

Application Number:	2018/0577	Application Type:	Full
Proposal:	Erection of dwellinghouse	Location:	Land to rear of 410 - 420 Newchurch Road Rawtenstall
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	22 May 2019
Applicant:	Mr L Mather	Determination Expiry Date:	24 May 2019
Agent:			

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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	Yes
Other (please state):	Council 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

Approval, subject to the Conditions set out in Section 11 of the report.

2. INTRODUCTION

This application was first reported to the meeting of Committee held on 26 February 2019, with a Recommendation for Refusal for the following reason:

Notwithstanding that the Council is not presently able to demonstrate it has a 5-year supply of deliverable housing sites and the personal circumstances of the Applicant, on balance it is considered that the harm the proposal will cause unacceptable and unnecessary harm to the character and appearance of Countryside/Greenland, Cloughfold Conservation Area and highway safety. The proposal is considered contrary to Sections 2 / 5 / 6 / 9 / 11 / 12 /

Prior to consideration of the Report at the meeting of the Committee the Applicant indicated that they wished to try to overcome issues which form part of the reason for refusal. Committee decided to defer consideration and determination of the application.

A meeting was subsequently held on-site involving the various consultants acting for the Applicant, LCC Highways, the Council's Tree Consultant and RBC Officers. Arising from this meeting revised details and supporting information have been received (relating most particularly to the works to be undertaken to the means of access between Newchurch Road and the proposed house, and their impacts).

The Report below has regard to the revised details and supporting information that have been received, and incorporates the latest comments of LCC Highways, the Council's Tree Consultant and RBC Officers.

Section 7 of the Report, referring to the comments of Neighbours, is as it appeared in the Report to the February meeting of Committee. Occupiers of those properties neighbouring the access and site of the proposed house have been re-notified of the revised details and supporting information received on 01/05/2019, and the period of comment will be completed on 15/05/19; any comments received will be reported to Members of the Committee via the Update Report.

3. SITE

The application relates to land owned by the Council which is to the rear of 410-420 Newchurch Road which are 3 pairs of semi-detached houses to the north side of this classified road. The application site can be accessed by vehicles using the existing drive which runs between 420 Newchurch Road and the bungalow at No 422.

Having passed between the gate pillars/stone walls on the Newchurch Road frontage the drive widens from 2.5m to 3m, flanked by mature trees within grass verges until the bungalow at No 422 is reached. It and its garage abut the drive and beyond it are 3 houses, only that at the north end of the drive with off-street parking and/or a garage taking access from it.

The site has a width of 23m and projects back from the existing drive by 50m. Between the mature trees that line the frontage to the drive a number of informal parking spaces have been formed by local residents. Behind them the site is occupied by trees forming part of the belt of woodland that extends up to the formal playing pitches at Marl Pits Sports Ground, a connecting footpath running through the woodland to the north side of the application site.

The part of the application site to the rear of 410-420 Newchurch Road is identified as Greenlands which is within Countryside on the Proposals Map accompanying the adopted Core Strategy.

The houses fronting Newchurch Road and to the east side of the drive serving the application site lie within the Urban Boundary and are also within Cloughfold Conservation Area. The Conservation Area Character Appraisal identified the trees fronting 410-420 Newchurch Road and flanking that part of the access drive to the side of No 420 and flanking the drive to the rear of No 420 as '*Important Trees/Tree Groups*' to the character and appearance of the Conservation Area. Indeed, there are trees in the front gardens of 410-420 Newchurch Road and flanking that part of the drive to the side of No 420 that have the protection of a Tree Preservation Order. The trees that front the site of the proposed house lie just beyond the boundary of the Conservation Area but the Character Appraisal identifies them as '*Important Trees/Tree Groups*' to the character and appearance of the Conservation Area. The Character Appraisal also states "*A good example of*

sandstone flags laid [on edge] as a boundary can be seen on the east side of the driveway leading up to No 422 Newchurch Road”.

To summarise, the majority of the site is within Countryside and is identified as Greenlands, and part of the site lies within the Urban Boundary and Conservation Area.

4. RELEVANT PLANNING HISTORY

2018/0439 Erection of dwellinghouse
Withdrawn

5. PROPOSAL

Permission is sought to erect on the site a detached 7-bedroomed dormer-bungalow, specifically designed at ground floor level to meet the requirements of two disabled children, and with an integral double-garage.

Appended is a copy of a letter from the Applicant explaining the family’s circumstances. In short :

- they are a family of 8, their eldest child now studying at university;
- they have two boys (presently aged 6 & 7) with multiple disabilities - including severe sight impairment, mobility & learning difficulties;
- their current home is located in Newchurch and has been adapted to its maximum potential but is no longer suitable for the 2 boy’s needs;
- the proposed dwelling has been designed to meet the needs of the whole family, with the ground-floor floor fully accessible for the boys with disabilities, with large windows in its living areas as natural light is best for their vision, which is likely to deteriorate further as they grow;
- the outdoor space will also be made wheelchair-accessible and provided with specialist play-therapy equipment;
- the house has been designed with the future in mind, to diminish the prospect of further alterations which would be disruptive to family life.

The proposed dormer bungalow is to have a 12.5m long gable standing 3m from the rear boundary of the back gardens of the houses at 414 and 416 Newchurch Road, possessing a door and high-level window serving the double-garage and with a hipped-roof above it. The front elevation of the dwelling is to be set back from the access lane by 15+m and is to have a width of 18.75m, possessing one gabled-dormer on the roof-plane. The rear roof-plane is to possess two gabled-dormers looking down its rear garden of 14m in length, whilst the gable facing to the north will possess no window or door openings and stand 3m from the site boundary and 5m from the informal footpath running through the wood to remain to this side.

The dwelling is to be constructed with external walls of stone and a roof of slate (possibly with PV tiles), with a ridge-height of 5.8m. The double-garage has been designed to accommodate two vans, larger vehicles being needed to transport two wheelchair-bound people. To the front of the building is to be a block-paved area of 8m in width, connected to the existing drive by a new drive of 12m in length and 3m wide drive laid over a Geoweb Tree Root Protection System as it is to pass between a gap of approximately 14m between the trunks of 2 fully-mature trees fronting the lane. The drive is to be gated, with 1.8m high timber fences and native-species hedges to be provided elsewhere around the boundaries of the garden.

To improve access to the site it was intended that the gate-posts/flank walls on the Newchurch Road frontage be altered to increase the width of the opening from 2.55m to 3m. The revised details indicate it is now intended to increase the width of the opening to 5.5m, necessitating removal of the gate-pillar to each side and loss of 2 trees with the protection of the TPO. It is indicated that the gate-pillars will be re-instated to each side of the widened access and the nearby flag-on-edge wall leading up to 422 Newchurch Road will be repaired. The first 5.5m of the

existing drive is to be widened to 5.5m, beyond this narrowing to its existing single-car width, the first 27.5m of the resulting drive to have a new tarmac-finish over a Geoweb Tree Root Protection System.

It is stated that the number of trees to be removed is limited and principally involves trees set well back from the lane and which are in poor condition/poor specimens. It is indicated that replacement tree planting on a 2-for-1 basis will be undertaken for any felled trees.

It is also stated that consideration has been given to use of sustainable methods of drainage - including a soakaway for rainwater and a septic tank with sewage treatment plant for the foul-waste, thereby alleviating the need for excavation to provide/connect to public sewers and thereby do damage to tree roots.

The application is accompanied by :

- A Design & Access Statement & Heritage Statement
- A Ground Contamination Report
- A Topographical Survey
- A Tree survey
- An Ecological Survey

The Applicant has submitted letters from Rossendale Harriers & Athletic Club and the 38th Rossendale (Open) Scout Group expressing no objection to the application.

6. POLICY CONTEXT

National

National Planning Policy Framework

Section 2	Achieving Sustainable Development
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 14	Meeting the Challenges of Climate Change, etc
Section 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy (2011)

AVP4	Area Vision for Rawtenstall
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Preserving & Enhancing the Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 19	Climate Change, etc
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Considerations

National Planning Practice Guidance

RBC Cloughfold Conservation Area (1974) and its Character Appraisal (2011)

RBC (Newchurch Road, Higher Cloughfold) Tree Preservation Order 2011

7. CONSULTATION RESPONSES

<u>Consultee</u>	<u>Response</u>	<u>Conditions?</u>
<u>RBC Conservation Officer</u>	<u>No objection</u>	<u>Yes</u>
<u>RBC Tree Consultant</u>	<u>No objection</u>	<u>Yes</u>
<u>RBC Ecology Consultant</u>	<u>No objection</u>	<u>Yes</u>
<u>RBC Contaminated Land Consultant</u>	<u>No objection</u>	
<u>LCC Highways</u>	<u>No objection</u>	<u>Yes</u>

8. REPRESENTATIONS

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

Revised plans were received on the 1st of May 2019 and neighbours re-notified for 21 days. Neighbours have until 15 May 2019 to make any further comments. Any comments received will be reported to Members in the Update Report.

The comments below are those received towards the original neighbour notification in December last year.

Twenty-five objections to the application have been received, the following reasons being given :

- Out of keeping with character of area
- Over development / Development too high
- Too close to adjoining properties : Loss of privacy / Loss of light
- Traffic/Highways : Increase in traffic / Inadequate access / Loss of parking / Pollution
- Strain on existing community facilities
- Potentially contaminated land
- Increase danger of flooding
- Affect local ecology
- Conflict with local plan

In amplification, the following points have been made :

- This is a beautiful wooded area, home to plenty of wildlife. The site is a habitat for birds, bats, foxes, deer and others.

- I am not a professional naturalist, but conduct bat surveys for the Bat Conservation Trust

and bird surveys for the British Trust for Ornithology (BTO) and have done so for a number of years. My species list for the site includes six species of birds and one of bats which are on the list associated with section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act. Nine of the bird species are on the BTO 'red' list and a further three on the 'amber' list.

- The proposal would result in the loss of this important and valued community space for informal recreation and play - valued by residents of Springhill & Newchurch Road, and

used by local children to safely walk to Alder Grange school & play, and by dog walkers, scout troops, orienteering groups, the Harriers running club to name a few.

- As usual the reports submitted with the application suggest that most of the trees to be removed are of low grade. These 'low grade' trees are the trees we have – they are what makes the valley green and attractive...and we fear future requests to remove more trees to reduce shadow.
- The size of the proposed development is out of proportion to the proposed plot and completely out of scale and character with the surrounding dwellings, most of which are stone-built and within the Cloughfold Conservation Area.
- Residents of twelve Springhill and Newchurch Road properties would lose their woodland aspect for the benefit of one family...The applicants stated desire for extreme amounts of natural light has resulted in very large windows which will rob neighbours of privacy.
- The application includes the statement that *'The proposal includes off street parking and ample turning space within the house's curtilage and the proposed new boundary does not disturb any existing parking that is currently used by the surrounding neighbours.'* This is not the case as the proposed access to the property runs directly where I currently park.
- Parking spaces that have been used by residents to date, in some cases for over 50 years, will be removed...Currently there are 5 properties which use the lane for access or parking...The turning area is adequate but would not support any further traffic.
- The addition of a further 6 cars would lead to increased congestion and either block the turning area or lead to residents having to reverse onto the busy Newchurch Road on a blind bend adjacent to two bus stops. Six additional vehicles would also add significantly to the noise pollution of the area.
- 422 Newchurch Road has its front door open directly onto the lane. There is no pavement or space for one. The occupants will be directly exposed to the increased traffic and the greatest risk from larger vehicles the applicant has stated are needed for the family.
- The entry/exit point onto Newchurch Road is at a difficult position, just before a bend and junction with Dobbin Lane, with poor sightlines frequently causing hold-ups to traffic at peak times... almost opposite Higher Cloughfold Store which has a steady flow of cars parking and nearby bus stops, one directly opposite the lane and one opposite the shop... There have been several accidents over the years with collisions occurring between vehicles travelling along Newchurch Road not appreciating that the stationary vehicle is waiting to turn into this insignificant-looking lane. With a further 7 parking spaces proposed this would potentially double the danger.
- LCC Highways states that the lane will need to be widened to 5.5m for a minimum of 7m from Newchurch Road highway. This cannot be executed without destruction of mature trees which are protected by preservation orders and disturbance of stone gateposts dating back to c1800 and forming part of the original Springhill Estate located in the Cloughfold Conservation Area.
- The proposal will worsen the already poor situation regarding run-off... the north end of the site abutting marl pits can get severely flooded and is very boggy when we experience adverse weather.

- We appreciate the circumstances of the applicant's family and the emotions associated with this, however we ask that a decision be made solely on planning grounds.
- There is not enough benefit from the construction of 1 house to justify the adverse impact it will have on every one of the 12 surrounding properties.
- The fact that this family require 2 large vehicles to transport their children with disabilities (which in their statement is the main reason for this build) immediately negates their point that here they are close and accessible to the leisure centre, shops, pub etc.
- The application suggests that other suitable land is not available, yet clearly this is not the case. There are several areas of former industrial use of similar or bigger size, with better vehicular access for sale within 2 miles of the proposed site which would fulfil the national and local targets for building on brownfield rather than greenfield sites. Even were that not the case there are several already built houses for sale within the Rawtenstall area which could be adapted for the special needs of these two children and their potential future carers.
- If despite all this the authority is minded to approve this application there are obvious risks from construction in this area, not least to the structure of the lane, the services and potentially to the adjoining houses. In this case where the applicant also owns the shared amenity over which the neighbours have right of access, there is little action that can be taken by individuals to enforce reinstatement or compliance with planning conditions. The council has the statutory power to require a bond against potential damage caused to shared amenities (the lane, services and drainage) and adjoining properties during construction, and to ensure use of mitigation methods such as the protection of tree roots, use of appropriate containment cells to protect trees under driveways etc. I would suggest that a development like this is exactly the kind of situation this power was designed for.

Local residents who presently make use of the lane also engaged DTPC to provide objections on wider planning and impacts of trees etc and detailed objections from a highway engineering and safety point of view to the application. It makes the point that the other users of the drive have accrued parking and access rights over time - the access should be considered a shared access. DTPC's submission was forwarded to LCC Highways for comment.

9. APPLICANT'S RESPONSE TO NEIGHBOUR COMMENTS

Response to Neighbour Comments :

- Once the Applicant had concluded that the only way the family's needs could be met would be to create a new home the Council was approached for a list of available sites - this was the only site that met all their needs. They seek a site in Rossendale to be near the existing schools of the children and the family need to remain here to keep connections and relationships.
- The access lane has already been purchased. The land to accommodate the dwelling is council owned - no one else owns or can claim they have a right to a parking space upon it. It is also worth mentioning the lane gives access to two existing houses, the other houses here have their back to it and have alternative access to the front via other routes.
- The proposed dwelling will not be within within the Conservation Area. The site for it is not intrinsically attractive or beautiful as it stands - many of its trees are in poor condition and the ground is unkempt as subject to tipping of garden-waste by neighbours.

- The only change to the Conservation Area is the movement on the stone pillars and widening of the access onto Newchurch Road, and thus making it safer for all users. The stone pillars exhibit the scars of having been hit by vehicles in the past and are to be carefully reinstated to English Heritage standards. The repair of the adjacent flag-on-edge wall is also a heritage benefit.
- The Applicant will replace any removed trees on at least a 2-for-1 basis. The trees to be removed by the gate pillars fronting Newchurch Road have done damage to the frontage wall/flag-on-edge-wall and will do further damage if allowed to remain.
- The existing footpath extending from the lane towards Marl Pits Sports Ground is outside the application site and will not be disturbed by this proposal. The proposed perimeter of the garden is to be screened by suitable native hedging and planted trees.

10. ASSESSMENT

The main considerations in determining the application are :

- 1) Principle; 2) Greenlands/Ecology; 3) Heritage/Visual Amenity;
- 4) Neighbour Amenity; & 5) Access/Parking

Principle

The Council's adopted Core Strategy seeks to maintain Rossendale's distinctive character by ensuring the greatest amount of new housing takes place within the Urban Boundary of Rawtenstall, with the majority of other housing in the settlements of Bacup and Haslingden. However, the Council cannot presently demonstrate that it has a 5-year supply of available housing land. The NPPF states that where the Development Plan is absent, silent or relevant policies are out-of-date permission should be granted to proposals unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

The Applicant acknowledges that the proposed dwelling will occupy land that is Greenland/Countryside but considers that permission should be granted permission for it because:

- The Council presently has, at best, 2.6 years of available housing land and its own Strategic Housing Market Assessment (2016) identifies a particular need within the Borough for more 4+ bed housing. The proposal will play a small part in addressing this shortfall and will enable a local family (with particular needs) to remain in the local area, close to their family support network, and to continue to send their children to the local school that they are helping to sustain.
- The proposal will entail loss of less than a third of 1% of the Marl Pits Greenland of which the site forms part. In any case it would question what weight the Council can be given to Greenlands policy when it is poised to release substantial tracts of greenfield and Green Belt land in the new Local Plan to accommodate its housing needs.

In this instance the proposed dwelling would stand on a site in the Countryside, but immediately adjacent to the Urban Boundary of Rawtenstall, the largest of the settlements within the Borough and the settlement for which Policy 3 of the Core Strategy proposes the largest number of new dwellings. The site is near to a main road, along which bus services operate, making it accessible by means of travel other than the private car. Accordingly, the site cannot be considered remote or unsustainable.

It should be noted that on the Proposals Map to accompany the emerging Local Plan the land to be occupied by the proposed dwelling and its garden is shown to be within the Urban Boundary of

Rawtenstall. Only limited weight can be afforded to the emerging Plan at this stage as it has been submitted to the Planning Inspectorate for Examination.

Whilst the site is allocated as Greenlands/Countryside within the Adopted Core Strategy, the site is situated in a sustainable location with good access to facilities. As the Local Planning Authority does not have a 5 year supply of housing land and the Core Strategy is considered to be out of date for Development Management purposes, considerable weight should be afforded to the benefits of the scheme.

Greenlands/Ecology

The site also forms part of part of a Greenland - 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. Policy 17 of the Core Strategy seeks to resist fragmentation of the green infrastructure network.

The proposed scheme would occupy a small part of the Marl Pits Greenland but would reduce the benefits to amenity provided by the Greenland in question, and would have a negligible negative impact on the site's value and function as part of the Borough's green infrastructure network. The proposed dwelling, and its garden, will mean an easily-accessed area that meets informal recreational needs of the local community will cease to be available to them. The dwelling and its garden will occupy a rather sparsely wooded area and the existing footpath running through the woodland, extending from the end of the existing drive to Marl Pits Sports Ground, will remain, though ceasing to run through a broad swathe of woodland.

The Council's Ecology Consultant has assessed the submitted Ecological Report, and accompanying Bat Survey, and has raised no objection to the application subject to conditions to:

- preclude works that disturb nesting birds or go beyond removal of identified tree/vegetation; and
- protect tree/vegetation to be retained during the construction phase and secure suitable compensation for harms/enhancement of biodiversity.

The submitted Ecological Report referred to a "*very large willow...[with] no obvious bat roosting potential [but which] it would be possible to argue...fits the definition of Veteran tree*". The proposed house will require felling of this tree. However, the Council's own Tree Consultant has confirmed that it is an Ash and does not meet the definition for being a Veteran tree.

Heritage/Visual Amenity

The access to the site and surrounding properties lie within the Cloughfold Conservation Area (which was declared in 1974), affording a degree of protection to trees in the verges bounding the existing drive and visible from Newchurch Road. The Conservation Area Character Appraisal (published in 2011) identified these trees as '*Important Trees/Tree Groups*' in terms of the character and appearance of the Conservation Area and, by way of a Tree Preservation Order made in 2011, the Council afforded greater protection to some of these trees (as not all of them were considered worthy of such protection).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Consistent with Section 16 of the NPPF, Policy 16 of the Council's adopted Core Strategy seeks to preserve and enhance Rossendale's historic built environment by :

"Promoting the positive management of the Borough's heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.

Ensuring that all development is:

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- a. *Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context;*
- b. *Of a high standard of design, reinforcing the local distinctiveness of Rossendale.”*

The Council’s Conservation Officer previously advised :

“The proposed building has considerable massing and appears disproportionate to the dwellings in the immediate area. There are some of similar scale, however these are historic properties and are of a much grander design and a part of the historic core of the Conservation Area. There are single storey/bungalows to the north of the Conservation Area, however these are of a much lesser scale and massing. While there is understanding for the reasons of the scale, the development will appear incongruous to the area. It would also break from the street and development pattern of the area. Development should look to enhance the area or better reveal the significance of the area.

The design is considered reasonable. The use of natural stone is positive. However, the use of artificial slates and composite windows is not supported.

Overall I consider the development would have a less than substantial harm to the Conservation Area and it would be required to be assessed on the planning balance as to whether its harm is outweighed. However, given the loss of the trees, scale and massing of the development, I am not convinced by the argument.”

The revised details include amended drawings indicating the resulting dwelling will have its roof covered with natural slate, window frames of painted timber and external doors also of timber. The revised details more fully detail how the gate pillars fronting Newchurch Road and adjacent flag-on-edge wall are to be re-instated/repared; the Conservation Area Character Appraisal identifies this flag-on-edge wall as being a particularly good example of its type. The Conservation Officer remains concerned about the loss of the trees, scale and massing of the development.

The Council’s Tree Consultant previously advised :

“I originally had two main objections to the scheme based upon loss or significant damage to protected trees.

The first objection related to the driveway having to pass between two trees T9 (Sycamore) and T12 (Ash) and the significant unacceptable root damage which would be done by the necessary reduction of levels to allow an even surface between the existing lane and the parking areas to the front of the house.

The second objection related to the need to remove TPO tree T4 to achieve the widened driveway as preferred by LCC Highways...[and] ground level reduction in the grass verge to the west of the driveway close to the tree’s trunks which will be damaging... This would however be technically possible and acceptable provided the level in the passing bay was constructed to a slight up-gradient with only the minimal vegetation removed and again in accordance with BS 5837 (2012).

The matter of the misleading down-graded description of the quality of the trees does not appear to have been addressed.

In conclusion, I cannot support this application due to the on-going loss and/or damage to protected trees on the site.”

To address the first of these objections, the revised details which have now been received more fully set out the form of construction to be used to connect the hardstanding intended to the front

of the proposed dwelling with the existing dwelling. The Council's Tree Consultant is satisfied that use of the intended Geoweb Tree Root Protection System will sufficiently mitigate root damage to T9 (Sycamore) and T12 (Ash) subject to a Condition to ensure hand-dig of the area it is to occupy and the findings of this being used to establish the level at which the Geoweb Tree Root Protection System is installed.

To address the second of these objections, the revised details include amended drawings indicating that for the frontage of Newchurch Road there is now to be a greater widening of the existing drive (to accord with the wishes of LCC Highways), entailing removal of 2 trees with the protection of the TPO. The Council's Tree Officer considers these 2 trees to be of species/condition making them less important to the street-scene (presently and in the future) than the other TPO'd trees that bound the existing drive, and to have done damage to the frontage wall/flag-on-edge-wall and will do further damage if allowed to remain. He is satisfied that the revised details mean the impact of the proposal upon the other TPO'd trees bounding the existing drive is adequately reduced/mitigated.

Neighbour Amenity

The proposed dwelling will not detract to an unacceptable extent from the light/outlook/privacy neighbours of nearby dwellings currently enjoy or could reasonably expect to enjoy from their dwellings and gardens. Neighbour objections to the proposal for access and parking reasons are considered below.

Access and Parking

LCC Highways previously advised :

"Based on LCCs maximum parking standards 3 parking spaces would be sufficient for this proposal. However, the applicant proposes 6 parking spaces within the curtilage of the development site. The existing access appears to be the sole access to 2 dwellings and provides a secondary rear access to a further 4 properties... This being the case the access should be a minimum of 5.5m in width for a minimum distance of 7m into the site (measured from the back of the footway of Newchurch Road) to allow opposing vehicles to pass at the site entrance. The turning requirements of the existing vehicles using this access should also be accommodated to reduce/remove any necessity to reverse out onto Newchurch Road.

The access for construction vehicles is a concern... it would be necessary to submit a plan of how materials and plant will be delivered to site without causing disruption to traffic flow on Newchurch Road and impacting upon highway safety. The loading and unloading of materials on Newchurch Road will not be acceptable.

A 3m width drive does not allow two-way flows or two cars to pass each other near the access with Newchurch Road. Thus, a car entering would have to wait until the car exiting undertook the full movements along the drive blocking the main road.

...subject to the submission of further details fulfilling the above requirements, no objection would be raised to the proposal on highway grounds. However, in respect of the application as submitted, I would raise an objection to the proposal on the grounds that the proposed new dwelling would generate an increase in vehicular traffic movements using the existing vehicular access onto Newchurch Road which would be substandard, to the detriment of highway safety and residential amenity."

Following receipt of the revised details, LCC Highways have been re-consulted and now have no objection to the application, subject to conditions. It states that to widen the existing vehicular access to Newchurch Road from 2.5m to 5.5m will allow the passing of two vehicles entering /

leaving to the classified road. It recommends conditions to ensure submission of a Construction Method Statement and to ensure that the existing drive is suitably widened/improved prior to plant/materials to construct the dwelling being brought to the site.

Conclusion

As the Council cannot presently demonstrate that it has a 5-year supply of available housing land, in line with Paragraph 11 of the National Planning Policy Framework, it is necessary to carry out a balancing exercise to ascertain whether any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the scheme when considered against still-relevant Core Strategy policies and the policies of the Framework as a whole :

- The proposed dwelling would provide accommodation for a family with particular housing needs and would provide a small, but useful, contribution towards meeting the housing requirements of the Borough and, for the duration of its construction, add to economic activity/employment.
- The dwelling would be located in a relatively sustainable location, adjacent to the existing Urban Boundary of Rawtenstall and near to a classified road along which bus services run.
- The scheme would result in built-development in an area identified on the Proposals Map accompanying the adopted Core Strategy as Countryside and Greenland. It will diminish to a small extent the wooded area of Greenland available to local residents for informal recreation, but not interfere with use of the path by which access to Marl Pits sports facilities can be accessed.
- Notwithstanding the Applicant's intention to move (rather than remove) the old gate-pillars on the Newchurch Road frontage and repair the nearby old flag-on-edge wall, the Council's Conservation Officer is of the view that the proposed dwelling will cause harm, though not substantial harm, to the character and appearance of the Cloughfold Conservation Area by reason of loss of trees, scale and massing of the development.
- Notwithstanding the loss of 2 TPO'd trees near the Newchurch Road frontage, and a handful of other trees within the land to be occupied by the proposed dwelling and its garden, the Council's Tree Consultant does not object to the scheme, subject to conditions.
- Notwithstanding LCC Highways objection to the scheme as initially submitted, it did advise of how its highway safety concerns could be adequately addressed. It does not now have objection to the revised scheme, subject to conditions.
- It is not considered that the development will detract to an unacceptable extent from the amenities of neighbouring residential properties in terms of light outlook &/or privacy. Nor will the proposal have unacceptable impacts on ecology.

Although a finely balanced recommendation, it is concluded that the harm which will be caused will not so significantly and demonstrably outweigh the benefits of the scheme to warrant refusal of the application.

11. SUMMARY REASON FOR APPROVAL

The Council is not presently able to demonstrate it has a 5-year supply of deliverable housing sites. Notwithstanding that the site is identified as Countryside/Greenland on the Proposals Map accompanying the adopted Core Strategy (2011), having regard to the personal circumstances of the Applicant / the revised details and supporting information / the Conditions, the Council is satisfied that the proposal will not detract to an unacceptable

extent from the character and appearance of Countryside/Greenland, the Cloughfold Conservation Area, protected trees/ecology, neighbour amenity or highway safety. Consideration has been given to the National Planning Policy Framework and Policies AVP4 / 1 / 8 / 9 / 16 / 17 / 18 / 23 of the Council's adopted Core Strategy (2011).

12. RECOMMENDATION

Approval

Conditions:

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

Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan	HAD3030-36b	01 / 05 / 19
Topographical Survey	180718/TOP	28 / 11 / 18
Existing Site Plan	HAD3030-36a	01 / 05 / 19
Proposed Site Plan	HAD3030-36b	08 / 05 / 19
Proposed Ground Floor	HAD3030-24	28 / 11 / 18
Proposed First Floor	HAD3030-24	28 / 11 / 18
Proposed Elevations 01	HAD3030-24	01 / 05 / 19
Proposed Elevations 02	HAD3030-24	01 / 05 / 19
Illustrative Section A Through Lane	HAD3030-36a	08 / 05 / 19
Illustrative Sections C1-3 Through Lane	HAD3030-36	08 / 05 / 19
Illustrative Section B Through Drive	HAD3030-36a	08 / 05 / 19

Reason : For the avoidance of doubt and to ensure a satisfactory standard of development.

- 3) 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 details of :

- i) The siting & form of cabins and security hoardings
- ii) The location for loading/unloading and storage of construction plant and materials
- iii) The parking for vehicles of site operatives and visitors
- iv) Hours at which vehicles will be arriving and departing
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of demolition/construction waste (& avoid the need for on-site fires).

Reason: In the interests of highway safety and neighbour amenity and avoid harm to trees/ecology.

- 4) No vegetation clearance shall be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have first been

demonstrated to be absent by a suitably qualified person through the prior submission to, and approval by the Local Planning Authority, of a survey report before any such works are carried out.

