

Application Number:	2017/0552	Application Type:	Full
Proposal:	Erection of 1 no. three-bedroom detached dwelling and associated works, including creation of a new vehiclular access off Helmshore Road	Location:	Land adjacent to 1A Deansgrave, Haslingden, BB4 4BZ
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	23 rd May 2018
Applicant:	Mr Peter Nuttall	Determination Expiry Date:	31 st May 2018
Agent:	Mr Anthony Flanagan		

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

Grant planning permission subject to the conditions set out in section 11.

APPLICATION DETAILS

2. SITE

The application relates to a sloping piece of land to the west of No. 1A Deansgrave and to the north east of No. 4 Deansgrave. The site is currently covered in grass and patches of low-lying vegetation and therefore is 'greenfield' in planning terms.

The site is bounded to the east by a dry stone wall and a timber fence, and to the west by an incomplete post and rail fence. The front (south) of the site is bounded by a dry stone wall. The rear (north) side of the site is at a notably higher level than the front and abuts the garden of No. 4 Victoria Drive, from which it is separated by hedging and timber panel fence.

Access to the site is currently via Deansgrave, a narrow lane which leads from Helmshore Road to the east. The lane serves several other dwellings. Public footpath No. 342 runs in an east-west direction to the south of the site (along Deansgrave).

The site is located within the defined urban boundary.

3. RELEVANT PLANNING HISTORY

2005/0372 – Outline: erection of split level bungalow with detached garage (Refused, and appeal dismissed ref: APP/B2355/A/051194749)

2005/0434 - Demolition of summer house and workshop and erection of one dwelling (Refused, but allowed at appeal ref: APP/B2355/A/05/1192889) (relates to land adjacent to the current application site)

2009/0158 - Erection of dormer bungalow (Amended house type to previously approved application) (Approved) (relates to land adjacent to the current application site)

2016/0082 - Full: Erection of detached dwelling with integral garage, parking and gardens (Refused and dismissed at appeal)

4. PROPOSAL

The application is essentially a resubmission of the scheme refused under 2016/0082, but with the incorporation of a new access to the rear of the existing properties along Deansgrave. The amended scheme has been submitted with the intention of addressing the objection raised by the Local Highway Authority to the scheme refused under 2016/0082.

The applicant seeks planning permission for the erection of a single detached split level three-storey dwelling, and for associated access and landscaping works. The dwelling would have three bedrooms, with its principal elevation facing south.

The scheme would differ from that previously refused under 2016/0082 in that vehicular access to the dwelling would be from the rear (north) via a new access track built in an east-west direction leading from a new ramped access point on Helmshore Road. Two parking spaces would be provided, along with a turning head.

Steps would lead up from the proposed driveway to the main entrance of the dwelling at ground floor level. Measured from lower ground floor level, the dwelling would be around 6.3m to the eaves and around 8.0m to the ridge of its roof.

The dwelling would have window openings on all elevations, and doors on the north and south elevations.

The proposed dwelling would be constructed of natural coursed stone, with blue / grey concrete roofing tiles. Door and window units would be light oak-effect UPVC, and rainwater goods would be brown UPVC.

It is proposed that the dwelling would be surrounded by a paved patio area on its west, north and east sides. A landscaping scheme has been submitted showing a new hedgerow would be planted on the site's northern boundary. It is not proposed to remove any of the existing trees from the site.

Since submission of the application, amended plans have been received following discussions between the case officer, Local Highway Authority and the applicant's agent. The amended plans show an access driveway of reduced length, and omission of any works which are outside the applicant's land ownership (following concerns raised by local residents).

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

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 6 Haslingden and Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- 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	No objection subject to conditions
United Utilities	No objection subject to conditions
Ecology	No objection subject to conditions
Land Contamination	No objection subject to conditions

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 05.03.2018 and 17 neighbour letters were sent out on 27/02/2018.

