

Application Number:	2018/0255	Application Type:	Outline
Proposal:	Outline application (including access, layout, landscaping and scale) for 4no. three-bedroom dwellings.	Location:	Land Adjacent To Market Street, West Of 40 Tonacliffe Road, Whitworth, OL12 8SS
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	10/08/2018
Applicant:	Mr P Worsley	Determination Expiry Date:	07/09/2018
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:	✓ Councillor R Neal Traffic / Access / Highway Safety
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

Approve outline planning permission subject to the conditions set out in the report.

APPLICATION DETAILS

2. SITE

The application relates to a plot of land located immediately to the east of Market Street in Whitworth. The site is sloping and covered in low-lying vegetation, and hosts a number of trees covered by Tree Preservation Orders.

There is a row of stone-built residential properties to the south, and further residential properties to the east along Tonacliffe Road at higher level.

The site is bounded by trees and dry stone walling on its western edge facing Market Street.

The site relates to land within the defined urban boundary

3. RELEVANT PLANNING HISTORY

2017/0336 - Outline application (including access, landscaping, layout and scale) for the erection of 4 No. three-bedroom dwellings (Refused).

2004/0364 - Part removal of existing outbuilding store and construction of 2 storey building, comprising ground floor double garage and first floor office for home use only (Approved).

4. PROPOSAL

The applicant seeks outline planning permission (including access, landscaping, layout and scale) for the erection of 4 No. three-bedroom dwellings.

It is proposed that the houses would be two pairs of semi-detached three-storey split level properties, each with a footprint of around 9m x 5.5m, located centrally on the site. A short access road would be constructed leading from the front of the dwellings directly on to Market Street to the west. Access to the dwellings for the occupants would be up a flight of stairs to the side of each dwelling and through a door at first floor level in the side elevation.

The proposed dwellings would have pitched roofs with projecting bays to the front elevation. Although approval of the appearance of the development is not sought at this stage, the submitted drawings indicate that the dwellings would have five windows in their front elevations, with two windows and a set of patio doors in the rear elevations. The drawings indicate that the dwellings would be constructed of coursed artificial stone with grey concrete tiled roofs, and would utilise timber effect UPVC windows and doors.

Each dwelling would feature an integral single garage at ground floor level, with space to park a further car on a driveway to the front of the garage.

Amendments since the previous application include additional garden areas to the rear and sides of the properties, including level patios, the repositioning of the proposed vehicular access from Market Street and a pedestrian access link to Market Street at the south end of the site.

On 18 December 2007, a tree replacement notice was issued for this site which required replacement planting of a total of 37 trees of several species following the unlawful felling of trees

on the site that were the subject of a Tree Preservation Order (TPO). Some of these re-planted trees are proposed for translocation to facilitate the development, and it is proposed to plant several new trees as part of the development, primarily along the western edge of the site towards Market Street.

5. POLICY CONTEXT

Development Plan

Rossendale Core Strategy DPD (2011)

AVP 1	Whitworth
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 considerations

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

Planning Practice Guidance
RBC 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 comments have been received
Land Contamination	No objection subject to conditions
RBC Operations	No comments have been received
The Coal Authority	No objection
Tree Consultant	No objection subject to conditions
Whitworth Town Council	No comments received on behalf of the Council

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted and neighbour letters were sent out.

Three objections and one letter of support have been received raising matters that can be summarised as follows:

- Traffic issues
- Harm to highway/pedestrian safety
- Inadequate access and parking
- Impact on trees
- Inappropriate development

One letter of support has been received on condition that the proposed access is as submitted and that some screen planting is implemented between the site and neighbouring properties to the south, materials are sympathetic and an existing stone arch in the market Street frontage is retained.

8. ASSESSMENT

Principle

1. The site is located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.
2. Further to The Coal Authority's objection to the previous application, the proposal is supported by a Coal Mining Risk Assessment Report, which concludes that there may be a risk of voids and also from coal gas and recommends that boreholes are drilled and gas monitoring is carried out.
3. Based on the submitted report, the Coal Authority now has no objection to the scheme currently proposed subject to conditions.
4. It is considered that the development is acceptable in principle.

