

Application Number:	2018/0470	Application Type:	Full
Proposal:	Erection of dwelling	Location:	Land Rear Of 166 Blackburn Road Haslingden
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	03/01/2019
Applicant(s):	Mrs Z Ali	Determination Expiry Date:	18/01/2019
Agent:	Mr Ebrahim Karolia		

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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):	Site includes 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

That planning permission is granted subject to the conditions set out in this report.

APPLICATION DETAILS

2. SITE

The application relates to a piece of vacant land located immediately to the west of Blackburn Road in Haslingden. It is understood that the site formerly contained a dwelling (which was historically a shop), that was demolished around 2003.

The site is now overgrown with vegetation, and slopes from east to west. Beyond the site to the west there are industrial units at a lower level. On its Blackburn Road side, the site faces a restaurant which is located opposite. Other neighbouring properties in the immediate area are predominantly residential.

A bus stop is located adjacent to the site on Blackburn Road. Access to the site is via a sloping ramp leading off Station Road to the north. There is also a set of stone stairs leading from Blackburn Road through the site to Railway Road which runs to the west of the site at a lower level.

The site lies within the defined urban boundary, and part of the site is designated as Greenlands.

3. RELEVANT PLANNING HISTORY

2017/0498 - Erection of 1 no. five-bedroom detached dwelling, with associated access works (Withdrawn).

4. PROPOSAL

The applicant seeks planning permission for the construction of a single five-bedroom split level dwelling on the site. The dwelling would have three storeys on its front elevation facing Blackburn Road, and five storeys on its rear elevation. A double garage would be incorporated into the basement level of the building.

The dwelling would be constructed with a pitched roof, and would have a three-storey projecting bay on its front elevation. On its rear elevation, the dwelling would have two dormer windows. The dwelling would be accessed by pedestrians via a front door facing Blackburn Road, and there would also be vehicular access to the rear along Railway Road (leading off Delph Street).

The elevations of the proposed dwelling would be constructed from natural coursed stone (with some elements of render on the rear elevation), and it would feature a slate roof. The dwelling would feature a projecting balcony on its rear elevation at third floor level, and the scheme includes an area of timber decking to the south side of the dwelling at first floor level.

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 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

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 6 Haslingden and Rising Bridge
- 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 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 and Zero Carbon Sources of Energy
- 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

Consultee	Response
LCC Highways	No objection subject to conditions
LCC Public Rights of Way	No comments have been received
Land Contamination Consultant	No objection subject to conditions
RBC Environmental Health	No comments to make on the application
United Utilities	No objection subject to conditions
RBC Economic Development	No comments have been received

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted and 22 neighbour letters were sent out.

No comments have been received.

8. ASSESSMENT

Principle

The site is located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.

Part of the site is located within an area defined as Greenlands, areas which are given protection under Policy 17 of the Core Strategy from inappropriate development which would otherwise cause harm to such areas' ability to function as part of the borough's Green Infrastructure network, provide 'breathing space' within urban areas, and provide areas for recreation, relaxation and biodiversity.

In this case, the proposed dwelling itself is to be located on part of the site which is not designated as Greenlands; it is only the access to the site which is within Greenlands. In this case, it is not considered that the proposed scheme will cause any significant harm to the function of the Greenlands in question.

As such, the scheme is considered acceptable in principle.

Visual Amenity

Policy 1 of the Core Strategy seeks to ensure that new developments complement and enhance the surrounding area through the use of inclusive design and locally distinctive materials. Policy 23 of the Core Strategy requires that new developments respect and respond to local context, distinctiveness and character.

The scheme has been amended since first submission to incorporate natural stone coursed elevations and a slate roof, which are considered to be appropriate construction materials having regard to the context of the site's surroundings.

Whilst undoubtedly a tall structure, the proposed dwelling would be split across two separate levels, with only two and a half storeys protruding above the level of the main road. It is not considered that this would appear out of place or unduly incongruous in the street scene.

The proposed design of the dwelling's front elevation facing the main road is traditional and would complement similar styles found locally. Whilst the rear elevation is of more modern design, this would not be unduly prominent from any nearby public vantage points and would not cause harm to the street scene in this case.

It is considered appropriate to include a condition requiring the submission and approval of samples of the proposed facing and roofing materials prior to the commencement of development.

The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

No objections have been received from local residents.

The proposed scheme would not result in a loss of daylight, outlook or any unacceptable increase in overlooking to any neighbouring properties. In order to provide an additional safeguard to the privacy of residents in the property which would be directly opposite the dwelling (across the main road) the scheme has been amended to include obscure-glazed windows on the front elevation.

The Council's Environmental Health department has no objection to the proposed scheme.

Given the proximity of neighbouring residential properties it is however considered necessary to include a condition restricting hours of construction to prevent undue noise nuisance during construction.