Five objections have been received raising the following issues:

- Unsuitable access along Deansgrave for any increased volumes of traffic
- Risk of damage to neighbouring property by heavy vehicles
- Risk to highway safety
- Concerns over land stability
- Harm to neighbour amenity
- Harm to visual amenity
- Harm to biodiversity
- Land ownership issues
- Surface water drainage issues

8. ASSESSMENT

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 application site is located within the urban boundary where Policy 1 of the Core Strategy seeks to locate most new development. The proposed dwelling would be located in an area surrounded by other residential development. The site is 'greenfield' in planning terms, meaning that it has not been previously developed.

The Council cannot currently demonstrate a five-year supply of deliverable housing sites, 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).

In light of the above, the requirements contained within Policy 2 of the Core Strategy relating to residential developments on unallocated greenfield land are not considered up-to-date and at the time of writing can only be afforded very limited weight in the decision-making process.

As such, the proposed scheme is acceptable in principle.

Visual Amenity

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 design of the dwelling is considered to be appropriate in the site's wider setting, and its proposed position, scale and massing would be acceptable.

A number of surrounding properties and walls incorporate the widespread use of natural stone and slate, and the use of such materials on the proposed dwelling is considered to be necessary to ensure visual compatibility. The applicant has proposed to use natural stone for the dwelling's elevations and a blue slate roof, which are appropriate.

The proposed planting of a new hedge along the northern boundary of the site is considered appropriate, and the applicant proposes to retain all existing trees on site. However, in order to ensure a high quality appearance to the development, it is considered appropriate to include a condition requiring submission and approval of full details of all hard and soft landscaping proposed for the site, prior to development taking place.

The applicant initially proposed a large access driveway leading westwards from the main road to the proposed dwelling. However, it was considered by officers that the proposed access driveway was excessive in scale to serve a single dwelling, and would have had an unnecessarily significant visual impact.

Following discussions between the case officer and the applicant, amended plans have been received showing a significant reduction in the scale of the proposed access driveway, which would now stop well short of the dwelling, to which there would be a link provided by a pedestrian path.

It is considered that the visual impact of the revised scheme is acceptable subject to conditions requiring the submission and approval of full details of facing materials and hard and soft landscaping.

Neighbour Amenity

Objectors' comments are noted. Since receipt of comments from neighbouring residents, amended plans have been received showing that no works are proposed on land outside of the applicant's ownership. There were initially concerns raised that part of the visibility splay proposed at the new access onto Helmshore Road encroached onto land outside the applicant's ownership – this has now been resolved through the submission of an amended red-edged site location plan.

The east side elevation of the proposed dwelling would have two windows at first floor level facing habitable room windows at No. 1A Deansgrave, with a separation distance of around 12m, which is less than the minimum 20m required by the Council's Alterations and Extensions to Residential Properties SPD. In addition, the two first floor windows could provide an opportunity for the overlooking of the garden area of No. 1A Deansgrave, given the close proximity of the proposed dwelling to that garden.

However, the two proposed first floor windows in question would only serve a corridor within the new dwelling – they would not serve any habitable rooms. It is considered that a condition could be included on any planning approval requiring the windows to be obscure glazed and non-

opening above a height of 1.7m from floor level, to prevent any loss, or perceived loss, of privacy to the occupants of No. 1A Deansgrave.

It is not considered that the proposed scheme would have any other unduly detrimental impacts on the daylight, outlook or privacy enjoyed by residents of neighbouring properties.

Given the proximity of the site to other residential properties it is considered appropriate to include a condition restricting the hours of construction, to prevent noise nuisance.

Concerns have been raised by objectors relating to the stability of the site. In this regard, there is no reason to suspect that the site cannot be developed without adversely impacting land stability – however given that other historic developments in proximity to the site have resulted in land instability (requiring remedial works), it is considered necessary to include a condition requiring confirmation from a suitably qualified structural engineer that the proposed foundation design for the dwelling will not cause any adverse impacts on land stability, or the stability of neighbouring properties.

Subject to the above conditions, 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, and has stated the following:

“For the avoidance of doubt the visibility splay shown on the 'Proposed site plan, Section and elevations' 17/2266/01 crosses third part land where there is no agreement between the applicant and the landowner to complete these works. However the visibility splay that is shown on the drawing is not necessary to accommodate the vehicle movements at a driveway access to a single dwelling.”

