housing are out of date and should be afforded limited weight.

Accordingly, the starting point for assessment of the application is that permission should be granted for the proposed scheme unless any adverse impacts of doing so would significantly and demonstrably outweigh the presumption in favour of sustainable development.

### Visual Amenity, Countryside Impact and Heritage Impact

Paragraph 17 of the Framework includes 12 core planning principles including [planning should]:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

Paragraph 58 of the Framework aims to ensure that developments:

- Will function well and add to the overall quality of the area;
- Respond to local character and history, and reflect the identity of local surroundings and materials;
- Are visually attractive as a result of good architecture and appropriate landscaping.

Core Strategy Policy 18 (Biodiversity, Geodiversity and Landscape Conservation) states that the Council will seek to avoid any harmful impacts of development on all aspects of Rossendale's natural environment – including its biodiversity, geodiversity and landscape assets.

Core Strategy Policy 21 (Supporting the Rural Economy and its Communities) states that strict consideration will be given to the impact of rural development on the countryside.

The proposed contemporary design of the scheme is considered to be of a high quality and addresses the context of the site. The use of natural stone in the elevations and natural slate on the roofs would be appropriate in the context of the site. The incorporation of the northern elevations of the dwellings into the hill slope to the north would reduce their prominence when viewed from the surrounding countryside.

The site's location and topography is such that the proposed development would not cause substantial harm to the essentially open and rural character of the countryside in this case, particularly when compared to the extant planning permission for a single dwelling on the site.

It is considered that the proposed scheme is in a form which would not appear visually jarring or incongruous in its setting, and would not cause undue harm to the character and appearance of the wider countryside in this location.

Further to discussions between the case officer, the Conservation Officer and the applicant amended plans have been received which include several changes to the design details of the proposed scheme. The changes include:

- Removal of the originally proposed timber-clad projecting bay windows on the front elevations of the dwellings, and their replacement with tall, narrow, recessed (and angled) windows to match the others on the front elevations.
- The use of grey powder-coated aluminium window units on the front and side elevations of the dwellings, with grey UPVC window units on the rear elevation.
- Removal of the originally proposed timber-clad balcony projections on the side elevations of the dwellings at second floor level.
- Replacement of the proposed glazed balustrade around the east and west sides of the proposed gardens at first floor level with a continuation of the proposed stone walling.
- The incorporation of a stone chimney feature on the front elevation of the building to provide a visual break between the two dwellings, which would carry two flues from solid fuel stoves.

Objectors' comments are noted, however having regard to the above amendments it is considered that the proposed scheme is now in a form which would be acceptable in terms of visual amenity and countryside impact. It is considered that the scheme would not cause undue harm to the character and appearance of the nearby Loveclough Fold Conservation Area or the significance and setting of the nearby listed buildings.

A full landscaping and boundary treatment plan has been provided, and it is considered that the proposed planting, hard and soft landscaping are appropriate.

It is considered appropriate to include a condition requiring the submission and approval of details of all external facing materials prior to commencement of development in order to ensure the acceptability of the proposed facing materials.

Subject to the above, the scheme is considered acceptable in terms of visual amenity, countryside and heritage impact.

#### Neighbour Amenity

Objectors' comments are noted, however given the proposed design of the recessed and angled narrow-profile fenestration on the front elevation of the dwellings it is not considered that the scheme would result in a significantly greater level of overlooking (either perceived or actual) to the occupiers of nearby residential properties (at Nos. 2, 4 and 6 Loveclough Place) when compared to that which would be afforded by the extant planning permission for a single dwelling on the site. It is considered appropriate to include a condition removing permitted development rights for the creation of new window openings in the front elevations of the dwellings in order to prevent future issues of overlooking to neighbouring properties if inappropriate window designs were to be installed.

The proposed boundary treatment around the first floor outdoor amenity space would be of sufficient height to prevent users of the space directly overlooking the dwellings at Loveclough Place or their gardens to a significant degree.

The scale and massing of the scheme, whilst considerable, would not be unduly greater than that of the scheme for which there is an extant planning permission, and when combined with the orientation of the proposed dwellings relative to Nos 2, 4 and 6 Loveclough Place it is not

considered that the scheme would result in an undue loss of daylight or outlook to those properties.

It is considered that an appropriate amount of private amenity space is proposed for the enjoyment of the occupants of the new dwellings.

Given the proximity of the site to nearby residential properties it is considered appropriate to include a condition restricting hours of construction to avoid noise nuisance being caused to occupants of such properties.

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

#### Access, Parking and Highway Safety

The Local Highway Authority has no objection to the proposed scheme subject to conditions requiring the following:

- Weight restriction on construction / delivery traffic accessing the site of 18 tonnes.
- The scheme shall be carried out in accordance with the submitted construction traffic management plan.
- A scheme for new signage at the bridge to indicate the maximum load capacity of 18 tonnes shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of any works.
- A scheme for the improvement of the road construction, lighting and drainage of Loveclough Place and the unnamed access road providing sole access to the development site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works and shall be completed prior to the first occupation of any dwelling.
- A survey report of Loveclough Bridge shall be submitted to and approved in writing by the Local Planning Authority within 3 months following the completion of the development, including a scheme and timetable for any works required to reinstate any damage or deterioration that has occurred during the construction period. Any required reinstatement or repair contained in the report shall be carried out in accordance with the approved timetable.
- Pre-construction and post-completion surveys of the road surface of Loveclough Place and the unnamed lane which serve as the sole access to the development site shall be submitted to and approved in writing by the Local Planning Authority, including a scheme and timetable for any works to reinstate any damage to those roads. Any required reinstatement or repair contained in the approved details shall be carried out in accordance with the approved timetable.
- The parking spaces shall be provided with a porous bound material prior to the first occupation of any dwelling and maintained for that purpose for as long as the dwellings are occupied.
- No development shall commence until details of the proposed arrangements for future management and maintenance of the privately maintained streets and Loveclough bridge have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established and/or the liability for maintenance has been placed upon the land registry deed for each property.
- The parking spaces shall be provided with a porous bound material prior to the first occupation of any dwelling and maintained for that purpose for as long as the dwellings are occupied.

