

<b>Application Number:</b>	2017/0253	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full: Erection of 1no. three-bedroom dwelling with associated parking and gardens, and creation of an access off Hareholme Lane.	<b>Location:</b>	Land Off Hareholme Lane, Cloughfold
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	25/10/2017
<b>Applicant(s):</b>	Mr Andrew Walsh	<b>Determination Expiry Date:</b>	14/11/2017
<b>Agent:</b>	Mr Steven Hartley		

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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

That planning permission is refused for the reasons set out in Section 10.

## **APPLICATION DETAILS**

### **2. SITE**

The site relates to land on the west side of Hareholme Lane in Cloughfold, a narrow mainly unsurfaced track leading from Newchurch Road to Bacup Road. The site in question is an area of rough grassland, separated from the adjacent recreation ground to the north by timber post and wire fencing.

The land to the south of the site slopes downwards towards the gardens of residential properties on Heys Close.

The site is located within an area designated as Greenlands, within the Urban Boundary.

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

None

### **4. PROPOSAL**

Planning permission is sought for the construction of a new three-bedroom single storey dwelling on the site, with an integral single garage. The dwelling would have an 'L' shaped footprint and would feature a pitched roof. The dwelling would have a maximum ridge height of around 5.6m. The eaves height would be around 2.7m.

The dwelling would be of natural coursed stone construction, with a natural blue slate roof. In terms of fenestration, the dwelling would have three windows and a door on its front (east) elevation, two windows and a full height bay window on its north elevation, three windows and a set of bi-folding doors on its west elevation, and three sets of patio / bi-folding doors on its south elevation.

All windows and doors would be UPVC units.

A landscaping plan has been provided, showing that a porous block paved parking area would be constructed to the front elevation of the dwelling adjacent to Hareholme Lane with parking spaces for several cars. To the north of the dwelling, there would be a paved area, and to the south there would be a grassed lawn in the area encompassed by the projections of the dwelling.

The curtilage would be bounded by 1.2m high timber fencing, with hawthorn hedging planted on its inside edge.

### **5. POLICY CONTEXT**

#### **National**

#### **National Planning Policy Framework (2012)**

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

**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 18	Biodiversity and Landscape Conservation
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

**Other Material Planning Considerations**

National Planning Practice Guidance

Alterations and Extensions to Residential Properties SPD

**6. CONSULTATION RESPONSES**

LCC Highways

Objection.

United Utilities

No objection.

Contaminated Land

No objection subject to conditions.

Ecology

No comments have been received.

RBC Property Services

No comments to make on the application.

RBC Operations

No comments have been received.

**7. REPRESENTATIONS**

5 neighbour letters were issued on 01/09/2017 and two site notices were displayed on 05/09/2017.

Three letters of objection and one other representation have been received, raising the following issues:

- Development could result in increased use of Hareholme Lane by vehicular traffic.

- Highway safety concerns.
- Uncertainty over land ownership and rights of access to the site along Hareholme Lane.
- Anomalies on the submitted plans.
- Lack of detail of retaining structures.
- Nuisance to neighbouring residents.
- Inappropriate design.
- Impact on adjacent recreation area.
- Impact on neighbour amenity.
- Concern over land slippage.
- Impact on landscape character.
- Concern over surface water flooding.
- Impact on bridleway.
- Unsuitable access.

## 8. REPORT

The main considerations in this case are as follows:

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

### Principle

The site is located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.

However, the site is designated as Greenlands – areas designated and protected for their amenity, recreation and nature conservation value, their positive contribution to landscape character, and the ‘breathing space’ that they provide between more built-up areas.

Policy 17 of the Core Strategy seeks to resist fragmentation of the green infrastructure network, and seeks to protect Greenlands from development.

As such, the proposed scheme is inappropriate in principle.

### Visual Amenity

Although the site is designated as Greenlands, the site comprises an area of rough grassland, and does not contain significant numbers of mature trees. The site does not form part of the adjacent recreation ground and is not accessible by members of the public; it appears to have little in the way of informal recreational value.

Given the above, it is not considered that the proposed scheme would result in significant harm to the wider Greenlands which surround the site, and it is not considered that the development would result in a significantly detrimental impact on landscape character in this case.

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.”*

The proposed dwelling would be relatively low in height and would not appear unduly prominent in views from across the valley to the south, or from the recreation ground to the north. The proposed use of natural stone in the construction of the elevations and natural slate for the roof are appropriate, and would reflect the palette of materials used on nearby buildings and the context of the site.

The proposed landscaping and boundary treatment are appropriate, and would respond well to the site's setting.

It is considered appropriate to include a condition requiring the submission of samples of the proposed facing materials for the elevations and roof of the dwelling to be agreed prior to commencement of development, in order to ensure a high quality finish to the scheme.

Subject to the above, on balance the scheme is considered acceptable in terms of visual amenity.

#### Neighbour Amenity

Objectors' comments are noted, however given the proposed fenestration on the building, the separation distances involved, the orientation of the building relative to neighbouring properties and the existing boundary treatments, it is not considered that the scheme would result in a significant loss of privacy for the occupiers of nearby residential properties.

The scale and massing of the building would not be excessive, and it is not considered that the scheme would result in any significant loss of daylight or outlook to neighbouring properties.

Concerns have been raised by the occupants of nearby residential properties concerning the impact of the scheme on surface water run-off. Having regard to the comments received and in order to ensure that surface water is properly managed without detriment to surrounding properties it is considered appropriate to include a condition requiring the submission and approval of a scheme of surface water drainage prior to commencement of development.

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 stated the following:

*“With respect to this application we would wish to raise an objection.*

*Hareholme Lane is not an Adopted Highway, but it is listed as Bridleway No. 14-4-BW 216. It would not be usual for wheeled vehicles to have a right of access over the bridleway, unless*

*permission has been granted by the landowner. Although it is noted that the lane is has the benefit of street lighting.*

*The main point of concern is the access from Hareholme Lane; confirmation of the right of access would be required. The section of lane nearest to the proposed dwelling is a narrow single track lane in excess of 100m with no passing places suitable for either 2 cars to pass or a car and pedestrian either with or without a horse.*

*The vegetation on either side of the lane is overgrown, and it is uncertain if this could be cut back by the land owner. In order for the lane to become passible by cars this vegetation will need to be addressed. It is also likely that the surface of the lane will need some attention. Any improvements to the surface of the lane will need to be approved by the local Highway Authority, with suitable arrangements being made for the surface water.”*

As it stands there is no evidence that the applicant has a right of vehicular access over Hareholme Lane. However, rights of access would be a private matter separate to the planning process.

In terms of planning considerations, there is an access to the site along Hareholme Lane; and it is clear that the access has been used previously by vehicular traffic.

However, Hareholme Lane carries a bridleway and it is considered that in its current state and with the existing overgrown trees and vegetation it would be very difficult for a horse and a car, or a car and a pedestrian (with or without a horse) to pass safely on the lane. Significant improvements to Hareholme Lane would be required in order for it to be safely used by vehicular traffic and without causing conflict between vehicles, pedestrians and bridleway users. The Local Highway Authority has also identified that there would not be space for two vehicles to pass on the proposed access.

A significant section of Hareholme Lane appears to be unregistered in terms of ownership and there is no evidence that the applicant has control over the access, or has the right to improve it or create passing places. In addition, the lane is overgrown with trees and vegetation from both sides and it is unclear whether the applicant has the right to cut back and maintain those trees and vegetation.

An additional concern is that if Hareholme Lane was to be improved to make it suitable for vehicular traffic, it would increase the likelihood of it being used by larger volumes of vehicular traffic as a cut-through between Newchurch Road and Bacup Road – which would potentially cause further conflict with pedestrians and bridleway users and cause risks to highway safety.

As such, in line with the comments of the Local Highway Authority the scheme is considered unacceptable in terms of access and highway safety, being contrary to Section 4 (paragraph 32) of the National Planning Policy Framework which requires “...*safe and suitable access to the site can be achieved for all people.*”

## **9. RECOMMENDATION**

Refusal.

## **10. REASON FOR REFUSAL**

1. It has not been demonstrated, to the satisfaction of the Local Highway Authority, that the scheme would avoid adverse impacts on highway safety and on users of the bridleway running along Hareholme Lane, and that a safe and suitable access would be provided for

the development. As such the scheme is contrary to paragraph 32 of the National Planning Policy Framework and Policies 9 and 24 of the Adopted Core Strategy.

## **INFORMATIVES**

1. Standard refusal informative.