

<b>Application Number:</b>	2017/0438	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 4 no. three-bedroom dwellings, with associated landscaping and access works.	<b>Location:</b>	Land Behind Nos. 2–10 Bridleway, Waterfoot
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	26 <sup>th</sup> March 2018
<b>Applicant(s):</b>	Mr M Schofield	<b>Determination Expiry Date:</b>	30 <sup>th</sup> March 2018
<b>Agent:</b>	N/A		

<b>Contact Officer:</b>	<b>James Dagleish</b>	<b>Telephone:</b>	<b>01706 238643</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<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

Approve full planning permission subject to the conditions set out in section 10.

## **APPLICATION DETAILS**

### **2. SITE**

The application relates to a piece of land to the west (rear) of Nos. 2-10 Bridleway, currently occupied by a collection of garage buildings (some of which are derelict). Access to the site from Bridleway is via an unmade track which runs to the side of No. 2.

The site is gently sloping (upwards from east to west), and the land becomes a steeper slope further to the west. The site is bordered to the west by open countryside, and there is a dense stand of mature trees to the south associated with the nearby church.

A Grade II listed building in use as a residential care home (Ashlands) is located around 80m to the south of the site at a higher level, though it is separated physically and visually from the site by the aforementioned stand of mature trees.

The site is located predominantly within the urban boundary, but a small portion of the site at its western end is on land designated as countryside.

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

None

### **4. PROPOSAL**

Planning permission is sought for the erection of two pairs of semi-detached dwellings (each having three bedrooms) on the land.

The dwellings would be laid out in a staggered arrangement from north to south across the site, and would have two storeys. The application initially proposed three-storey split level dwellings, but further to discussions between the case officer and the applicant's agent amended plans have been received showing that the dwellings would have only two storeys.

The front elevations would feature a door and numerous windows. The rear elevations would feature a pair of patio doors and other windows. The side elevations would feature a single small window serving the WC located on the second floor.

Each dwelling would be fronted by a driveway with space to park one car. The southernmost of the proposed dwellings would have a single detached garage on its south side. Each dwelling would also have a further car parking space located within the site (a total of two per dwelling). A general parking area (with space for three cars) would be created near to the site's junction with Bridleway. The three existing timber garages on the south side of the access would be demolished.

## 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 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

### Development Plan Policies

- AVP 3 Waterfoot, Lumb, Cowpe and Water
- Policy 1 General Development Locations and Principles
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- 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
- RBC Alterations and Extensions to Residential Properties SPD

## 6. CONSULTATION RESPONSES

### Ecology

No comments have been received.

### RBC Conservation Officer

No objection.

### Contaminated Land

No objection subject to conditions.

### LCC Highways

No objection subject to conditions.

### LCC Public Rights of Way

No comments have been received.

### United Utilities

No objection.

### RBC Property Services

No comments to make on the application.

### RBC Environmental Health

No objection.

### RBC Operations

No objection.

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 22/11/2017 and 35 neighbour letters were sent out on 21/11/2017. Neighbouring residents were thereafter re-consulted on amended plans.

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

- Harm to privacy of nearby residential properties.
- Harm to highway safety.
- Poor access.
- Risk to health from construction activities.
- Traffic generation.
- Poor visibility for vehicles accessing / exiting the site.
- Properties would tower over existing terraced properties nearby.
- Reduction in daylight to nearby properties.
- Harm to outlook.
- Impacts on wildlife.
- Contaminated land.
- Risk of flooding to the proposed properties from spring on hillside.
- Inadequate access.

## 8. ASSESSMENT

The main considerations in this case are as follows:

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

### Principle

The majority of the site is located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development. A small portion of the site appears however to be located outside the urban boundary, on land designated as countryside.

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 not located within walking distance to any local shops or services, the site is located within 220m of bus stops on both sides of Burnley Road East, which carries regular bus services to Waterfoot, Rawtenstall and Burnley. It is not considered that the proposed scheme would result in the creation of isolated new dwellings in the countryside in this case.

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.

As such the proposed development is appropriate in principle.

### Visual Amenity

The site is located at the urban / rural interface.

The context of the site’s surroundings is one of openness with a semi-rural, edge of urban area character particularly to the west.

The applicant initially proposed the construction of three-storey dwellings on the site. However, it was considered that such a development would dominate the area visually and would appear out of keeping having regard to the surrounding context of the site, which is primarily characterised by two-storey dwellings.

The applicant initially proposed to use reconstituted stone for the dwellings’ elevations, with concrete roofing tiles. However, such materials are not typically represented in the surrounding developments and would also be inappropriate in the site’s location at the urban / rural interface.

Following discussions between the case officer and the applicant’s agent amended plans have been received showing two-storey dwellings of an amended design. In addition, the case officer has informed the applicant’s agent that a condition would be included on any approval requiring the use of natural stone and natural slate in the construction of the dwellings (with samples to be approved).

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 two storey dwellings now proposed would be appropriate in the context of the numerous other two storey dwellings in the vicinity, and the use of natural stone and slate in their construction would be appropriate in the site’s context.

The previously submitted plans showing three-storey dwellings was considered to be unacceptable in the site’s context, and the applicant has sought to address these concerns in the amended plans by reducing the scale of the dwellings significantly.

It is considered that the amended plans are acceptable and better reflect the context of the site and the surrounding development. It is not considered that the proposed scheme would have an adverse impact on the setting of Ashlands, the nearby Grade II Listed Building – and the Council’s Conservation Officer has no objection.

Subject to a condition requiring the use of natural stone and slate in the dwellings’ construction, the scheme is considered acceptable in terms of visual amenity.

#### Neighbour Amenity

Given the separation distances involved and the fact that dwellings of two rather than three storeys are now proposed, it is not considered that the development would give rise to any significant harm to the amenities enjoyed by residents of any neighbouring residential properties. Window to window separation distances are in excess of the minimums required by the Alterations and Extensions SPD, and it is not considered that the proposed dwellings would cause harmful levels of overlooking to the main private amenity space of any residential properties.

Paragraph 17 of the Framework states that new developments should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

The proposed scheme is considered to provide an adequate amount of private amenity space (in the form of rear gardens) for residents of the proposed dwellings.

Concerns have been raised in relation to the impact of construction works on the health and wellbeing of neighbouring residents. In this regard, and given the proximity of the site to residential properties, it is considered appropriate to include a condition restricting the hours of construction on the site, and to require the submission and approval of a construction method statement (including measures for the control of dust) prior to any works taking place.

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

### Access, Parking and Highway Safety

The Local Highway Authority initially objected to the scheme on the grounds that the site had inadequate access off Bridleway, inadequate sightlines for drivers and concerns over surface water drainage.

However, further to discussions between the case officer, the Local Highway Authority and the applicant's agent, amended plans have been received demonstrating that adequate access to the site and sightlines can be achieved. The Local Highway Authority now has no objection to the proposed scheme subject to conditions requiring:

- The submission and approval of a scheme of off-site highway works (including details of new road markings).
- The submission and approval of full engineering, drainage and constructional details of the proposed access road.
- The submission and approval of details of a management company set up to maintain the access road and communal areas within the development.

Subject to the above conditions and in line with the comments of the Local Highway Authority, the scheme is considered acceptable in terms of access, parking and highway safety.

## **9. CONCLUSION**

The proposed development is appropriate in principle. It is considered that the development would not unduly affect the visual amenities of the area, neighbour amenity or highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP3, 1, 9, 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 accordance with the following plans and documents unless otherwise required by the conditions below:

- Submitted application form date stamped 17<sup>th</sup> November 2017 by the Local Planning Authority.
- Site Location Plan date stamped 17<sup>th</sup> November 2017 by the Local Planning Authority.
- Proposed Plans, Elevations and Sections, Existing and Proposed Site Plans (Drawing Number SCH/675/1803/01 REV. D) date stamped 14<sup>th</sup> March 2018 by the Local Planning Authority.

- Existing Site Levels, Proposed Site Sections and Site Plan (Drawing Number SCH/675/1803/02 REV. B) date stamped 14<sup>th</sup> March 2018 by the Local Planning Authority.
- Proposed Access Layout (Drawing Number J933) date stamped 23<sup>rd</sup> February 2018 by the Local Planning Authority.

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

3. No development shall take place until full details (including samples) of the proposed facing materials for the external elevations and roofs of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The elevations of the dwellings shall be constructed from coursed natural stone and the roofs of the dwellings shall be constructed of natural slate. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development shall thereafter be implemented in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall comprise:

i) where potential risks are identified by the Preliminary Risk Assessment, a site investigation survey of the extent, scale and nature of contamination and;

ii) an assessment of the potential risks to:

- \* human health,
- \* property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- \* adjoining land,
- \* groundwaters and surface waters,
- \* ecological systems,
- \* archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.



The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

Reason: In the interests of protecting future occupants of the development from hazards associated with land contamination and in the interests of preventing pollution.

6. Pursuant to condition 5 and prior to first occupation of any of the dwellings hereby approved, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting future occupants of the development from hazards associated with land contamination and in the interests of preventing pollution.

7. No development shall take place until full engineering, drainage, and constructional details of the access, streets and turning areas proposed for construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interest of highway safety.

8. No development shall take place until full details of the proposed management and maintenance arrangements for the new access, streets, parking and turning areas within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the constitution of a Private Management and Maintenance Company. The access, streets, parking and turning areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To maintain the condition of the proposed access, in the interests of highway safety.

9. No development shall take place until a scheme of off-site highway works (including new road markings, modification of the access off Bridleway and the securing of sight lines) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interest of highway safety.

10. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities

- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and neighbour amenity.

11. 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.

12. No development shall take place until full details (including design drawings and calculations carried out by a qualified structural engineer) of the proposed retaining wall to the rear of the approved dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to ensure that the development will not cause land instability.

## **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](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.

2. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority 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 Local Planning Authority.

3. The new site access and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority reserves the right

to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) - please search for 278 agreement.

4. This planning permission does not grant approval for a connection to be made to the County Council's highway drainage system.