In any case, the applicant has now provided amended plans which show that the proposed visibility splay will not involve any works on land outside of their ownership.

The Local Highway Authority has requested the inclusion of the conditions requiring the following:

- Submission and approval of a construction traffic method statement.
- Submission and approval of a surface water drainage scheme for the site.
- The vehicular crossing on Holcombe Road and driveway shall be completed to at least base course level prior to the commencement of any other works to provide a safe access and turning area for construction traffic and shall be completed in its entirety prior to the first occupation of the dwelling.
- The driveway, turning and parking spaces shall be provided prior to first occupation and maintained thereafter for the purposes of parking and turning vehicles.

Subject to the above, the scheme is considered acceptable in terms of highway safety.

Ecology and Landscaping

The Council's ecology consultant has raised no objection to the proposed scheme, subject to a condition preventing works to trees taking place during bird breeding season. They have also suggested an informative in relation to reptiles and hedgehogs.

The submitted landscaping proposals are considered appropriate, but it is considered necessary to include a condition requiring full details of hard and soft landscaping and boundary treatments to be submitted prior to development taking place to ensure that the final scheme is of appropriate appearance.

Subject to the above, the scheme is considered acceptable in terms of ecology and landscaping.

9. RECOMMENDATION

Approve planning permission subject to conditions.

10. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle within the urban boundary and subject to conditions, it is not considered that it will have an unacceptable impact on visual amenity, neighbour amenity or highway safety. As such, it is considered that the proposed development accords with the National Planning Policy Framework and Policies 1, 9, 18, 23 and 24 of the Core Strategy DPD.

11. 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:

- Application form date stamped 26th February 2018 by the Local Planning Authority.
- Site Location Plan (drawing number 308ROS-105) date stamped 24th April 2018 by the Local Planning Authority.
- Proposed Site Plan, Section and Elevations (drawing number 17/2266/04 Rev. 0) date stamped 17th April 2018 by the Local Planning Authority.
- Proposed Floor Plans (drawing number 17/2266/02 Rev. 0) date stamped 26th February 2018 by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. No development shall take place until full details (including samples) of the proposed facing materials for the elevations and roof of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be constructed with natural

coursed stone elevations and a natural slate roof. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. No development shall take place until full details of all proposed hard and soft landscaping (including planting), and boundary treatments forming part of the development 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. All boundary treatments shall be erected prior to first occupation of any of the dwellings hereby approved. All planting shall take place in the planting season immediately following substantial completion of the development, or first occupation of the dwelling hereby approved (whichever is the sooner). Any plants that are removed, die or become diseased within five years from the date of planting shall be replaced by plants of the same size and species in the following planting season.

Reason: Insufficient information has been provided with the application. This is needed before the development commences to ensure that appropriate landscaping is incorporated before building starts; in the interests of visual and neighbour amenity.

5. No development shall take place until full details of the proposed design of the foundations of the dwelling hereby approved (and any associated retaining structures) have been submitted to and approved in writing by the Local Planning Authority. The submitted foundation and retaining structure designs shall be by suitably qualified persons. The development shall thereafter be implemented in accordance with the approved details.

Reason: Insufficient information has been provided with the application. This is needed before the development commences to ensure that the development will not increase the risk of land instability.

6. All windows at first floor level on the east elevation of the dwelling hereby approved shall be fitted with obscure glass, and shall be non-opening below a height of 1.7m from the associated room floor level. The windows shall be retained as such at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.

7. Prior to commencement, including any works of demolition, a construction method statement shall be 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
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: Insufficient information has been provided with the application. This is needed before the development commences to ensure that highway safety is not compromised.

8. No works shall take place on site until the vehicular crossing on Holcombe Road and the approved access driveway have been completed to at least base course level. The vehicular crossing and driveway shall be completed in their entirety prior to the first occupation of the dwelling. The new access shall be used by all construction traffic associated with the development hereby approved. No vehicles associated with the development shall access the site via Deansgrave.

Reason: In the interests of highway safety.