It is considered appropriate to include all of the above conditions apart from those requiring:

- A survey report of Loveclough Bridge, and the carrying out of any necessary repair work to the bridge.
- Pre-construction and post-completion surveys of the road surface of Loveclough Place and the unnamed lane which serve as the sole access to the development site, and the carrying out of any necessary repair work.
- Details of the future management and maintenance of the privately maintained streets providing access to the site.

Comments received concerning the state of the bridge and access road over which construction vehicles must pass to access the site are noted. However, the bridge and associated access road lie outside of the application site boundary. It is understood that the bridge and road are in private ownership, and as such (notwithstanding the comments of objectors and the Local Highway Authority) it would be the responsibility of the applicant / developer to liaise with the respective owners to ensure that they have the legal right to use the bridge and road for access and for construction traffic.

Any damage caused by the applicant / developer to the privately owned bridge or access road, and any rights of access would be private civil matters which would need to be addressed outside of the planning process.

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

## 9. SUMMARY REASON FOR APPROVAL

The proposed development site is considered to be in a sustainable location within the countryside and the Council considers that it is not currently in a position to demonstrate an up to date five year housing land supply based on Full Objectively Assessed Need (FOAN). That being the case it is considered in accordance with paragraphs 49 and 14 of the Framework that the policies in the Council's Core Strategy insofar as they relate to housing are out of date and should be afforded limited weight. It is considered that the development would not unduly affect the visual amenities of the area, neighbour amenity or highway safety. In this regard it is not considered that any negative impacts of the development would significantly and demonstrably outweigh the presumption in favour of sustainable development. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies 1, 9, 16, 18, 23 and 24 of the Council's Core Strategy DPD (2011).

## 10. CONDITIONS

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

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

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



- Application form date stamped 31<sup>st</sup> July 2017 by the Local Planning Authority.
- Proposed Floor and Site Plan (Drawing Number B101 Rev. A) date stamped 20<sup>th</sup> September 2017 by the Local Planning Authority
- Proposed Elevations (Drawing Number B102 Rev. A) date stamped 20<sup>th</sup> September 2017 by the Local Planning Authority
- Proposed Site Plan and Site Sections (Drawing Number B103 Rev. A) date stamped 20<sup>th</sup> September 2017 by the Local Planning Authority
- Site Location Plan and Existing Site Plan (Drawing Number B100) date stamped 31<sup>st</sup> July 2017 by the Local Planning Authority
- Proposed Landscaping and Drainage Layout Plan (Drawing Number B104) date stamped 31<sup>st</sup> July 2017 by the Local Planning Authority
- Construction Traffic Management Plan (Drawing Number B105) date stamped 31<sup>st</sup> July 2017 by the Local Planning Authority

Reason: To ensure the development complies with the approved plans and submitted details.

3. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to works taking place, and confirmation that no active bird nests are present has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect any birds nesting on site.

4. No development shall take place until a Preliminary Risk Assessment report, including a conceptual model and a site walk over (to assess the potential risk of land contamination) has been submitted to and approved in writing by the Local Planning Authority.

Should a potential risk be identified then:

- i. A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and
- ii. The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
- iii. Prior to first occupation a Verification Report shall be submitted to, and approved in writing by the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the Local Planning Authority.

Reason: In the interests of protecting future occupants of the approved development from risks associated with land contamination.

5. No development shall take place until full details (including samples) of all external facing materials to be used in the construction of the elevations and roof of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

6. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent amendments to that Order, or any Order revoking and re-enacting that Order), no new window openings shall be created in the front (south) elevations of the dwellings hereby approved without planning permission first having been granted by the Local Planning Authority.

Reason: In the interests of neighbour amenity.

7. Notwithstanding what is stated in the approved Construction Traffic Management Plan, 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 or Bank Holidays.

Reason: In the interests of neighbour amenity.

8. No vehicles involved in the construction of the development hereby approved, or involved in the delivery of materials, plant, machinery and supplies to the development shall exceed 18 tonnes in weight.

Reason: In the interests of highway safety and to protect the privately owned bridge which provides access to the site.

9. No development shall take place until a scheme for new signage at each side of the privately owned bridge which provides access to the site (to indicate the maximum load capacity of 18 tonnes) has been submitted to and approved in writing by the Local Planning Authority and has been implemented in full.

Reason: In the interests of highway safety and to protect the privately owned bridge which provides access to the site.

10. Prior to first occupation of either of the dwellings hereby approved, the parking spaces (as shown on approved drawing number B101 Rev. A) shall be surfaced with a porous bound material. The parking spaces shall be maintained for the purpose of vehicular parking thereafter.

Reason: In the interests of highway safety.

11. No development shall take place until a scheme for the improvement of the road construction, lighting and drainage of Loveclough Place and the unnamed access road providing access to the development site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of either of the approved dwellings.

Reason: In the interests of highway safety.

## **11. 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\\_adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

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 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.

2. The applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.
3. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA.