

Application Number:	2017/0423	Application Type:	Outline
Proposal:	Outline application (including access and layout) for the construction of a single detached dwelling and double garage, with associated access works	Location:	Land North Of 112, Booth Road, Stacksteads
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	7 th November 2017
Applicant(s):	Mr A Alderson	Determination Expiry Date:	2 nd November 2017- a time extension was requested but confirmation not received
Agent:	Mr Steven Hartley		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	✓ Cllr Oakes <i>"Officers may refuse based on Greenbelt location not taking into account the derelict site and infill location. Also, the Council does not have a 5-year housing land supply so less reason to refuse the application."</i>
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

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

APPLICATION DETAILS

2. SITE

The application relates to a plot of open land approximately 0.19 hectares in area, located to the north of Booth Road in Stacksteads. The site is covered in grass and low-lying vegetation. The submitted Design and Access Statement indicates that the site has previously been used as farmland and as allotments, but has not been in use for some time.

The site is adjacent to a cluster of garage buildings beyond which is a row of terraced residential properties to the east. To the west of the site there are further residential properties along Booth Road.

The nearby residential properties along Booth Road are predominantly constructed of stone, as are the associated boundary and highway walls.

To the north of the site there are open fields beyond which is a cluster of residential properties at Higher Tunstead.

The site is on land within the countryside designated as Green Belt.

3. RELEVANT PLANNING HISTORY

None

4. PROPOSAL

The applicant seeks outline planning permission (including access and layout) for the construction of a single detached dwelling and double garage, with associated access works.

It is proposed that the house would have a footprint of around 16m x 11.5m, and would be located on the western portion of the site. An access road would be constructed leading from the existing lane to the east of the site into the centre of the site, and would feature a turning head. A detached double garage building would be constructed on the east side of the access road to provide parking for two cars.

No details of the proposed scale or appearance of the dwelling have been provided, nor have any landscaping proposals been provided – as outline permission is not sought for appearance at this stage.

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
- Section 8 Promoting Healthy Communities
- Section 9 Protecting Green Belt Land
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 2 Bacup, Stacksteads, Britannia and Weir
- 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

Ecology

No objection.

Contaminated Land

No objection subject to conditions.

LCC Highways

Objection.

United Utilities

No objection.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 08/09/2017 and 20 neighbour letters were sent out on 07/09/2017.

Three letters of objection have been received, raising the following issues:

- Development could set a precedent for further development on the fields to the north.
- Highway safety concerns.
- Parking issues.
- Trees have been cut down on site.
- No access to public transport.
- Rubbish has been tipped on the site.
- Nuisance to neighbouring residents.

- Inappropriate design.
- Impact on neighbour amenity.
- Impact on landscape character.

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

Despite the gap in the numbering of the houses on the north side of Booth Road to the east (No. 83) and west (No. 97) of the site, the Council's historical maps (dating back to around 1845) do not show that any dwellings or other buildings were ever located on the site.

The submitted Design and Access Statement indicates that the site has previously been used as farmland and as allotments, but has not been in use for some time and it is therefore considered that the site is not previously developed land.

The site is located in an area of countryside designated as Green Belt.

Paragraph 89 of the Framework states:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- *limited infilling in villages...*”

In this case, the applicant believes that the proposed scheme fulfils the above criterion in terms of limited infilling within villages.

In order to engage with this exception the development must:

1. *Constitute limited infilling* - Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage. The gap between No. 83 Booth Road (on the site's eastern boundary) and No. 97 Booth Road (on the site's western boundary) is around 68m
2. *Be in a village* - The site is not located within a village – it is located adjacent to Booth Road in an area of Green Belt clearly separating the villages of Waterfoot and Stacksteads. This area of Green Belt functions to prevent neighbouring settlements merging into one another which is one of the purposes of Green Belt.

As such, it is not considered that the proposed scheme is an exception to restricting development within this Green Belt location in accordance with paragraph 89 of the Framework, and it is therefore considered inappropriate development within the Green Belt.

Paragraph 87 of the Framework states:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

The applicant has not put forward any very special circumstances in this case, and as such the proposed development would be harmful to the Green Belt contrary to guidance contained within the Framework.