9. The driveway, turning and parking spaces forming part of the development hereby approved shall be provided prior to first occupation of the dwelling, and shall be retained and maintained thereafter for the purposes of parking and turning vehicles.

Reason: To ensure the provision of adequate parking and turning facilities for the lifetime of the development.

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. Prior to the commencement of any development, 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 shall be 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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: Insufficient information has been provided with the application. This is needed before the development commences to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

12. 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: Insufficient information has been provided with the application. This is needed before the development commences to safeguard future occupants of the site from hazards associated with land contamination, and in the interests of preventing pollution.

13. Pursuant to condition 12 and prior to first use or occupation 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: To safeguard future occupants of the site from hazards associate with land contamination, and in the interests of preventing pollution.

14. No works to trees shall be undertaken in the main bird breeding season (March to July inclusive), unless a survey has been carried out immediately prior to works taking place by a suitably qualified ecologist, and a report confirming the absence of nesting birds has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting nesting birds.

12. 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

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. The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby 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 should be advised to contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.
3. All common species of reptile are protected against killing and injuring (W&CA) and are UK Biodiversity Priority Species (Natural Environment & Rural Communities Act 2006) along with hedgehog. There is a small but unlikely possibility that slow worm and grass snake could be unexpectedly encountered during site clearance as both these species can occur in urban/suburban situations, have large ranges/territories and often seek dense cover. If reptiles are encountered or suspected to be present on site during the course of works, then activity should cease and appropriate advice should be sought from a qualified ecologist and implemented thereafter. If hedgehogs are found during works they should be moved carefully by hand, to a safe place of cover out of the works area.

SITE LOCATION PLAN

AREA 2 HA

SCALE: 1:1250 on A4

CENTRE COORDINATES: 378530 , 422492

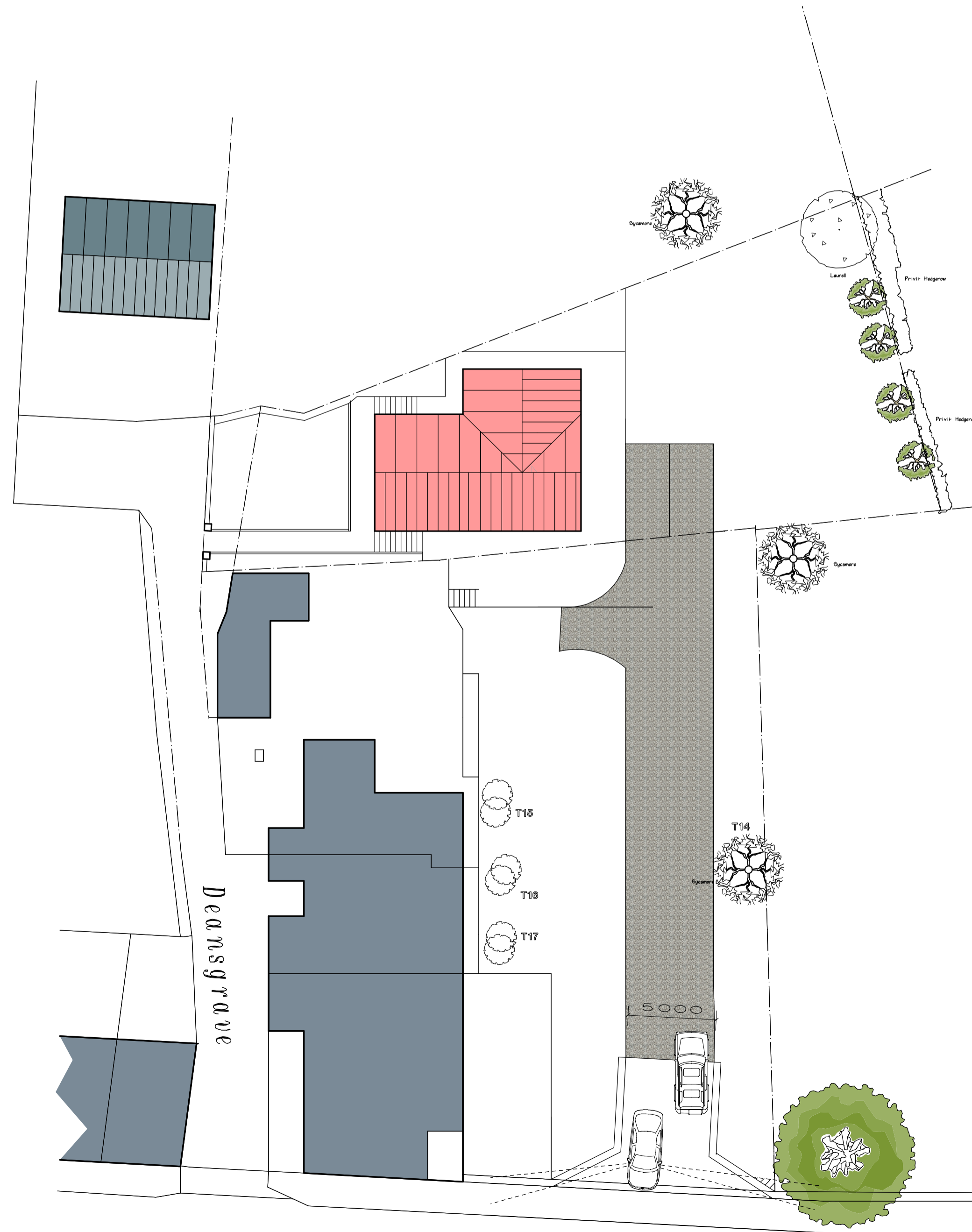
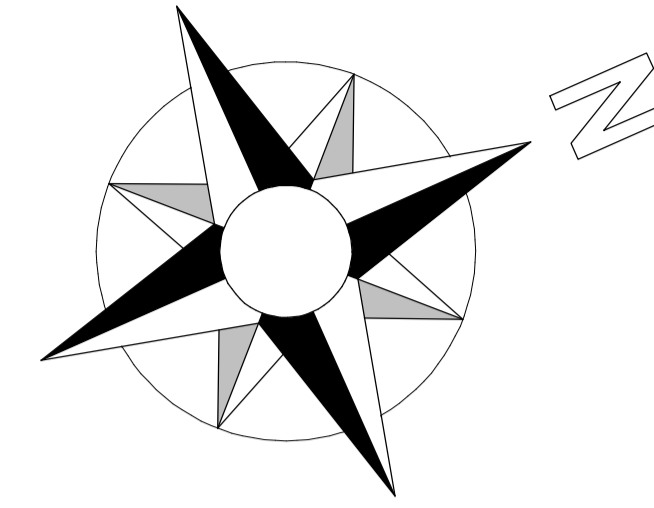


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Proposed Site Plan. scale 1;200



Existing Site Plan. scale 1;200

revision	date

notes

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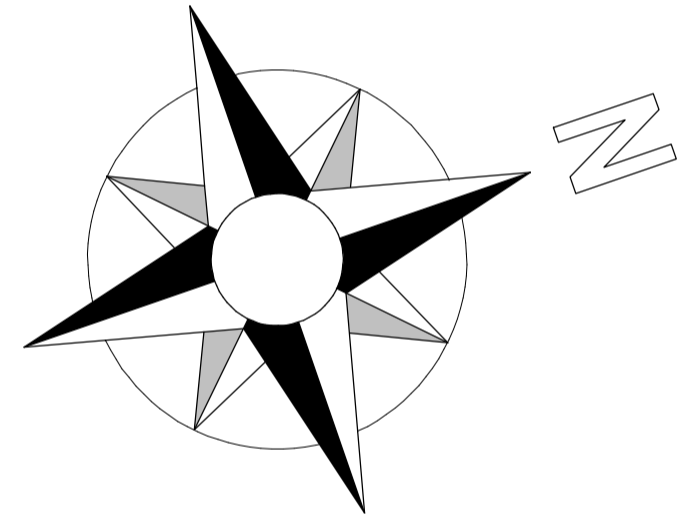
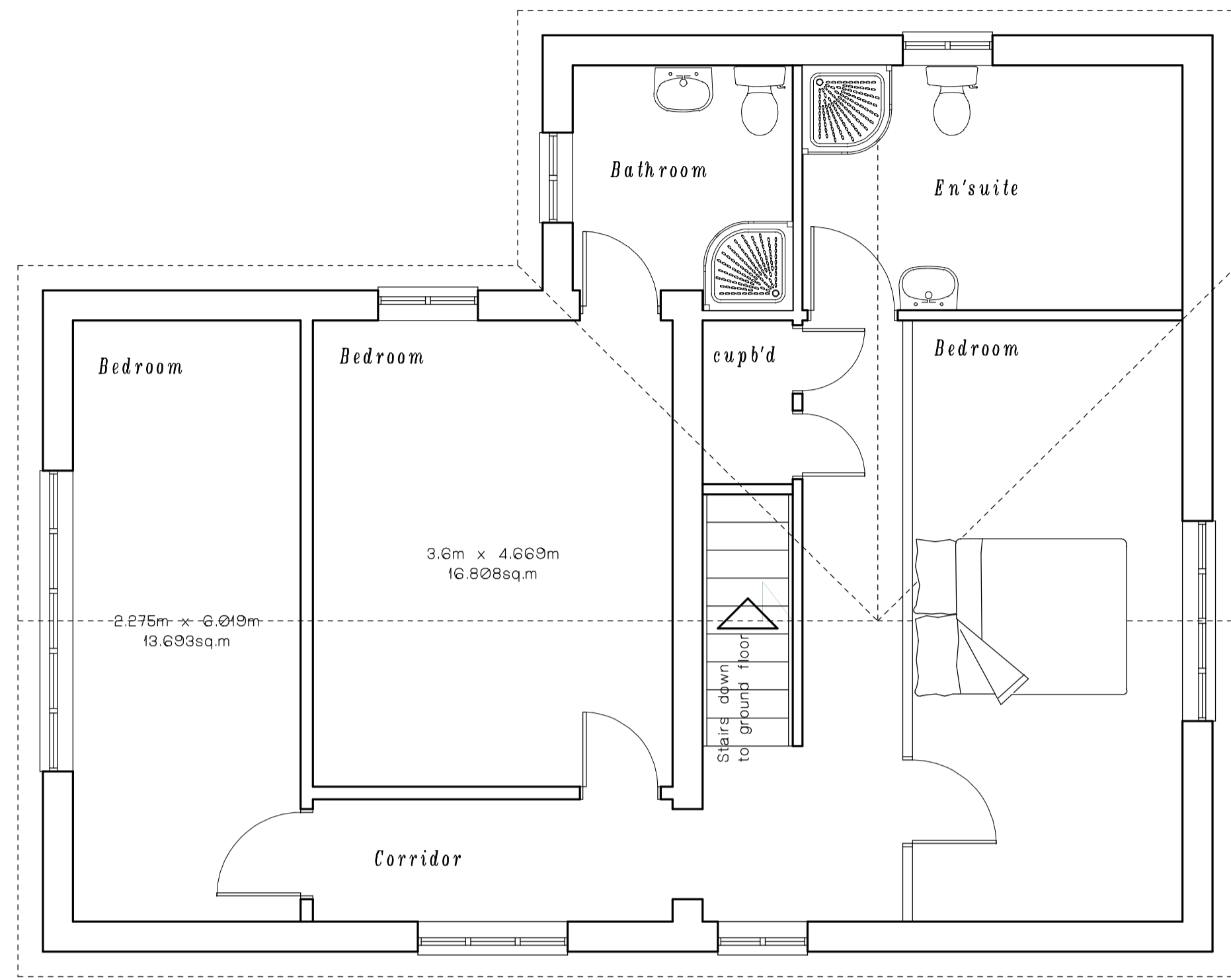
project

Proposed New Detached Dwelling
 on plot adjacent to
 1a Deansgrave.
 Haslingden.

