

Application Number:	2018/0202	Application Type:	Full
Proposal:	Full: Erection of 26 no. dwellings comprising 8no. 3 bedroom dwellings and 18no. 4 bedroom dwellings and associated works and landscaping	Location:	Land to rear of 32 Greensnook Lane, Bacup
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	28 th August 2018
Applicant:	B & E Boys Ltd	Determination Expiry Date:	31 st August 2018
Agent:	Hourigan Connolly		

Contact Officer:	James Dalglish	Telephone:	01706 238643
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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):	Major

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 at the end of this report and a Section 106 Agreement unless it is proven on viability grounds that planning obligations would render the scheme unviable. Also that delegated authority is granted to the Planning Manager to refuse the application if a S.106 Agreement is required and not completed.

APPLICATION DETAILS

2. SITE

The application site (of approximately 1.43 hectares) lies in a relatively elevated position to the north east of Bacup. The site is to the north of Greensnook Lane and Beech Street, and is bounded to the north by Todmorden Old Road and Greens Lane. The site is more or less surrounded by existing residential development, which extends further toward the skyline than the application site.

In the central southern part of the site there is a single existing dwelling, surrounded by trees. Christ Church (a large stone built church, which is a Grade 2 Listed Building) lies on the southern boundary and forms a dominant visual feature in the immediate landscape.

The site is surrounded by dwellings of varied design, and which utilise a wide variety of construction materials. The site boundaries to the west and north of the site are generally delineated by local stone walls. Several TPO trees are located on the north and west boundaries of the site.

Work has commenced on site to develop some of the plots forming part of the wider development previously approved under 2015/0358.

The site is not within a Conservation Area, and is entirely within the designated urban boundary.

3. RELEVANT PLANNING HISTORY

1998/0090 - Outline Residential Development (Approved)

2001/0425 - Reserved Matters - Proposed residential development (Refused, and appeal subsequently dismissed)

2003/0530 - Residential Development of 34 no. units (Refused)

2004/0177 - Erection of two storey building containing 6 apartments with associated car parking accessed from Greensnook Lane (Approved and commenced but only a foundation completed)

2005/0066 - Residential Development of 55 units (Withdrawn)

2006/0050 - Residential Development of 55 units (Refused)

2015/0358 - Erection of 33 no. dwellings and associated works and landscaping (Approved)

2017/0408 - Discharge of conditions 3 (method statement), 4 (drainage), 5 (drainage management plan), 7 (coal mining), 8 (badger survey), 9 (trees), 10 (ecology), 11 (samples of facing materials), 12 (doors and windows), 13 (landscaping) and 14 (site investigation) pursuant to Planning Approval 2015/0358, relating to plots 1, 2, 32 and 33 (Approved)

4. PROPOSAL

Planning permission (ref: 2015/0358) was previously granted for the construction of 33 no. dwellings on the site. Details reserved by conditions on 2015/0358 were subsequently approved for four of the house plots in question, and development has commenced on the construction of those plots on site.

Following a re-appraisal of the site, the developer now seeks planning permission for an amended scheme of 26 no. dwellings.

Planning permission is now sought for the erection of 26 dwellings (comprising 8no. 3 bedroom dwellings and 18no. 4 bedroom dwellings), with associated landscaping and access works. The scheme now proposed would have a more compact layout, with less development of the northern part of the site. The scheme would still comprise a mixture of detached and semi-detached two and three-storey dwellings; with similar house type designs to those approved under 2015/0358.

The dwellings are proposed to be constructed from artificial stone with grey roof tiles.

Access into the site would be similar to that previously approved, with two separate points of access off Greensnook Lane, providing access to the two cul-de-sacs of the development. The two cul-de-sacs would be linked by a pedestrian footway.

Several trees on the site are shown on the submitted 'Tree Retention Removals and Protection' drawing as being proposed for removal (some have already been removed as part of the implementation of the previously approved scheme). Several other trees are to be retained, and a proposed landscape layout has been submitted which details proposals to plant new trees and shrubs around the development.

5. POLICY CONTEXT

Development Plan

Rossendale Core Strategy DPD (2011)

AVP 4	Area Vision for Rawtenstall
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Preserving and Enhancing the Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

National Policy

National Planning Policy Framework (2018)

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 5	Delivering a Sufficient Supply of Homes
Section 6	Building a Strong, Competitive Economy
Section 8	Promoting Healthy and Safe Communities
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

Other Material Planning Considerations

RBC Alterations and Extensions to Residential Properties SPD
RBC Open Space and Play Equipment Contributions SPD (2008)
National Planning Practice Guidance

6. CONSULTATION RESPONSES

LCC Highways	No objection subject to conditions
The Coal Authority	No objection
LCC Lead Local Flood Authority	No comments have been received
Tree Officer	No objection subject to conditions
Ecology	No objection subject to conditions
United Utilities	No objection subject to conditions
RBC Conservation Officer	Concern raised and requested amendments
LCC Planning Contributions	No education contribution required
RBC Operations	No comments have been received
Fire Brigade	No objection, provided advice
RBC Environmental Health	No objection
Cadent Gas	No objection, recommended informative

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 01/06/2018 and neighbour letters were sent out on 25/05/2018. A notice was published in the Rossendale Free Press on 08/06/2018.

