

Application Number:	2015/0025	Application Type:	Full
Proposal:	Erection of 'Passivhaus' dwelling along with hard and soft landscaping and vehicular access – Revised submission	Location:	Land off Lomas Lane, Balladen, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21 April 2015
Applicant:	Mr & Mrs Howard	Determination Expiry Date:	27 th March 2015
Agent:			

Contact Officer:	Stephen Stray	Telephone:	01706-252420
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):	Raises significant policy considerations

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 Committee be refused for the reasons set out in Section 9 of the report

2. The Site

The application site which is Greenfield covers approximately 0.2 hectares and is bounded to the west by Lomas Lane, to the north and east by fields and to the south by a small collection of properties around Old Hall Farm.

To reach the site, Lomas Lane itself leads uphill in a south easterly direction from the urban area of Rawtenstall and past Balladen Primary School before making a sharp turn south westwards, flattening out and acting as the urban boundary to the southern area of the Rawtenstall Urban Area where relatively modern houses and their gardens back on to the Lane. The lane then descends into a dip where upon a small terrace of worker cottages (Bess Nook) and the larger Plane Tree House can be seen. The proposed site for development is slightly further along the lane and on the opposite side of the lane to the aforementioned houses and on land which rises steeply from the lane. The lane itself then continues a little further to a small cluster of properties including Oak Villa and Old Hall Farm. The loose collection of houses including the terrace of Bess Nook, Plane Tree House, Oak Villa and the terrace properties leading up to the houses around Old Hall farm as described forms the 'Hamlet' of Balladen.

The southern tip of the Urban Boundary of Rawtenstall extends as far as Plane Tree House and so the site is therefore located in the Countryside. However there is also a gap in built development between the newer housing which backs on to Lomas Lane and the cottages of Bess Nook notwithstanding both lie within the urban boundary, which together with the open fields to the east of Lomas Lane and the narrow and winding nature of Lomas Lane itself gives Balladen a rural / isolated feel.

3. Planning History

2013/0587 - Erection of 'Passivhaus' dwelling along with hard and soft landscaping and vehicular access.

Refused for the following reason

The application relates to a greenfield site within the loose collection of buildings making up the hamlet of Balladen, in the Countryside to the south of the Urban Boundary of Rawtenstall. By reason of the National Planning Policy Framework 2012 and Development Plan policies there is a presumption against permitting erection of a dwelling in the countryside except in very limited circumstances. It is claimed that the special circumstances exist to permit the proposed dwelling due to "the exceptional quality or innovative nature of the design of the dwelling", as referred to in paragraph 55 of the NPPF. It is acknowledged that the proposed dwelling is of a design of high quality and to minimise energy consumption/CO2 emissions, but it is not of such exceptional quality or innovative design to meet the test in paragraph 55 of the NPPF. Most particularly the proposed development will not enhance its immediate setting and is not sensitive to the defining characteristics of the local area, the dwelling to be of significant scale and to occupy an elevated position and be of contemporary 'urban' design and facing materials at odds with the existing properties of which the hamlet of Balladen is composed. Furthermore, it is not considered the suite of sustainability measures are sufficient to offset the harms caused by development on Greenfield land outside the urban boundary. Accordingly, the proposal is contrary to Sections 3, 4, 6 and 7 of the National Planning Policy Framework 2012 and policies 1, 2, 3, 9, 21, 23 and 24 of the Council's adopted Core Strategy DPD 2011.

Dismissed on appeal

The Inspector's report is attached at Appendix A. However, in summary, the inspector considered the proposals most particularly having regard to paragraph 55 of the National Planning Policy Framework. This paragraph seeks to avoid new isolated homes in the countryside unless there are special circumstances. One of those circumstances includes the exceptional quality or innovative nature of the design of the dwelling. In order to meet this test a design should be truly outstanding or innovative, helping to raise standards in architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. In respect of these criteria, the inspector concluded he was not persuaded the scheme was a truly innovative one but the design would be of the finest calibre by setting the stone-built, lower ground level into the side of the sloping site and adding a timber-clad, cantilevered living space above. It would in his view clearly raise the standards of design in the area and can be considered truly outstanding and of exceptional quality.

However, he was not persuaded that the design would significantly enhance its immediate setting, commenting that he had seen no evidence to substantiate this conclusion, or to demonstrate how or why such an enhancement would occur. In coming to this conclusion he noted that with the exception of the older timber garages to the south the immediate setting around the appeal site is defined by its generally attractive, semi-rural surroundings and traditional stone buildings. He therefore was not convinced that the scheme's architectural quality would be sufficient to significantly enhance its immediate setting. In doing so he did have regard to proposals for a pond to aid transition between patio and rural landscape and that the

garden would become an extension of the meadow with sculptures and that native deciduous trees and traditional orchard would be planted.

He also concluded that the design would not be sensitive to the defining characteristics of the local area. It would contrast to other detached houses in Balladen by introducing a substantial sized property into an elevated and highly prominent section of the open countryside. He considered the size, scale and massing of the proposal would fail to be sensitive to the defining characteristics of the area and would look harmfully out of place. In doing so he noted that the timber clad, cantilevered living space above the lower ground floor would be a clearly noticeable feature in the landscape by reason of its location, size and siting on higher ground and would be seen in the context of surrounding houses which are noticeably smaller and at a lower level.