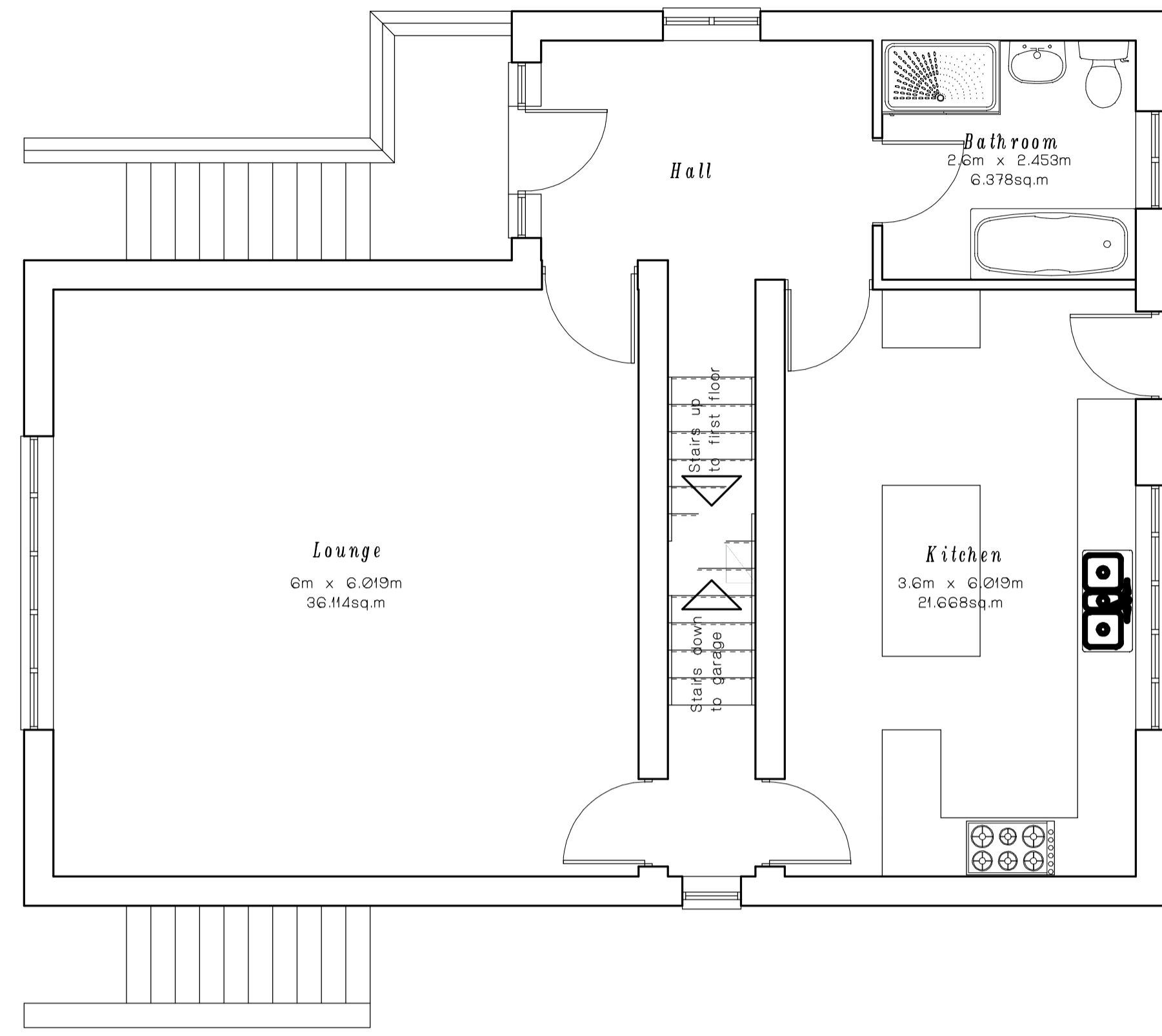
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Existing & Proposed site Plans
 Indication tree to be removed