Seven objections have been received raising the following issues:

- Harm to neighbour amenity.
- Disturbance to neighbouring residents.
- Access / parking / traffic congestion issues.
- Highway safety concerns.
- Trees should be protected and retained.
- Flooding issues.
- Harm to wildlife.
- Harm to visual amenity.
- Access to property boundaries.
- Parking spaces may result in people congregating and causing disturbance.

8. ASSESSMENT

The main considerations in this case are as follows:

1) Principle; 2) Visual Amenity and Heritage; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety; 5) Planning Contributions; 6) Ecology and Landscaping

Principle

The acceptability in principle of residential development of the site has already been established under planning approval 2015/0358. The site is within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.

As such, the scheme is considered acceptable in principle.

Visual Amenity and Heritage

Paragraph 127 of the Framework states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

It is not considered that the proposed scheme would result in a development with a significantly greater visual impact than that previously approved under 2015/0358. The scale and massing of the proposed house types is comparable, and their designs are appropriate to the context of the area. It is considered appropriate to include a condition to ensure that the proposed facing materials (particularly the stone used in construction of the elevations and the roofing materials) are submitted and approved prior to the commencement of development to ensure visual compatibility with the surrounding developments in both short and long distance views.

The proposed scheme would actually result in less development towards the raised northern end of the site than that previously approved – with the bulk of the development concentrated around the central and southern portion of the site.

The most significant clusters of trees (located on the western and northern edges of the site) would be retained, and numerous new trees and shrubs would be planted around the borders and within the site. A scheme of tree protection measures has been submitted which demonstrates how the existing trees are to be protected during construction works.

The Council's Conservation Officer has raised concerns over the design and proposed facing materials for the dwellings. However, it remains the case that there is an extant planning permission for the construction of 33 no. dwellings on the site, which the developer has already begun to implement. The approved dwellings now under construction are of similar design and facing materials to those now proposed as part of the current planning application.

Whilst the Conservation Officer's concerns are noted, it is not considered that it would be appropriate to refuse the current application on the grounds of inappropriate design and facing materials given that a larger residential scheme could be constructed on site with the same design / materials as now proposed. The scheme now proposed is slightly smaller in scale than the extant planning approval, and would result in the construction of fewer dwellings on the site.

Similarly, in terms of the impact on the nearby listed building, it is considered that the scheme as now proposed would have no greater impact on its setting than the extant permission for a larger residential development on the site.

The scheme is considered acceptable in terms of visual amenity and heritage impact.

Neighbour Amenity

Objectors' comments are noted, however it is not considered that the scheme now proposed would have any significantly greater impact on neighbour amenity than the scheme previously approved under 2015/0358.

Separation distances between neighbouring properties are considered acceptable, and it is not considered that the proposed development would result in undue harm to neighbours' daylight, outlook or privacy.

The scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority has confirmed that it has no objection to the proposed scheme following the receipt of amended plans which include minor amendments to the parking and access layout in line with its recommendations.

Several conditions have been requested including:

- Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road, stepped pedestrian access and Church parking spaces within the development shall be submitted to and approved by the local planning authority. They shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into

with the Highway Authority or a private management and maintenance company has been established.

- Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads 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, unless otherwise agreed in writing with the Local Planning Authority.
- The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.
- Prior to the occupation of each dwelling the driveways parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.
- Prior to first occupation each dwelling shall have a secure cycle store for at least 2 cycles.
- Prior to the first occupation each dwelling shall have an electric vehicle charging point.

Planning Contributions

Policy 22 of the Core Strategy relates to planning obligations and states that where developments will create additional need for improvements / provision of services or facilities, contributions will be sought to ensure that the appropriate improvements are made.

In accordance with the Council's Open Space & Play Equipment Contributions SPD the development is required to contribute to:

- Play Areas: £541 per dwelling
- Outdoor Sports Provision: £566 per dwelling

The Education Authority has confirmed that no education contribution is required from this development.

A viability assessment has been submitted with the application setting out the extent of planning obligations which can be delivered from this scheme on viability grounds.

Paragraph 57 of the Framework states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

The viability appraisal is currently being assessed by the VOA and their findings will ascertain whether, taking into account the advice in the Framework that viability is a material planning consideration, the proposal can be considered acceptable without meeting the required planning contributions.

Ecology and Landscaping

The Council's ecology consultant has no objection to the proposed scheme, subject to the inclusion of the same conditions which were recommended for planning application 2015/0358.

The Council's tree officer also has no objection to the scheme, and considers that the proposed planting is appropriate and adequately compensates for any loss of trees and vegetation as a result of the development.

As such, the scheme is considered acceptable in terms of ecology and landscaping.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle. Given that the site is contained on all sides by existing residential development, it is not considered that the proposed scheme would cause undue harm to landscape character in long distance views, despite its relatively elevated position. It is considered that the development would not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies 1, 8, 9, 18, 22, 23 and 24 of the adopted Core Strategy DPD.

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 unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority:

- Application Form received on 18th May 2018.
- M3330.PL.01 – Site Location Plan – received on 18th May 2018.
- M3330.PL.02M - Site Layout Plan - received on 8th August 2018.
- 1672-03F – Landscape Layout - received on 8th August 2018.
- 1672-201D – Planting Plan (1 of 2) - received on 8th August 2018.
- 1672-202D – Planting Plan (2 of 2) - received on 8th August 2018.
- 1672-102C – Tree Retention, Removals and Protection - received on 18th May 2018.
- 30269-1F – Highways Drainage Layout - received on 18th May 2018.
- 30269-8B – External Levels Layout - received on 18th May 2018.
- 5742-01-04 – Drainage Strategy for FRA Purposes - received on 18th May 2018.
- M333 PL 18 – Site Section and Fence Types - received on 18th May 2018.
- M3330 PL 03 A – Type A1 House Type - received on 18th May 2018.
- M3330 PL 05 A – Type C House Type - received on 18th May 2018.
- M3330 PL 07 A – Type D1 House Type - received on 18th May 2018.
- M3330 PL 09 A – Type E1 House Type - received on 18th May 2018.
- M3330 PL 11 A – Type F1 House Type - received on 18th May 2018.
- M3330 PL 13 A – Type G1 House Type - received on 18th May 2018.
- M3330 PL 15 – Type A House Type - received on 18th May 2018.
- M3330 PL 17 – Type D House Type - received on 18th May 2018.
- Proposed Materials Schedule - received on 18th May 2018.

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

2. Within 3 months of commencement of development, details of the proposed arrangements for future management and maintenance of the estate road, stepped pedestrian access and Church parking spaces within the development shall be submitted to and approved by the Local Planning Authority. They shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure appropriate maintenance arrangements are in place, in the interests of highway safety.

3. Within 3 months of commencement of development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads shall be submitted to the Local Planning Authority for its approval. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interests of highway safety.

4. Prior to first occupation of any of the dwellings hereby approved, the internal estate roads shall be constructed in accordance with the approved engineering details to at least base course level.

Reason: In the interests of highway safety.

5. Prior to the occupation of each dwelling its driveways and parking areas shall be constructed, surfaced in a bound material and made available for use. The driveways and parking areas shall be maintained for vehicular access / parking purposes for the as long as the development is occupied.

Reason: To ensure adequate off-street parking provision for the development, in the interests of highway safety.

6. Prior to first occupation each dwelling shall be provided with a secure cycle store for at least 2 cycles.

Reason: In the interests of promoting sustainable modes of transportation.

7. Prior to the first occupation each dwelling shall be provided with an electric vehicle charging point.

Reason: In the interests of promoting sustainable modes of transportation.

8. The development shall be carried out in accordance with the Traffic Management Plan (dated July 2017) and Health and Safety Plan (for B&E Boys Ltd) (dated January 2017) approved as part of the discharge of condition 3 pursuant to planning approval 2015/0358.

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

9. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

10. 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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer shall be restricted to 10 l/s.

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

11. No earthworks shall take place until a re-survey of the site has been carried out by a suitably qualified ecologist for badger setts, and the findings in the form of a report have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting any badgers on the site.

12. 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 clearance, and written confirmation that no active bird nests are present has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting nesting birds on the site.

13. The development shall be carried out in strict accordance with the remediation details approved under application 2017/0408 (approval of details reserved by planning permission 2015/0358), comprising:

- RGS Geotechnical Reports J3063/16/E-1 and J3063/15/E
- Additional testing / sampling as specified in the email of 20th December 2017 (11:44) from Rob Palmer (RGS) to Martin Plant (Salford City Council).

Reason: To mitigate hazards associated with land contamination and to prevent pollution.

14. Pursuant to condition 13 and prior to first occupation of any of the dwellings 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 safeguarding the development from hazards associated with land contamination.

15. Any boundary walls/fences/gates/hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of any of the dwellings hereby approved. Any measures for the protection of trees to be retained forming part of the approved scheme shall be complied with for the duration of ground works / construction works associated with the development hereby approved. Any planting forming part of the approved scheme shall be carried out in the following planting season and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD.

16. No development shall take place until a management and maintenance plan for the large area of grassland to be retained on site (as shown on drawing reference 1672-103_F (Landscape Layout)) has been submitted to and approved in writing by the Local Planning Authority. The area of grassland shall thereafter be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of visual and neighbour amenity.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2 Part 1 Class F (hard surfaces incidental to the enjoyment of a dwelling house), other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to manage the appearance of the development and to safeguard the character and visual amenities of the area, and to ensure that adequate soft landscaping is retained within the curtilage of the dwellings in accordance with Policies 1 and 24 of the Core Strategy.

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_adop_ted

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. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

3. Whilst the trees to be felled have been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during felling all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.