

Application Number:	2018/0281	Application Type:	Full
Proposal:	Erection of 1no. three-bedroomed dwelling	Location:	Land north of Hall Carr Road Rawtenstall
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	28/08/2018
Applicant:	Mr D Somers	Determination Expiry Date:	31/08/2018
Agent:			

Contact Officer:	Neil Birtles	Telephone:	01706-238645
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):	Council owned land

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 subject to the conditions set out in Section 10 of this report.

APPLICATION DETAILS

2. SITE

The application relates to a parcel of Council-owned land to the north side of Hall Carr Road, to the opposite side of which are bungalows, of brick/tile construction.

The site has a frontage to this road of 55m in length and a depth of 60m. A vehicular access towards the eastern end of the frontage leads to 2 garages in its centre. Little of these garages, or the vacant slabs for other garages, can be seen from beyond the boundaries of the site due to its topography - most notably a 4m high mound along the site frontage - and the belt of trees that runs within and beyond the western and northern boundaries of the land as it descends towards the Tesco on the corner of Bury Road/Bocholt Way. To the east side mature shrubs/trees have grown on the bank that climbs up to a public footpath that runs immediately beyond the eastern boundary and beyond which are terraced houses that face Hall Carr Road and Kings Avenue, at a higher level and of stone/slate construction.

The site and the surrounding area is within the Urban Boundary of Rawtenstall. None of the trees on or bounding the site has the protection of a Tree Preservation Order. However, the site and the woodland beyond its western and northern boundaries forms part of an extensive area of Greenlands.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

Planning permission is sought for the construction of a three-bedroomed dwelling on the site. The building would have an L-shaped footprint. The proposed 2-storey house would have a pitched-roof covered with photovoltaic slates and external walls combining facing brick and timber & copper cladding. The bedrooms would be on the ground-floor, with an open-plan kitchen/dining/living room on the first-floor, giving access out to a roof-terrace carried over a flat-roofed 1-storey element projecting from the front elevation and containing a large double-garage.

The proposed dwelling is to nestle down within the centre of the site, with pedestrian-bridges extending from the roof terrace to the front and from the first-floor patio-doors to the east side to the higher land to each of these sides.

Construction of the dwelling will require demolition of the 2 garages and removal of shrubs/trees that have grown-up within the centre of the site.

The application is accompanied by Landscape Assessment, incorporating a Tree Report (identifying a handful of trees for removal pruning-back) and a Landscape Proposal (for treatment of the area at the front of the dwelling in a manner providing it with ground surfaces and features reflecting the 'modern' design/facing materials of the house. The existing vehicular access is to be utilised to give access to the proposed double-garage and area of hardstanding to its front, which will enable cars to turn and exit the site in forward-gear.

5. POLICY CONTEXT

National

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 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

Development Plan Policies

Rossendale Core Strategy (2011)

AVP4	Area Vision for Rawtenstall, etc
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Comment
LCC Highways	No objection subject to conditions
Ecology Consultant	No objection subject to conditions
Tree Consultant	No objection subject to conditions
Contaminated Land Consultant	No objection subject to conditions
United Utilities	No objection subject to conditions

7. REPRESENTATIONS

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

No comments have been received.

8. ASSESSMENT

The main considerations in determining the application are :

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

Principle

Section 2 of the NPPF contains a presumption in favour of sustainable development.

In this instance the site is in a relatively sustainable location, not only sited within the Urban Boundary of Rawtenstall but in walking distance of facilities, services and employment opportunities within Rawtenstall Town Centre. Additionally, LCC Highways has advised that Hall

Version Number:	1	Page:	3 of 7
-----------------	---	-------	--------

Carr Road has an established bus route with buses running hourly during the day Monday to Saturday.

Although immediately adjacent to a residential area, the site does not form part of land the Proposals Map accompanying the Core Strategy allocates for housing development. It forms part of a Greenlands - areas which Policy 17 of the Core Strategy seeks to protect for their amenity, recreation and nature conservation value, contribution to landscape character and to act as 'breathing spaces' for more built-up areas.

However, as the Council cannot currently demonstrate an up-to-date five year housing land supply based on FOAN, the housing policies of the Core Strategy are out of date and should be afforded limited weight. The application must be assessed having particular regard for Paragraph 11 of the NPPF. 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.

The site is at the southern end of this Greenlands, which separates the Hall Carr residential area from the Tesco store to the north, and forms only a small part of it. Though presently occupied by only a couple of garages it has in the past been occupied by more than this, to a degree 'urbanising' this site and distinguishing it from the more complete areas of woodland that descend down the steeply-sloping bank towards the Tesco store.

Accordingly, there is considered to be no over-riding reason for resisting the proposed development. Most particularly, the development of the application site in the manner proposed will not fragment the Greenlands or result in significant harm to the function of the wider Greenlands which will remain.

Visual Amenity

The proposed dwelling is not of great size - containing 3 bedrooms - and will not form an unduly prominent or intrusive feature as viewed by the public from beyond the boundaries of the site, notwithstanding use of facing materials which are somewhat different from those of the nearby dwellings.

The 2-storey element of the building will stand more than 16m from Hall Carr Road, visible to a degree through the access-point but otherwise hidden behind the 4m high mound on this frontage. The gable of the proposed house will stand 10m from the public footpath running to the east side, but 4m lower, enabling the intervening area to be landscaped in a way the will, with time, effectively screen the dwelling from public view. The shrubs/mature trees being retained towards the western and northern boundaries of the site, and beyond, will effectively screen the dwelling from the public footpaths that descend through the woodland towards Rawtenstall Town Centre.