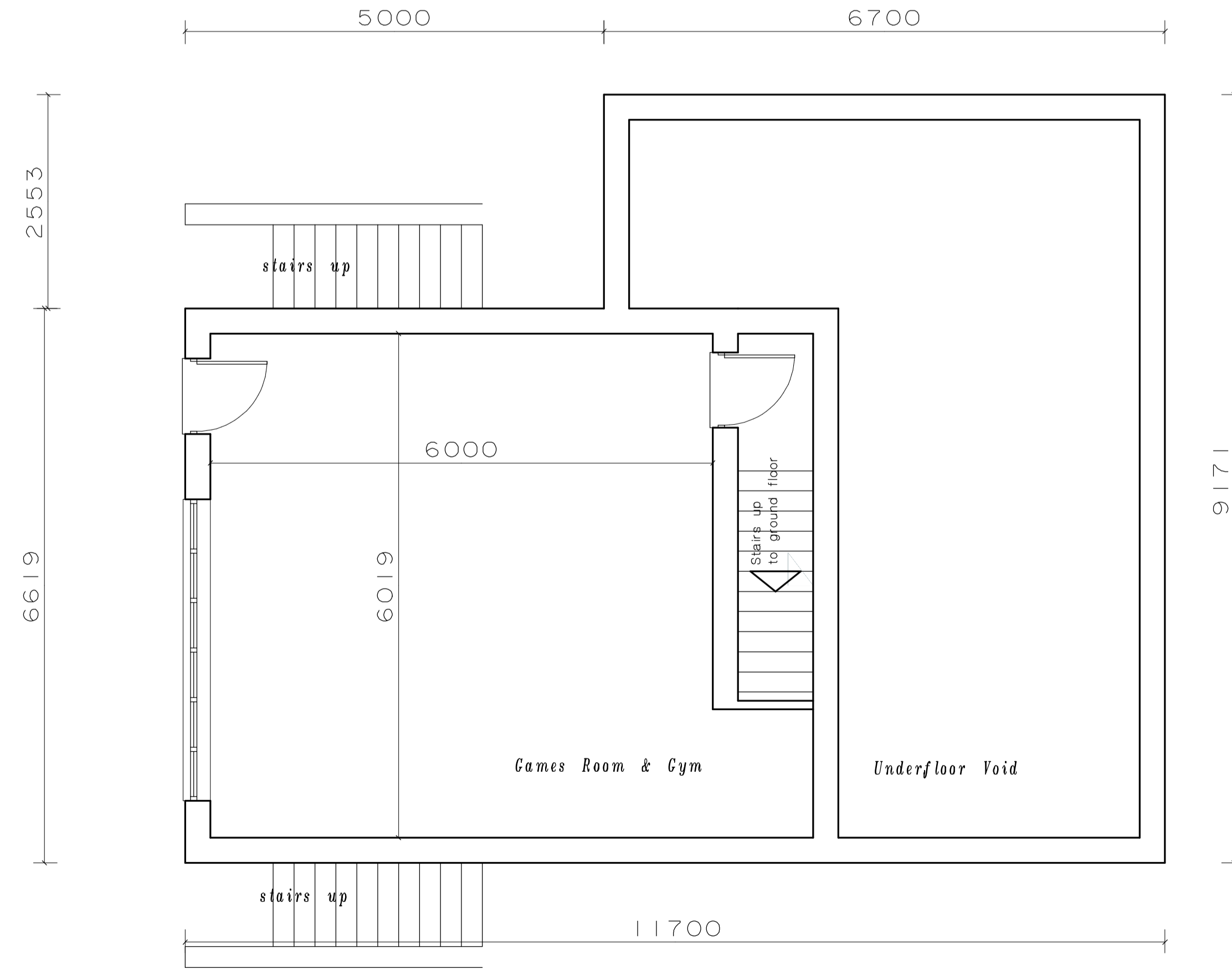
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First Floor Layout



Ground Floor Layout



Lower Ground Floor Layout

revision	date

notes
X

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project
Proposed new detached dwelling
Deansgrave
Helmsshore,
Haslingden

title
Proposed Floor Plans

scale 1:50	drawn AF	date 12/10/17
drwg. no 17/2266/02	rev. 0	