Finally, in respect of other matters, he concluded that despite its design approach, the scheme would result unsustainable travel patterns. He also concluded that even if the site was not considered isolated for the purpose of the Framework, the proposal is contrary to core strategy policies 2 and 3 which seek to restrict development on greenfield land outside settlement boundaries.

However, the inspector did not raise concerns in relation to overlooking, noise, ecology, ground conditions or highways.

4. Proposal

The applicant has submitted revised proposals for the erection of a single 'Passivehaus' with hard and soft landscaping and vehicular access off Lomas Lane.

It remains the case that the proposals are for a house with a T shape layout of similar design to the previous submission. The lower ground floor is to consist of four bedrooms, storage spaces, an office, bathroom and a garage for 2 cars. The upper floor is to consist of an open plan kitchen and lounge and adjoining pantry and study. The proposed materials remain as per the previous submission of natural dry stone walling at the lower floor and sweet chestnut cladding to the upper floor and triple glazed aluminium windows. As per the previous submission, the proposals include a suite of green living/ zero carbon measures including the house being of Passivhaus construction as well as landscaping measures, erection of solar panels and a range of potential measures to broaden flora and fauna habitat and to remove invasive species on land within their ownership.

In bringing these proposals forward, the main changes advocated by the architect are described in their submission as follows:

SUMMARY OF DESIGN CHANGES AND LANDSCAPE PROPOSALS

Following the planning committees decision to refuse the application to construct a new Passivhaus dwelling on land off Lomas Lane in Balladen, and further to the Appeal Inspectors decision to uphold the refusal, we have analysed the reasons for refusal/dismissal and revisited the scheme to see if there was an opportunity to address the concerns identified in the Inspectors report.

The Inspectors report was clear in its appreciation of the scheme and in Paragraph 10 the Inspector states that:

"...the design review panel concluded that the use of massing, form, materials and landscape treatment would represent the highest standards of architecture. By setting the stone-built, lower ground level into the side of the sloping site and adding a timber-clad, cantilevered living space above I agree that the design would be of the highest calibre. The scheme would clearly raise the standards of design in the area and can be considered as truly outstanding and of exceptional quality."

However, there were two key fundamental issues identified in the decision that we will need to address if a revised scheme is to be supported.

Firstly, would the design significantly enhance its immediate setting?

The inspectors opinion was that "...based on the evidence provided, I am therefore not convinced

that the scheme's architectural quality would be sufficient to significantly enhance its immediate setting."

Secondly, would the design be sensitive to the defining characteristics of the local area?

The inspectors opinion was that "...In terms of the choice of materials and design approach taken, I therefore consider that in principle the scheme would largely reflect the local area."

However he went on to say that "within such a prominent position I consider that the size, scale and massing of the proposal would fail to be sensitive to the defining characteristics of the local area, and would look harmfully out of place."

In revisiting the scheme we have looked at the two principle issues. The revised scheme together with the initial landscape design seeks to address these.

In our view both issues are intrinsically linked and the design of the building and the landscape together will need to enhance its immediate setting and be sensitive to the defining characteristics of the area.

The building design has been amended to reduce the scale and massing as follows:

- *The building has been further dug into the site by 1.2m, easing the steepness of the driveway and merging the building more with the landscape*
- *The first floor timber clad section has been reduced in length by 1.6m and the pitch of the roof has been reduced from 20° to 15°*
- *The garage walls when viewed from Lomas Lane have been amended and extended to merge with the landscape, a subtle curve has been added to the top of the wall to reduce the apparent hard impact of the wall*

The landscaping has been addressed in more detail and a landscape report and design is attached to this document.

Briefly, in looking at the landscape there are a number of issues that all help with enhancing the buildings immediate setting and which are sensitive to the defining characteristics of the local area. These include the following:

- *Dry Stone Walls—these are a defining characteristic of the area and the project will seek to utilise this element for all new ground floor walls. The use of these new walls [coupled with the repair and conservation of existing walls around the site] will serve to help integrate the building with its surroundings*
- *Sculpture—the clients are taking advice from the landscape consultant regarding the provision of sculptures within the landscape scheme and also regarding commissioning some sculptural gates for the main entrance*
- *Hedgrows—these are another defining characteristic of the area. The applicants have already planted native hedgerows around the site and as part of this application will seek to plant further native boundary hedging to provide habitat and screening*
- *Millpond—the former millpond at the northern end of the site has been overrun with Himalayan Balsam and the clients are committed to removing this invasive species. They are currently being advised by the Healthy Waterways Trust in this regard.*
- *Proposed Orchard—In 2007, traditional orchards were designated as a priority habitat in the UK Biodiversity Action Plan because of the wildlife value that can be supported by this environment [insects, birds, bees, bats, and small mammals as well as wild flowers]. The proposed orchard will be planted with Lancashire heritage varieties of both apples and pears. The orchard will aid biodiversity and serve to screen the reduced scale upper floor.*
- *Silver Birches—the intention is to plant a grove of silver birch trees to the south of the building. These native trees carry many benefits including the following:*
 - *High conservation value*
 - *Provide food and habitat for insects birds and small mammals*
 - *Quick growing*
 - *Provide dappled shade*

- The bark will complement the silvering of the sweet chestnut cladding.
- The light canopy will allow discreet views of the wooden clad structure.