The Council's Ecologist has advised :

"Although the application site is adjacent to an area of broadleaved woodland within the Rossendale Valley the relatively small-scale of the proposal will not in my view cause substantive harm to the woodland or to the functioning of the River Valley as a wildlife corridor. Losses to the semi-natural landscaping on the site will be compensated by new landscaping, including new tree planting."

The Council's Tree Consultant has considered the proposal, and its accompanying Tree Report and Landscape Proposal, and has advised that :

- Generally the site is untidy and subject to anti-social behaviour and vandalism and this proposal will improve the site to the benefit of local amenity.
- I can support this proposal subject to conditions to ensure tree removal does not go beyond the 9 trees/bushes indicated, no-dig construction is used for works in the vicinity of the access drive and planting in accordance with the submitted landscape strategy.
- The trees/bushes to be removed are all generally poor specimens and their removal is mitigated by proposed tree planting as part of a landscape scheme.

The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

The proposed dwelling will not detract to an unacceptable extent from the light/outlook/privacy neighbours of nearby dwellings currently enjoy. The 2-storey element of the proposed house will be sited 25m from the bungalows to the other side of Hall Carr Road (hidden by the intervening 4m high mound on the site frontage) and 20m from the gables of houses to the east side (with intervening shrubs/trees and a public footpath).

The scheme is considered acceptable in terms of residential amenity.

Access and Parking

The Highway Authority is satisfied that the scheme proposes off-street parking facilities that accord with the Council's approved parking standards and will allow vehicles to turn and exit safely to the highway.

9. SUMMARY REASON FOR APPROVAL

The proposal relates to a site in a sustainable location within the Urban Boundary of Rawtenstall and notwithstanding it is Greenland, the proposed development is considered appropriate in principle having regard to Paragraph 11 of the National Planning Framework and will not cause undue harm to visual and neighbour amenity, trees and ecology or highway safety and is in accordance with Policies AVP4 / 1 / 8 / 17 / 18 / 23 / 24 of the Council's adopted Core Strategy (2011).

10. RECOMMENDATION

Approve subject to conditions.

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 unless otherwise required by the conditions below :

Title	Drwg No	Date Recd
Location Plan	-	06 / 06 /18
Existing Site Plan	-	06 / 06 /18
Proposed Site Plan	-	06 / 06 /18

Proposed Ground Floor Plan	-	06 / 06 /18
Proposed First Floor Plan	-	06 / 06 /18
Proposed Roof Plan	-	06 / 06 /18
Proposed Sections	-	06 / 06 /18
Proposed Elevations	-	06 / 06 /18

Reason : To define the permission and in the interests of the proper development of the site.

3. Notwithstanding what is shown on the approved drawings no development shall take place until :

- a) Full details of the intended levels of the building and bridges; &
- b) Full details (including samples) of all materials to be used for the external elevations and roof of the building and bridges have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. Notwithstanding any information submitted with the application, no development (except development / demolition works approved in writing by the Local Planning Authority) 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:

- a. a Preliminary Risk Assessment report, including a conceptual model and a site walk over survey.
- b. where potential risks are identified by the Preliminary Risk Assessment, a site investigation survey of the extent, scale and nature of contamination and;
- c. 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;
- d. 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: To protect future occupants of the development, and the wider environment, from hazards associated with land contamination.

5. Pursuant to Condition 4 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 protect future occupants of the development, and the wider environment, from hazards associated with land contamination.

6. No tree removals or vegetation clearance required to facilitate the scheme should be undertaken during the optimum period for bird nesting (March to July inclusive), unless immediately prior to the commencement of these works a suitably qualified Ecologist has done a survey of the site and has provided the Local Planning Authority with written confirmation that there will be no disturbance of nesting birds.
Reason : All nesting birds, their eggs and young are legally protected.
7. Prior to the commencement of any works (other than demolition of the garages and removal of the trees/shrubs in accordance with the submitted Tree Removal Plan) Method Statement for the control of Japanese knotweed should be prepared and, once approved, implemented in full.
Reason : Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause this invasive plant to spread, and the development has potential to cause spread.
8. Notwithstanding Drawing No UG 11774 LAN DRW LSN 05, prior to the commencement of any works (other than demolition of the garages and removal of the trees/shrubs in accordance with the submitted Tree Removal Plan) a drawing showing the locations of all tree protection fences and ground protection measures (including a method statement for no-dig driveway construction), all in accordance with BS 5837 (2012), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken with full accordance with the approved scheme.
Reason : To ensure that all tree protection is adequate and subsequently complied with throughout the development.
9. Notwithstanding Drawing No UG_11774_LAN_DRW_SL_03_P01, prior to first occupation of the dwelling hereby permitted a scheme of landscaping and boundary treatment, together with a programme for its implementation, shall be submitted to and approved in writing by the Local Planning Authority; the submitted scheme shall ensure no fences/walls/gates are constructed within 3m of the public footpath running to the east side of the site and provide details of existing and proposed ground levels. The approved scheme of landscaping and boundary treatment shall be implementation in accordance with the approved programme, and any works within the RPA of any retained tree shall comply with BS 5837 (2012). Any tree or shrub forming part of the approved scheme which is removed, dies or becomes seriously damaged or diseased within 5 years of planting shall be replaced by others of the same siting/size/species in the next available planting season unless the Local Planning Authority has first agreed in writing a variation.
Reason : In the interests of visual amenity and biodiversity.
10. Prior to first occupation of the dwellings hereby permitted the vehicle parking & manoeuvring area shown on the Proposed Site Plan shall be provided with a hard permeable surface that avoids rainwater run-off to the highway.
Reason: In the interests of highway safety.