Visual Amenity

5. Approval is not sought at this stage for the appearance of the development. Full details of the appearance of the proposed dwellings will be subject to a reserved matters application.
6. Policy 1 seeks to complement and enhance the area(s) surrounding development sites through the use of inclusive design and locally distinctive materials.
7. Policy 23 of the Core Strategy requires that new developments respect and respond to local context, distinctiveness and character. Policy 24 seeks to ensure that new developments are compatible with their surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing.
8. Although the submitted plans indicate that artificial stone and concrete roofing tiles are to be used in the construction of the proposed dwellings, it is not considered that such materials would be appropriate in the context of the site. It is considered necessary to include a condition requiring that natural stone is used on the elevations of the proposed dwellings, and that their roofs are constructed of natural slate.
9. The proposed layout of the development would maintain an adequate degree of separation from the highway and would avoid the dwellings being unduly dominant in the street scene. The proposed landscaping scheme would soften the appearance of the development when viewed from Market Street and would ensure that the development properly complements

the surrounding area. The Council's tree consultant has no objection to the scheme (subject to conditions) and considers that the development would result in a net gain in terms of tree provision on the site.

10. It is considered appropriate to include conditions in line with the tree consultant's recommendations regarding the protection of TPO trees on site.

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

Residential and Neighbour Amenity

12. Given the relative siting and orientation of the properties it is not considered that the proposed outline scheme would result in unacceptable impacts on privacy, outlook or daylight for any nearby residential properties.

13. As noted above, the previous proposal was partly refused on the basis of a lack of the significant provision of private amenity space for the occupants of the proposed family dwellings.

14. The present proposal indicates that a larger levelled patio area would be provided to the rear of the dwellings, and plans have been submitted to demonstrate that a wider area of garden curtilage would be provided for each house.

15. It is considered necessary to include a condition requiring the submission and approval of a scheme of boundary treatment to separate the amenity space allocated to individual plots. This is required to provide adequate levels of privacy to occupants utilising their outdoor space.

16. Subject to the above, the scheme is considered acceptable in terms of residential amenity.

Access, Parking and Highway Safety

17. The previous application was refused partially for reasons relating to access and highway safety, specifically in relation to the position of the proposed vehicular access/egress to Market Street and a failure to demonstrate that such would maintain highway safety.

18. As noted above, the proposed vehicular access has been repositioned to the north. The existing access from Market Street at the southern end of the site frontage would be closed to vehicular traffic and this would be for pedestrian access only. Proposed off-site highway works would include the narrowing of the Market Street carriageway by the provision of a footway across the site frontage with dropped kerb crossing points to the north of the proposed access. Such works would enable visibility sight lines of 2.4m x 52m in either direction from the vehicular access.

19. Following the previous refusal, the applicant engaged with the Local Highway Authority (LCC Highways) to agree an access proposal that would be acceptable. The resultant proposal is considered acceptable by LCC Highways, who confirm that the visibility splays would enable safe access and egress from/to Market Street and that the off-site highway works would deliver wider benefits in terms of improved pedestrian access on the east side and Market Street and a crossing point, both of which would improve accessibility to bus stops.

20. Bins would be collected from Market Street in a similar manner to neighbouring properties to the south, from the bin stores shown on the submitted plans.
21. Subject to conditions relating to construction traffic/management, closure of the existing access, a scheme of site access construction, management of the unadopted carriageway, provision of the pedestrian access and electric vehicle charging points, The Local Highway Authority is satisfied that the proposal would not be detrimental to highway safety.
22. Subject to the above conditions, the scheme is considered acceptable in terms of access, parking and highway safety.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle within the urban boundary. 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 AVP2, 1, 8, 9, 17, 18, 23 and 24 of the Council's Core Strategy DPD (2011).

10. CONDITIONS

1. An application for approval of the reserved matter (appearance) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The outline planning permission hereby approved relates to the erection of four residential units which shall be carried out in strict accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form received as valid on 30th May 2018.
- Site Location Plan received as valid on 30th May 2018.
- Landscape Layout (drawing number 408/02A) received as valid on 30th May 2018.
- Proposed Plans and Elevations (drawing number PW-14-10-17-D) received on 10th August 2018.
- Amended Site Plan (drawing number PW-10-08-18-C) received on 10th August 2018.
- Proposed Cross Section (drawing number PW-10-08-18-E) received as valid on 30th May 2018.
- Arboricultural Method Statement (Mulberry, dated 30th August 2017) received as valid on 30th May 2018.
- Method Statement for Relocation of Semi-mature Trees (Penny Bennett Landscape Architects, dated March 2017) received as valid on 30th May 2018.
- No Dig Area (Penny Bennett Landscape Architects Drawing Number 408/03) received as valid on 30th May 2018.
- Tree Pit for Transplanted Trees (Penny Bennett Landscape Architects Drawing Number 408/04) received as valid on 30th May 2018.