As such, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

Access to the dwelling is proposed from the rear along Railway Road, which is currently a pedestrian route on land owned in part by Rossendale Borough Council. In order to secure vehicular access over the land, separate permission would be required from the Council as a land owner (dealt with separately to the planning process).

The Local Highway Authority originally objected to the scheme on the grounds that adequate access had not been demonstrated. However, further to the receipt of amended plans the Local Highway Authority now has no objection to the scheme subject to the inclusion of conditions. The Local Highway Authority has stated:

"The access would appear to be over third party land and whether or not existing highway rights exist over this land would need to be determined. Because of this uncertainty I would require a pre commencement condition to show the formation and construction details of the proposed access including the necessary legal agreements to use the land for this purpose and a further condition

for the access to be fully constructed prior to any commencement on site to ensure that the development has a suitable access for site clearance and construction purposes.”

The conditions proposed by the Local Highway Authority relate to the following

- Provision to enable vehicles to enter and leave the highway in forward gear.
- There shall be no direct pedestrian or vehicular access between the site and Station Road.
- Submission and approval of a scheme for the construction of the site access and the off-site works of highway improvement.
- No part of the development shall be commenced until all the site access works have been constructed.
- Submission and approval of a scheme for the retaining structure adjacent to Blackburn Road.
- Submission and approval of a construction management plan.

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

9. SUMMARY REASON FOR APPROVAL

The proposed scheme is appropriate in principle, and subject to conditions is acceptable in terms of visual and neighbour amenity and highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP6, 1, 8, 9, 16, 17, 18, 19, 23 and 24 of the Council's Core Strategy DPD (2011).

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in strict accordance with the following unless otherwise required by the conditions below:

- Application form received 17/09/2018
- Location Plan (Drawing Number 0540/001/A4/Rev A) received 17/09/2018
- Proposed Block Plan (Drawing Number 0540/006/A3/Rev -) received 05/12/2018
- Proposed Floor Plans (Drawing Number 0540/003/A1/Rev C) received 05/12/2018
- Proposed Section (Drawing Number 0540/005/A3/Rev -) received 17/09/2018
- Proposed Elevations (Drawing Number 0540/004/A2/Rev C) received 17/09/2018

Reason: For the avoidance of doubt.

3. No development shall take place until full details (including samples) of all proposed facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The external walls of the dwelling shall be constructed of natural coursed stone (with

some render on the rear elevation as shown on drawing number 0540/004/A2/Rev C) and the roof shall be constructed of natural slate. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. All windows in the front (east) elevation of the dwelling hereby permitted shall be fitted with obscure glass. Obscure glazing shall be retained 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.

5. No development shall take place until a scheme including full details of proposed landscaping and boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of proposed boundary walls and fences (including proposed heights and materials), planting (including proposed species, numbers and locations) and hard and soft landscaping. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual and neighbour amenity and to ensure a reasonable level of privacy and amenity is provided for the future residents.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, the integral garages forming part of the development hereby approved shall be kept freely available for the parking of cars and shall not be converted to living accommodation without the submission and approval of an application for planning permission.

Reason: To ensure safe and satisfactory access /off-street parking provision is made and maintained.

7. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: In the interests of neighbour amenity.

8. The development shall include provisions to enable vehicles to enter and leave the highway in forward gear. Such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use, and shall be maintained thereafter.

Reason: To prevent vehicles reversing to and from the highway, which could cause a hazard to other road users.

9. There shall be no direct pedestrian or vehicular access between the site and Station Road. A continuous wall or fence 1.0m in height shall be erected on the highway boundary between the site and Station Road before development commences and shall be permanently maintained thereafter.

Reason: To limit the number of access points to the highway network as an aid to road safety.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

11. No part of the development shall be commenced until all of the site access works have been constructed in accordance with the approved details pursuant to Condition 10.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

12. No part of the development hereby approved shall commence until a scheme for the safeguarding (and if necessary the repair and improvement) of the retaining structure adjacent to Blackburn Road has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

13. No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall highlight how deliveries during construction will be managed and where workers on the site will park during construction.

Reason: To minimise the impact of construction on existing residents in the vicinity of the site.

14. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

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

15. 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:

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

ii) an assessment of the potential risks to:

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

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

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

Reason: In the interests of safeguarding occupants of the development from hazards associated with land contamination.

16. Pursuant to condition 15 and prior to first use or occupation of the development hereby approved a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding occupants of the development from hazards associated with land contamination.

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.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk

assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the Local Planning Authority.

3. Before proceeding with further scheme preparation the Developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme.

For this purpose the term 'highway structure' shall include:

- Any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres {Note: span refers to the distance between centre of supports and not the clear distance between supports},
- Any retaining wall supporting the highway (including and supporting land which provides support to the highway),
- Any retaining wall supporting land or property alongside the highway.

The term 'highway' also includes footpaths and bridleways.