Visual Amenity

It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In Heath & Hampsted Society v LB of Camden [2007] EWHC 977, the difference between openness and visual impact was explained as follows:

21. [PPG2] Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue...

The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.

22. The loss of openness (i.e. unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances.

When interpreting paragraph 89 of the Framework the Judge in Timmins v Gedling BC and Westerleigh Group Limited [2014] analysed the relationship between openness and visual impact. He held inter alia:

74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building this is camouflaged or rendered unobtrusive by felicitous landscaping.

In this case the Judge concluded that:

78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is therefore wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.

As noted above the Local Planning Authority considers the proposed development will have an unacceptable impact on the Green Belt. As such the proposal's visual impact is a key material consideration in terms of the overall balance as to whether there is harm, and this factor can amount to a 'very special circumstance' in its favour.

The site lies in a prominent position, immediately adjacent to Booth Road. The context of the site's surroundings is one of openness to the north with rows of stone-built terraced dwellings (with small curtilages) located on either side of the site on the north side of Booth Road.

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."*

Policy 24 of the Core Strategy seeks to ensure that new development is *"compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing"*.

The proposed single dwelling on the site surrounded by a large curtilage would be at odds with the pattern and layout of terraced dwellings (with small gardens) to either side of the site. As such the development would have an adverse visual impact within the Green Belt and therefore the scheme is considered unacceptable in terms of visual amenity.

Emerging Local Plan

Members may have noted that this site is proposed to be allocated for residential development within the emerging Local Plan (HS2.27) for residential development (approximately 5 dwellings). The Framework makes it clear that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The proposed allocation would include taking the land out of the Green Belt. At the current time the development of this land for residential development falls to be considered inappropriate development as set out above however if the land is taken out of Green Belt as part of the Local Plan process the Local Planning Authority would expect a more efficient use of the land which complements the character of the area and is acceptable from a visual impact.

Neighbour Amenity

The separation distance between the proposed dwelling and the residential property at No. 97 Booth Road is around 13m. However, given the relative siting and orientation of the properties and the fenestration of No. 97 it is not considered that the proposed dwelling would cause unacceptable overlooking of any habitable room windows at No. 97.

Given the separation distances involved, it is not considered that the proposed outline scheme would result in unacceptable impacts on privacy, outlook or daylight for any nearby residential properties.

A more detailed assessment of potential impacts on neighbour amenity would in any case be made when an application is submitted for the reserved matters of scale, appearance and landscaping.

Given the proximity of neighbouring residential properties to the site, it is considered appropriate to include a condition requiring the submission and approval of a construction method statement (including details of working hours) prior to any development taking place on the site.

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

Access, Parking and Highway Safety

The Local Highway Authority has raised an objection to the proposed scheme, but has indicated that their objection may be withdrawn if the following can be demonstrated:

- Access to be resurfaced with a bound and porous material so as not to drag debris onto the highway.
- Any infilling, reconstruction or replacement of the boundary wall should be to a height of no more than 1m so as not to compromise the sight lines from the access to the site.
- Indication of the provision proposed for the collection of refuse and household re-cycling from the site.

The Local Highway Authority has also suggested conditions requiring:

- That pre and post-development surveys are carried out to the footway and kerbing adjacent to the site, and any damage is repaired by the developer.
- Submission and approval of a construction method statement.
- Provision of secure cycle storage on site.

It is not considered that the concerns raised by the Local Highway Authority are of a nature which cannot be suitably addressed through the inclusion of conditions requiring the submission of further details at reserved matters stage. As such, it is not considered that the concerns raised would warrant refusal of the application.

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

9. RECOMMENDATION

Refusal.

10. REASONS FOR REFUSAL

1. The proposed development constitutes inappropriate development within the Green Belt, and no very special circumstances have been forwarded which would outweigh the harm to the

openness of the Green Belt. As such, the scheme is contrary to Section 7 of the National Planning Policy Framework and Policy 1 of the Core Strategy DPD.

2. The proposed development would result in a form of development at odds with the character and appearance of the surrounding area, causing unacceptable harm to the visual amenity of the area, contrary to Section 7 and the Core Planning Principles of the National Planning Policy Framework and Policies 23 and 24 of the adopted Core Strategy.

INFORMATIVES

1. Standard refusal informative.