Reason: To ensure the development complies with the approved plans and submitted details, and in the interests of protecting trees on site.

3. As part of the first reserved matters application full details of the alignment, height and appearance of all fences, walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority.

No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: The required details are not provided as part of this outline application and are required at an early stage in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

4. As part of the first reserved matters application full details the following details shall be submitted to and approved by The Local Planning Authority in writing:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings
- b) Details of the colour, form and texture of all hard ground- surfacing materials.

Notwithstanding what is shown on the approved plans, the dwellings shall be faced in natural coursed stone on their front and side elevations, and shall have natural slate roofs.

The development thereafter shall be constructed utilising the approved materials

Reason: The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site.

5. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

6. No development shall take place until:

- A scheme of intrusive site investigation has been undertaken which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity; and
- A report of findings arising from the intrusive site investigations, including full details of any remedial works found to be necessary, has been submitted to and approved in writing by the Local Planning Authority; and
- The required remedial works have been implemented in full.

Reason: In the interests of safeguarding the development from hazards associated with past coal mining activity.

7. 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) a Preliminary Risk Assessment report, including a conceptual model and a site walk over survey.

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

iii) 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;

iv) 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 safeguarding the development from hazards associated with land contamination.

8. Pursuant to condition 7 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.

9. No development shall take place until Root Protection Area protective fencing has been installed in accordance with BS 5837 (2012) to the two Sycamore trees (T1 and T2) as shown on the drawing in the submitted Arboricultural Implications Assessment (by Mulberry, dated 30th August 2017).

Reason: To safeguard trees from damage, in the interests of visual amenity.

10. All new planting forming part of the approved scheme shall be carried out in the first planting season either following completion of the development or following first occupation of the last dwelling to be occupied (whichever is the sooner).

Any trees or plants which within a period of 5 years of first occupation of the final dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All lawns, trees, shrubs and hedges located forward of the front elevations of the dwellings hereby permitted shall be retained thereafter and any that die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to enhance the biodiversity value of the site.

11. No development shall take place until all TPO trees which are proposed to be transplanted have been transplanted in strict accordance with the submitted Method Statement for Relocation of Semi-mature Trees (Penny Bennett Landscape Architects, dated March 2017).

Reason: To safeguard trees from damage, in the interests of visual amenity.

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

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

13. No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in 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 shall 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: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

14. 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 – mechanical sweeping of Market Street during major earthmoving operations.
- vi) Measures to control the emission of dust and dirt during construction
- vii) Measures to control surface and ground water from the site
- viii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- ix) Details of working hours

Reason: In the interests of highway safety.

15. The new site access shall remain ungated.

Reason: In the interests of highway safety.

16. No development shall take place until a scheme for the construction of the site access, separate pedestrian access and the off-site highway works has been submitted to and approved in writing by the Local Planning Authority.

No part of the development shall be occupied until the works have been carried out in accordance with the approved details, and the existing vehicular access has been permanently closed.

Reason: In the interests of highway safety.

17. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets and pedestrian access within the development have been submitted to and approved by the Local Planning Authority. The streets and pedestrian access shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: In the interests of highway safety.

18. No development shall be commenced until full engineering, drainage, lighting and constructional details (to Lancashire County Council's adoptable standards specification) of the internal access road and separate pedestrian access 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.

Reason: In the interests of highway safety.

19. Prior to first occupation of any of the dwellings hereby approved the estate roads and separate pedestrian access shall be completed to at least base course level and in accordance with the approved details.

Reason: In the interests of highway safety.

20. Prior to the first occupation of each of the dwellings hereby approved its driveway, garage, and electric vehicle charging point shall be provided, and shall be retained and maintained thereafter for those purposes.

Reason: In the interests of highway safety.

11. 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

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 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. 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.

The applicant is advised that they have a duty to adhere to Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.