Paragraph 22 of the Appeal Decision states that “...by virtue of its size, scale and prominence the building would not be sensitive to its surroundings and would look harmfully out of place. Although the design elements of the scheme would represent high quality, this would not mitigate the incompatibility of the scheme in its surroundings.” This, in our opinion, is the key phrase in the appeal decision.

The changes to the design of the building seek to reduce its impact and scale whilst not diluting the evident design quality that both the inspector and Places Matter have recognised. The addition of a well thought out landscape strategy and more detailed proposals seek to address the ‘incompatibility of the scheme in its surroundings’.

An assessment of the defining characteristics of the immediate surroundings of the site shows that buildings are gathered around the lanes and seem to almost ‘hunker down’ against the elements. The original application scheme did not recognise this key feature strongly enough and the revised scheme, together with its landscaping seeks to address this failing.

The building is set lower within the site, with all excavation material utilised in creating banks and bunds that will screen the lower ground floor from direct views. This technique coupled with extending the lower stone walls is designed to make the building appear to grow from the landscape. The cottages to the south end of the site are partly the inspiration for this, the view of these cottages from Lomas Lane is virtually hidden until one rounds the corner. The feel we are trying to achieve with the new scheme is similar and the use of native hedges, stone walls and extensive tree planting [together with a reduced mass and a building set lower into the landscape] will all serve to integrate the building into its surroundings and ensure that it does not look harmfully out of place. We believe that the revised building and detailed landscaping scheme incorporating the measures detailed above will significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area, whilst maintaining the exceptional design quality that all parties now recognise.

Finally, in support of the application, the applicant’s have referenced a proposal for a not dissimilar looking property which was approved by South Derbyshire District Council Planning Committee (Soth Derbyshire District Reference Ref 9/2014/0725/FM).

5. Policy Context

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong, Competitive Economy
- Section 3 Supporting a Prosperous Rural Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 4 Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale’s Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low and Zero Carbon Sources of Energy
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

6. Consultation Responses **RBC (Forward Planning)**

Forward Planning has reviewed the revised scheme and the appeal decision pertaining to the previous application and largely retains its objection for similar policy reasons to those provided on the previous application. Most particularly it comments as follows:

The Appeal Inspector makes it clear that the main issue is that although “the scheme would raise the standards of design and can be considered as truly outstanding and of exceptional value” the proposal would not significantly enhance its immediate setting, and by reason of its size, scale and prominence would not be sensitive to the defining characteristics of the local area”.

Also regardless of whether the revised design overcomes the Inspector’s concerns with regard to the criteria in Para 55 of the NPPF (and whether it significantly enhances its immediate setting, or is sensitive to the defining characteristics of the local area), there are additional issues (para 22 onwards) which cannot be addressed by a re-design. In particular they relate to reliance on the private car, and whether the proposals promote high levels of sustainability.

The location for development is, as stated by the Inspector, contrary to Policies 2 and 3. The Inspector states in para 26 that he is “not convinced that the social, economic or environmental advantages of the scheme would be significant” for a single dwelling. The social advantages have not been addressed, and I can see little reference to any economic benefits.

I note that the applicant refers to improvements that they would undertake as part of the development. Some of these improvements though, such as repairing stone walls or removing Himalayan Balsam should be regarded as general maintenance which would be carried out regardless. Detail is also required as to how the landscaping will be created and managed, together with contingencies to ensure the landscaping scheme is established successfully.

Similarly although it is acknowledged that the actual design of the house itself is not an issue there is still the question of whether this design is appropriate for this location, drawing upon the Inspector’s main issues relating to enhancing the setting, and being sensitive to the local area. Hence, reducing the height (as seen from viewpoints) and length of the building would not address the issue. In particular given the proximity of the neighbouring properties I have a concern that in particular the outside raised terraced area would be unduly prominent for this location.

LCC (Highways)

No objection. Detailed comments are as follows:

The proposal will see the creation of a 4 bedroom house at the location which will require the construction of an access to the adopted highway of Lomas Lane. This work will be required to be undertaken by the highway authority and I would request that if this application is approved this is conditioned as part of any approval.

The site includes a garage with parking for 2 cars and bicycles. For this size of development the expectation would normally be that 3 off road parking spaces are provided. Although the garage only has 2 spaces I believe that there is sufficient room within the hard-standing area of the site to accommodate a further parking place without impacting adversely on the ability of vehicles to manoeuvre such that they can enter and leave the site in forward gear.

The proposed access point has limited visibility to the southern approach due to the existing road layout. However there are only a few properties located to the south of the site and Lomas Lane is a narrow road which is likely to create low speeds so any issue is likely to be minimal. It is intended that the new access is gated. Any gate should be set back at least 6 metres from the carriageway edge and open away from the highway in order to allow vehicles to pull off the highway to operate said gate.

Overall I believe this development will not have a detrimental impact on the highway network so have no objection to the proposals as they currently stand.

United Utilities (Water)

No objections but with informative regarding connections to the property.

RBC (Environmental Health)

No objections

Environment Agency

No objections but with informative if water abstraction is intended

LCC Ecology

Objects

There does not appear to be any ecological survey or assessment information submitted with the application. The ecological value of the site and the likely ecological impacts of the proposals have not been established.

Rossendale Borough Council does not have sufficient information on which to base their planning decision and show regard to the legislation, planning policy and guidance listed below.

The site supports semi-natural habitats. The submitted Application Form states that the site comprises scrubland, and images and records accessible to LCC indicate that the site may support grassland and tall ruderal herbs. Habitats on site would be lost as a result of the proposals. The nature and value of habitats to be affected has not been established.

The proposals may also have potential to result in adverse impacts on protected and priority species. For example: There are waterbodies within 250m of the site (including one within 100m), the site appears to support suitable terrestrial habitat for amphibians and there does not appear to be any barriers to amphibian dispersal between the waterbodies and the site.

The proposals therefore have the potential to result in adverse impacts on amphibians (including Great Crested Newt (European Protected Species) and Common Toad (Species of Principal Importance), both through habitat loss and risk of killing/injury, and therefore has potential to result in offences under the Habitats Regulations.

Prior to determination of the application the applicant should be required to submit an ecological assessment of the proposals. The ecological assessment should include:

- A desk based assessment informed by a data search, including from the Lancashire Environment Records Network (LERN).
- A phase 1 habitat survey of the development site and immediately adjacent land.
- A phase 2 habitat survey of any semi-natural habitats, priority habitats, or habitats and features with the potential to support species of ecological interest. This should include mapped plant communities and full species-lists showing relative abundance.
- An evaluation of the ecological status of each habitat e.g. Habitats of principal Importance.
- An assessment of the potential of each habitat to support protected and priority species.
- Surveys for protected and priority species that may be affected by the proposed development.
- An assessment of likely ecological impacts, including quantified and mapped areas of habitat loss, damage or fragmentation.

Ecological surveys and assessments will need to be carried out by competent (suitably qualified and experienced) individuals.

The applicant will need to demonstrate that the development would be located and designed in a way that would avoid ecological impacts and that mitigation/compensation measures

would be sufficient to fully off-set all unavoidable ecological impacts and deliver enhanced quantity and quality of biodiversity and habitat.

If surveys/assessment reveal that European Protected Species would be unavoidably affected (such as Great Crested Newt), then Rossendale Borough Council should not approve the application if there is reason to believe that Natural England would not issue a licence. Rossendale Borough Council will need to have regard to the requirements of the Habitats Directive in reaching the planning decision. If the need for a Natural England licence is established, the licensing tests given in the Habitats Regulations should be given consideration. In summary, these are that:

1. The development is required for the purpose of
 - preserving public health or public safety,
 - for other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
 - for preventing serious damage to property.
2. There is no satisfactory alternative.
3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.

(see DEFRA Circular 01/2005).

If the need for a Natural England licence is established then before the application is determined, information should be provided by the applicant to demonstrate how the above three tests will be addressed. This should include mitigation proposals, informed by adequate survey data in order to address the third test.

In determining this application, the requirements of the following legislation, planning policies and guidance should be addressed:

- The Conservation of Habitats and Species Regulations 2010 (as amended).
- The Wildlife and Countryside Act 1981 (as amended).
- The Natural Environment and Rural Communities Act 2006.
- The Protection of Badgers Act 1992.
- The National Planning Policy Framework, 2012 (NPPF)
- Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).
- Environmental Protection / Nature Conservation policies of the Local Plan.

The applicant has not submitted any information to demonstrate that the proposals would be in accordance with the above legislation, planning policies and guidance.

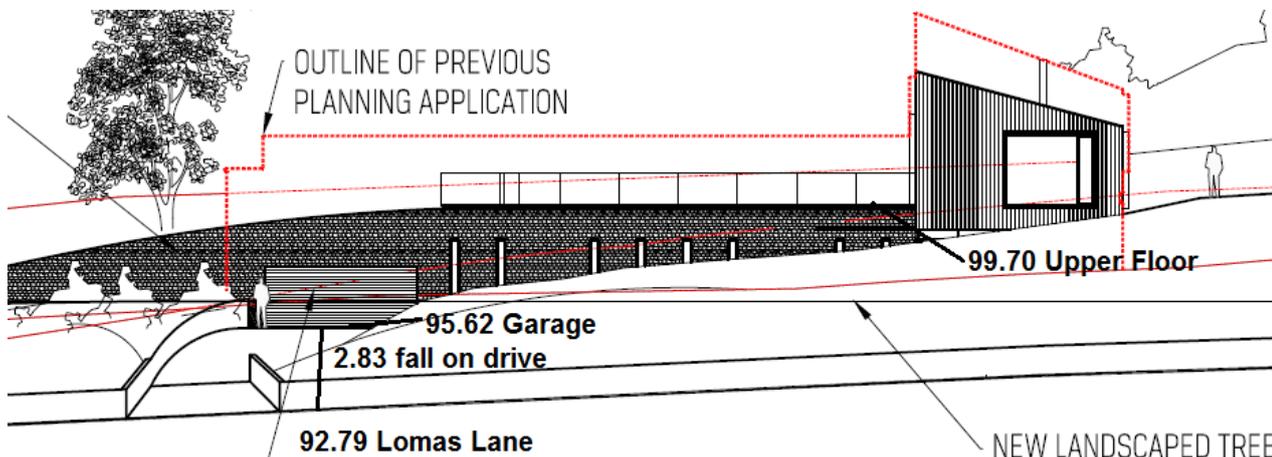
Rossendale Civic Trust

2015 / 0025 'Passivhaus', land east of Lomas lane, Representation Rossendale Civic Trust

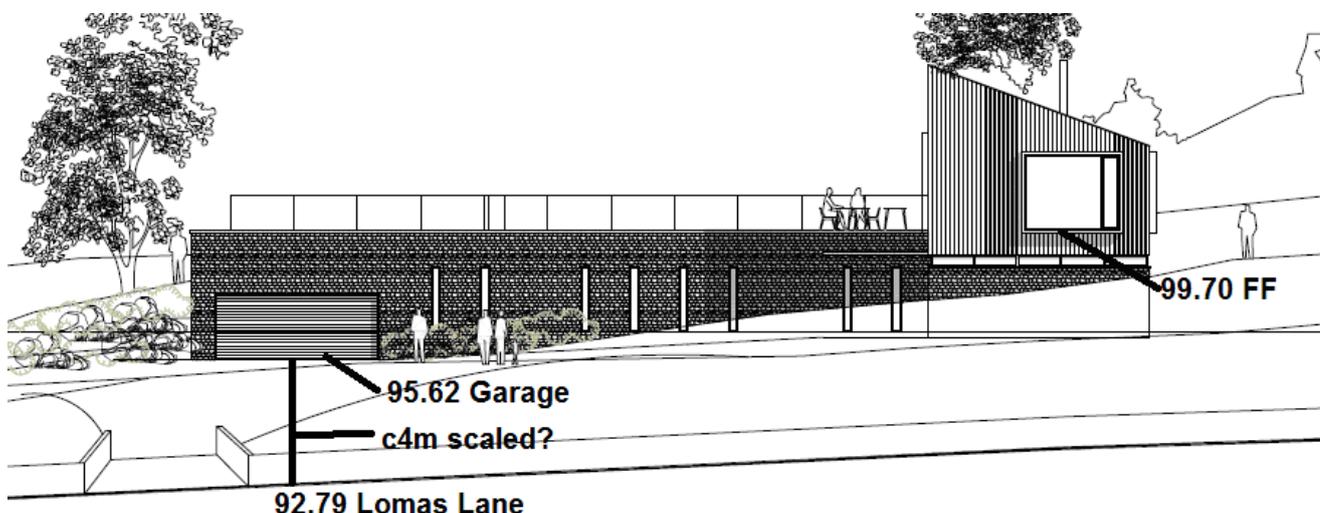
1. Rossendale could live quite happily with this house on a more appropriate site, which respected its neighbours and the Urban Form Boundary, but object to its construction in this location.

2. Entrance to Balladen. Noted that: *building is set lower within the site, with all excavation material utilised in creating banks and bunds that will screen the lower ground floor from direct views.* RCT are concerned that a bank, to side of the lane, raised maybe to screen this new house from Plane Tree House, closes in the entrance to the village more than is done at present by this bank.

3. Design Changes. Noted that: *The building has been further dug into the site by 1.2m, easing the steepness of the driveway and merging the building more with the landscape.*



4 Are they significant? Here above is 2005/0025’s elevation to Lomas Lane to compare below with the appeal dismissed 2013/0587’s. RCT do not see a “step change” in how it presents itself to its neighbours. It’s understandable that they would see it as essentially the same proposal.



5 Have levels changed? 2005/0025 shows: Garage 95.62, Ground Floor 96.50, First Floor 99.70; but there are the same levels on the plans for 2013/0587. The applicant needs to clarify whether the proposed floor levels on 2013/0587 were, in relation to Lomas Lane, 1.2 metres higher..

RCT note from their representations on 2013/0587: “Plane Tree House opposite has levels: 97.42m eaves and 99.56m apex” – “The applicant's proposed first living area is at a level of 99.70m, to give a clear view over the whole area” - “The proposed Garage looks to be quite high in relation to Lomas Lane, whose level is around 93.00m” - “suggest a gradient steeper than 1:5” - “Is this at all practical to manoeuvre a car, or for an old or disabled person to get to and from a car” – “Given these challenging levels and gradients, would it be logical to suggest some design effort to get a normal c1:20 parking area off Lomas Lane, and a building that sat alongside it's neighbours, instead of sitting atop them?”

Rossendale Cycle Forum

The proposed development is directly adjacent to the Pennine Bridleway and is also very close to Bacup and Rawtenstall Grammar School and Waterfoot Primary School. Safe cycle access is therefore important but ***your planning application form, Section 6. Pedestrian and Vehicle Access, Roads and Rights of Way, gives no opportunity for the developer to comment on cycle access. Why is this?***

The developer’s supporting document makes no mention of cycling.

The application states that there will be new roadways including a new link to the existing road. Will these be subject to a safety audit which includes cycle access?

7. Notification Responses

To accord with the General Development Procedure Order a press notice was published advertising the proposal as a departure from the Local Plan. In addition 3 site notices dated 17th March 2015 were erected and 14 letters dated 10th February 2015 were sent to neighbours.

In response: Objections have been received from 9 residents from 7 different households though 4 of the different households share the same surname. Objections have also been received separately from a planning agent acting on behalf of one of the households.

27 letters / emails of support have been received from 25 different households of which 21 are from households in Rossendale, though not specific to the area of Balladen. In addition supporting comments have been received from 'Places Matter' who are a design panel for the North West. Their comments are attached.

Objecting comments

The objections can be summarised as follows:

- The proposed access on to Lomas Lane is badly sited and dangerous to oncoming traffic due to being between two blind bends
- Access to the village is very narrow and restrictive. It passes the steps/entrance to both Balladen Community School and the children's centre and is used by both parents and unaccompanied children
- The entrance to Lomas Lane is on a "dogs leg" and it is a very busy junction / 4 crossroads – none yellow lined coming through Hall Carr housing estate
- Bridge over Balladen Brook would need to be reassessed as to its suitability for very heavy construction traffic
- Building not in keeping with others
- Should not rely on spring water
- Could have a "knock on" effect for others waiting to build (Precedent)
- Impact on privacy for Plane Tree House as proposal is on higher land
- Do not consider orchard will work in Rossendale climate
- Visual impact remains similar to previous application
- Location and design is unsympathetic
- Scheme is little different to previous scheme and does little different to reduce the impact which its location, scale and appearance has on the village
- Little different so does not meet the exacting requirements of paragraph 55 of NPPF
- Lack of stewardship of land in the past, so sceptical of commitments in application
- Proposals are to largely reinstate what was a lovely meadow which has become scrubland through poor maintenance
- Plane Tree House is 4 metres longer than shown on the plans and therefore closer to the access so strong possibility heavy machinery and contractors equipment will damage foundations of Plane Tree House
- Landscaping welcome but will not obstruct views as this would negate rationale for upside down nature of house
- Design remains alien to local architectural vernacular
- Underground element of the proposals may impact on watercourse and drainage
- Proposal would be outside the urban boundary
- On an unallocated green field and will detract to an unacceptable extent from the appearance of the countryside
- Will not support the rural economy and assist the economic sustainability of local communities

- Reference in applicant's supporting statement to a nearby approved application has questionable relevance / related to conversion of stone and slated former agricultural property within the urban boundary.
- Trees and hedges would have to be removed
- Would spoil the view from Plane Tree House

Comments of Planning consultant on behalf of 7 Balladen objecting to the proposals

In addition to the comments of the occupiers of No 7 which are summarised above, the comments of their planning consultant can be found at Appendix B. In summary, the agent considers the proposals do not satisfy the criteria of NPPF paragraph 55

Supporting comments

The reasons for support can be summarised as:

- Scheme is innovative and well thought out
- Will have a low profile as seen from Lomas lane and incorporates random stone and natural timber
- First Passive house for Rossendale
- Main objection is essentially fear of the new/ fear of the future
- Carefully thought out design fits perfectly with the surrounding environment
- Has architectural design which will /could significantly enhance its immediate setting
- Blends with landscape and contemporary design should make Rossendale a Beacon for people considering an eco-home / will add prestige to Valley
- Applicant committed to enhancing immediate setting through renovation of historic features such as dry stone walls, adding to the existing hedgerows, planting of silver birch, apple and pear orchard, creating wildlife wetland and keeping Himalayan balsam in check
- Attempts made to minimise impact
- Way to expand village with minimal impact
- Fine example of a low carbon house
- Shouldn't fall victim to nimbysm to prevent development which would significantly enhance the housing stock
- Designed with great sensitivity in use of building materials and landscaping
- Strongly reflects industrial heritage and architecture of area whilst being contemporary in design
- Proposals including repair of traditional drystone walls will enhance and be sensitive to the defining characteristics of the area
- Will raise architectural standards in Rossendale
- Will diversify existing trees and be a valuable wildlife habitat
- Should support sustainable, innovative, low energy, low carbon living / use of solar panels, recycled rainwater and planting of many new trees
- Outstanding design could be an inspiration for future developments / raises the bar for future buildings
- Addresses issues in previous application
- Accords with government document Laying the Foundations: a housing strategy for England

Comments of Places Matter!

Places matter! has been asked by the applicant for observations on the revised scheme. The Places Matter response is attached at Appendix C. In summary they support the scheme and consider it meets the requirements of NPPF paragraph 55.

Review by Landscape Architect

The applicant has also asked an architect – Stefan Schrammli, a Swiss landscape architect who has apparently previously worked on prestige projects to review the scheme. His letter in support of the proposal is also attached at Appendix D.