Reason: To protect nesting birds.

- 5) All trees/shrubs to be retained on/bounding the site shall be protected for the duration of development in accordance with the guidelines presented within BS 5837:2012 'Trees in relation to design, demolition & construction'.

Reason : To protect trees of public visual amenity and ecological value.

- 6) Should contamination be found on site during the period of construction that has not been identified in the Contaminated Land Phase I Study by Martin Environmental Solutions (Nov 2018) no further works shall be undertaken in the affected area and the matter shall be reported to the Local Planning Authority within 5 days of the discovery. Prior to further works being carried out in the affected area a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.

Reason : In the interests of public health.

- 7) Prior to any above-ground construction, samples of the natural slate and natural stone for construction of the external walls of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken with the approved facing materials.

Reason: In the interests of visual amenity.

- 8) Prior to plant/materials for construction of the dwelling being brought to the site :

- a) The gate-pillars fronting Newchurch Road shall be removed and stored securely until re-instated;
- b) The pavement-crossing to Newchurch Road shall be widened in accordance with the standards and specifications of LCC Highways;
- c) The section of the existing drive to be widened/provided with the Geoweb Root Protection System, as indicated on the Illustrative Section, shall have it installed and given its porous-asphalt finish, the level at which the Geoweb is to be installed shall first be agreed in writing by the Local Planning Authority (following hand-dig to the sides of the existing drive to establish the depth of its construction, any roots encountered of T4-T7 over 25mm diameter to be immediately wrapped in wetted hessian sacking and re-buried before nightfall);
- d) The new drive to link the proposed area of hardstanding to front the dwelling with the existing drive shall be provided with the Geoweb Root Protection System, as indicated on the Illustrative Section, to be installed at a level first agreed in writing by the Local Planning Authority, with any excavation kept to a minimum and undertaken by hand, any roots encountered of T9 & T12 over 25mm diameter to be immediately wrapped in wetted hessian sacking & buried before nightfall below the agreed level of the Geoweb Root Protection System; &
- e) The section of the existing drive in the vicinity of T8 & T9, as indicated on the Illustrative Section, shall be protected by a proprietary interlocking load-bearing plate system (which shall not be removed until the shell of the building is complete).

Reason : In the interests of highway safety and for the protection of trees of particular public visual amenity value.

- 9) Prior to first occupation of the dwelling hereby permitted the proposed area of hardstanding to front the dwelling and length of new drive to link it to the existing drive shall be provided with the surface-finish indicated on the Illustrative Section and thereafter retained as such.

Reason : In the interests of highway safety.

- 10) Prior to first occupation of the dwelling hereby permitted the gate-pillars fronting Newchurch Road shall be re-instated, and its flanking stone walls and the nearby flag-on-edge wall shall be made good, in accordance with the Shear Ltd Structural Investigation Report (Revision B) and the Ken Howe quotation of 21/04/19, with any excavation necessary to be undertaken by hand and any tree roots encountered that are over 25mm diameter not to be cut.

Reason : To preserve and enhance the character and appearance of the Cloughfold Conservation Area.

- 11) The dwelling hereby permitted shall not be occupied until a Landscaping Scheme has been submitted to and approved in writing by the Local Planning Authority that details : a) all fences, walls & gates and external illumination to be provided; b) all trees/shrubs to be planted to include trees to replace those lost during construction; & c) any pruning work to be undertaken to existing trees on or bounding the site. All fences, walls & gates and external illumination forming part of the approved scheme shall be completed prior to first occupation of the dwelling and any planting shall be completed in the following planting season. Any planted trees or shrubs which are removed, die or become seriously damaged or diseased within 5 years of planting shall be replaced by others of the same siting/species/size in the next available planting season unless a variation has first been agreed in writing. Any tree pruning work forming part of the approved details that might impact on roosting bats via noise and vibration shall be undertaken outside winter months.

Reason : To preserve and enhance the character & appearance of the Cloughfold Conservation Area, accord with the recommendations of the Angela Graham Bat Survey & Ecological Assessment of 04/10/18, and to compensate for the loss of existing trees and shrubs.

- 12) Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

Reason: To safeguard the visual amenity of the area.

- 13) Any demolition/construction works associated with the development hereby permitted 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 works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason : To safeguard the amenities of neighbours.