Applicant's comments on objections

In response to the objections received, the applicant's architect has advised regarding the Rossendale Civic Trust Comments that:

- Difference in levels. The new building/application has the following finished floor levels: lower ground floor 95.51, garage 94.61, upper ground floor 98.67
- The gradient from the road to the garage up the driveway is 1:7. The drive levels out at the front of the garage to provide a level platform for parking etc. There is then a gentle slope that rises by 900mm over 17m to the front door. This has a gradient of 1:18.8
- I have corrected the FFL on each drawing and also amended section AA to show how the driveway comes into the site. Revised plans submitted.

Separately the applicant has reiterated that neighbour amenity issues were not a concern for the Inspector in the previous more prominent scheme.

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle; 2) Housing Policy; 3) Visual Amenity;
- 4) Neighbour Amenity; 5) Access/Parking;

Principle incorporating considerations in respect of design / housing policy, visual amenity and ecology

In respect of the principle, the considerations are similar to that set out in the previous report to application 2013/0587 which was refused for the reasons set out in the report and the planning history section of this report. It is therefore not proposed to rehearse these arguments again. Instead this assessment focuses on whether the changes proposed and the additional information submitted has sufficiently addressed the previous reasons for refusal provided by the Council and subsequently the decision of the Planning Inspectorate.

Most specifically, the Inspector's report has helped distil the 'in principle' issues that remain in my view to be judged against the revised proposals as follows:

- Would the revised design significantly enhance its immediate setting?
- Would the revised design be sensitive to the defining characteristics of the local area?
- Is the proposal a sustainable form of development?
- Are there other sufficient reasons to justify departure from the development plan, most particularly Core strategy policies 2 and 3 which seek to restrict development on greenfield land outside settlement boundaries?

For completeness, I advise that whilst design itself is subjective, in light of the Inspector's comments and those of Places Matter! on the previous scheme and the further comments of Places Matter! in respect of the revised proposals, I do conclude that there is a sufficient body of opinion to indicate that the design of the building itself should be considered to be truly outstanding and of exceptional quality.

In relation to the first two bullet points above, the applicant's land ownership and the need for the building to have open views at the upper floor level have dictated that the location has remained the same, rather than to look at other sites in the locality for development as might be implied as being necessary by the Inspector's comments. For example, the Inspector notes that *with the exception of the somewhat dilapidated garage colony located nearby in Balladen the site is*

generally attractive, and by virtue of its scale, size and prominence the building would not be sensitive to its immediate surroundings and would look harmfully out of place.

Such comments by the Inspector in my view indicate it is likely to be more difficult to demonstrate that this specific site can deliver significant improvements to its immediate setting or will be located in an appropriate location having regard to the character and form of the settlement of Balladen.

As a result, the room for manoeuvre has had by necessity had to be restricted to seeking to set the proposal further into the ground, re-contouring the land to reduce prominence and reducing the size of the property whilst not compromising on the established design quality and functional use for the applicant's requirements. Additional information and details of landscaping have also been provided.

Having regard to the first two bullet points which relate to paragraph 55 of the NPPF, I am of the view that the applicant has probably gone as far as they can in amending the proposals whilst retaining its specific siting and open aspects for views. I am also of the view that the design changes whilst modest in my opinion have further softened the appearance of the house as it is set and appears in the hillside. I also acknowledge that judgement in respect of impact on setting and local character are subjective considerations, and that a number of letters support have been submitted setting out the view that the proposal most particularly will raise architectural standards more widely.

I also have had regard to the decision and report of South Derbyshire District Council to approve a similar looking property, which has been referenced by the applicants in support of their own application. However, clearly each application must be determined on its own merits and having reviewed the South Derbyshire District committee report, the comments below accordingly have regard to the merits of the specific proposals in this specific location before Rossendale Borough Council, notwithstanding the South Derbyshire scheme.

However, for the reasons set out in the consultation response from Forward Planning I remain unconvinced that the two key criteria of paragraph 55 of the NPPF can be sufficiently addressed if sited specifically in this location. In coming to this view, I note the comments of Places Matter! which too note that due its prominence "*further adjustment of location might be a matter for negotiation*". Most particularly, I am of the view that the digging down and re-contouring to increase ground levels around the proposal whilst seeking to give the impression of reducing prominence of the building is a somewhat contrived solution, and that therefore results in change in the local landscape rather than a significant improvement to its setting. These contour changes would also to a degree change the existing approach to the settlement potentially resulting in Lomas Lane feeling more enclosed than at present which I am not convinced would be a significant enhancement. I am also of the view that it remains the case that in order to achieve the open views and functionality the applicant is looking for, the building due to its still relatively prominent position coupled with its scale and size will still not be sufficiently sensitive to the defining characteristics of the local area.

I note the reference to planting and landscaping and the setting out of comments both by Chris Brammall as the landscape architect advising on the application and the comments of Stefan Shrammli in terms of a peer review of the landscape proposals. However, whilst taking note of how they consider the proposals have sought to carefully blend the building into the land and use landscaping to further mitigate harm, I am not persuaded this outweighs the potential harms caused by the increased banking which will be noticeable on the site. The submissions also do not appear to provide evidence as to how the landscaping, orchards and sculptures will be managed and provide a resource that will be accessible for wider public benefit and therefore have the potential to do more than mitigate rather provide significant improvements to the landscape.

I also note the intention to improve field walls, fences and hedgerows along with road surface and cultivation of the fields and the habitat improvements. However, as indicated, I am not persuaded that this is mostly more than good land management rather than significant improvement to the immediate setting. Furthermore, at present an 'in principle' objection has been raised by LCC Ecology. I am aware that the applicant has indicated they will address these considerations before committee and I will report any further comments in the update report. However, at the time of writing, the 'in principle' objection on Ecology grounds remains for the reasons set out in the LCC consultation response.

Having regard to sustainability (3rd bullet point), the Inspector in paragraph 24 of his appeal decision highlights that in effect due to location of the proposal and a lack of any identified means of control to ensure the green living intentions, unsustainable travel patterns are likely to arise. In the absence of these concerns being offset as perhaps could be achieved if the site was for example brownfield, I am not persuaded that the development can be considered truly sustainable.

Equally, given the development is for only one property, I concur with the inspector in the previous appeal that the social, economic or environmental advantages of the revised scheme would not be significant. Accordingly having regard to the final bullet point falling out from the appeal decision, I am not convinced that development in this specific location can be sufficiently justified to depart from the development plan and allow development of this greenfield site outside the urban boundary.

Accordingly, it is considered that there remains in principle objection for the reasons set out.

Neighbour Amenity

I note that in respect of neighbour amenity, objections have been received, most particularly from 7 Balladen and Plane Tree House. However, these concerns were not supported by the council in its consideration of the previous application due to the orientation and separation distances of existing properties and the proposals. It is noted such concerns were also not upheld by the Inspector in his decision letter. Accordingly, I am of the view that there is even less justification for this revised proposal to be refused on neighbour amenity grounds. In coming to this view, it is recognised the proposal will have same siting but is reduced in size from the previous submission, will be further dug down into the hillside and that the re-contoured land will be higher than for the previous proposal.

Access / Parking

The objectors concerns are noted, however, LCC Highways has not raised objection for the reasons set out in their consultation response. In considering the application, I am conscious that in any development, a period of construction and related traffic is inevitable but is ultimately temporary. I note the concerns of the occupier of Plane Tree House regarding construction traffic and the position of the access on the proposals, however, the LCC highways engineer has confirmed that such concerns could be overcome by imposing a condition requiring a construction method statement to be submitted and agreed prior to commencement of development. Accordingly I do not consider such concern would provide a basis for refusal. In my view the levels of traffic that can be anticipated in order to remodel the land and construction of a single dwelling albeit of the scale and unusual features this proposal possesses will not be so significant that the lane will not be able to cope. The proposal will only result in an increase of one property and associated traffic once completed and therefore I do not consider a basis to justify a view different to that held by the highway authority.

Spring Water & Private Water Supplies

I note the small number of objections related to this issue, however, it does not change the basis for the Officer's recommendation of refusal as contained in the report. Whilst further practical arrangements may need to be addressed in respect of accessing the spring, evidence-basing for spring supply rates and mitigating any negative impacts of greater useage for other users and addressing any water quality issues, such concerns could in my view be addressed by imposing a condition requiring further details to be submitted and approved by the Local Planning Authority condition prior to the commencement of development. Alternatively, if abstraction is ultimately the chosen method, a licence may be required via submissions to the Environment Agency.

9. RECOMMENDATION

That Committee refuse the application for the following reasons:

- 1) The application relates to a greenfield site within the loose collection of buildings making up the hamlet of Balladen, in the Countryside to the south of the Urban Boundary of Rawtenstall. By reason of the National Planning Policy Framework 2012 and Development Plan policies there is a presumption against permitting erection of a dwelling in the countryside except in very limited circumstances. It is claimed that the special circumstances exist to permit the proposed dwelling due to it being truly outstanding and of the highest calibre of architecture and because the revised proposals have overcome previous concerns identified at appeal that it would not significantly enhance its immediate setting or would be sensitive to the defining characteristics of the local area as is required in paragraph 55 of the NPPF. However, the local authority remains of the view that the proposed development will not enhance its immediate setting which is already considered generally attractive and is not sensitive to the defining characteristics of the local area, the dwelling to be of significant scale and size and to occupy an elevated position at odds with the existing properties of which the hamlet of Balladen is composed and that attempts to address these concerns through remodelling of the site will appear contrived and will not address the inherent concern of the building's prominence. Furthermore, it is not considered the suite of sustainability measures are sufficient to offset the harms caused by development on Greenfield land outside the urban boundary. Accordingly, the proposal is contrary to Sections 3, 4, 6 and 7 of the National Planning Policy Framework 2012 and policies 1, 2, 3, 9, 21, 23 and 24 of the Council's adopted Core Strategy DPD 2011.
- 2) The application has not been accompanied by an ecological assessment of the site and the impacts on ecology and biodiversity that would occur as a result of the development. In the absence of such assessments the applicant has not demonstrated if there will be an impact on protected species and if any identified harm resulting from the development can be avoided, adequately mitigated or compensated for. Accordingly, the scheme is considered to be contrary to section 1 of the NPPF, and policies 1 and 18 of the Rossendale Core Strategy.