

<b>Application Number:</b>	2015/0063	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of four houses and associated access road & landscaping	<b>Location:</b>	Land at Holly Mount, St Mary's Way, Rawtenstall
<b>Report of:</b>	Planning Unit Manager		
<b>Report to:</b>	Development Control Committee	<b>Committee Date :</b>	6 October 2015
<b>Applicant:</b>	Mr S Ainsworth	<b>Determination Expiry Date:</b>	9 October 2015
<b>Agent:</b>	Mr S Hartley		

<b>Contact Officer:</b>	Neil Birtles	<b>Telephone:</b>	01706-238645
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	YES
<b>Other (please state):</b>	

## 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 Permission is granted subject to the Conditions set out in Section 10.**

## 2. SITE

Holly Mount House is a Grade II listed building, which lies within Rawtenstall Town Centre Conservation Area. In recent years it has been converted to apartments and the level land to its north side has had houses erected upon it. Most recently the apartment block permitted on the northern boundary of the level land has been completed by the applicant. Vehicular access to these residential properties is by means of the road that serves the ASDA store, which stands immediately to the east.

The current application relates to land to the north side of the recently-completed apartment block and rises up steeply towards housing fronting Haslingden Old Road. This irregularly-shaped site has an area of approximately 0.5 hectares, rising in height from its southern to its northern boundary by 10m over a distance of 90m. The site is bounded to the west by housing fronting Schofield Close and to the east by the wooded embankment that runs to the rear of ASDA. The application site was itself well-wooded until approximately 10 years ago when a significant number of its mature trees were felled; re-growth on a number of the stumps is now to be seen and there remain pockets of mature trees, most notably towards the north-west corner of the site and to the rear of 9/11 Schofield Close. Trees on the site have the protection of a recently-issued Tree Preservation Order, made most particularly to afford protection to the group of mature trees immediately to the rear of 9/11 Schofield Close. The site lies beyond the boundary of Rawtenstall Town Centre Conservation Area, but is open to view by the public from the ASDA Car Park.

### 3. **RELEVANT PLANNING HISTORY**

#### **2007/0763** Erection of 16 3-bedroomed houses

This application proposed 16 split-level houses, to be constructed of natural stone with slate roofs. They were to be erected in pairs and terraces of three, arranged around a cul-de-sac that connected with the road network serving the houses then under construction on the land immediately to the rear of Holly Mount House.

Implementation of this scheme would have resulted in the loss of a number of the existing trees (most notably the pocket of mature trees to the rear of 9/11 Schofield Close) and necessitated some re-grading of the site. The submitted cross-sections showed a depth of cut to achieve the desired slab-levels for the houses nearest the NW corner of the site of 3.5m, whilst houses nearest the SE corner of the site would have resulted in construction of walls/retaining walls of up to 2.5m in height facing towards and visible from the ASDA car park.

The application was Refused on 14/3/08 and then the subject of Appeal. The Appeal Inspector considered the main issues to be :

- 1) whether the proposal was in accordance with the Development Plan and guidance pertaining to housing development and the provision of affordable housing;
- 2) whether the proposed development justifies a financial contribution towards public transport provision; &
- 3) the impact of the proposed development on the setting of Holly Mount House and the area generally.

The Inspector dismissed the Appeal, concluding in respect of each of these issues as follows :

- 1) *“Advice within Annex 3 to PPS3 states that there is no presumption that land which is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed. However, having regard to the location of the appeal site and its relationship with adjacent dwellings(both existing and under construction), on balance I consider that in principle the residential development would be apposite.....However, the proposal does not afford adequate and unambiguous clarity pertaining to the provision of affordable housing.”*

- 2) *“I do not consider that there is adequate justification for a financial contribution towards public transport.”*
- 3) *“...the curved terrace blocks already constructed as part of planning permission 2006/230 attractively complement and frame the rear of Holly Mount House. The relatively restrained appearance and massing of the terraces forms a pleasing overall composition which enhances the setting of the listed building when viewed from both the ASDA car park and the surrounding dwellings.*

*By way of contrast, and as a result of the rising landform, the proposed split-level dwellings would be of varying heights. Notwithstanding the fact that they would echo a number of design characteristics of the existing terraces this would result in a complex overall appearance and massing. In addition, the proposed development would require the construction of a significant number of retaining walls.....Whilst by virtue of its location the appeal proposal would have little impact on the character and appearance of the Rawtenstall Conservation Area, for the above reasons it would be harmful to the setting and overall ambience of Holly Mount House.”*

#### **4. PROPOSAL**

As first submitted this application sought permission for four houses and an associated access road that I considered would result in harm, if not loss, of mature trees in the group to the rear of 9/11 Schofield Close. The Applicant was asked to amend the scheme and a Tree Preservation Order was made to afford protection to trees on the site; a further report appears on the Agenda in relation to the TPO.

As amended, the application seeks permission for four houses of somewhat different design and with a siting that takes them outside the Root Protection Zone of the group of trees to the rear of 9/11 Schofield Close. The scheme entails :

- Erection of 2 pairs of split-level semi-detached houses, all to have the same slab-level and have their front elevations facing towards St Mary’s Way. To be of natural local stone/slate construction, each is to possess 3 bedrooms, its front elevation 3-storey & its rear elevation 2-storey, with a garage attached to its side with a roof-terrace above.
- Construction of a private switch-back road that connects with the private road serving the existing housing at Holly Mount (at a level of 179mAOD) and, after ascending the slope & passing in front of the row of 4 houses now proposed, terminates in a turning-head of sufficient size to accommodate a bin-wagon (at a level of 186mAOD).
- Extensive areas within the application site being kept outside the boundaries of the gardens of the 4 houses in order that existing planting can be retained and added to.

The application is accompanied by :

- A Planning Statement
- A Heritage Statement
- A Contaminated Land Desk Top Study
- A Land Stability Statement
- A Tree Report

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

Section 1	Building a Strong Competitive 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 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment
Section 12	Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

AVP4	Area Vision for Rawtenstall, Crawshawbooth, etc
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable and Supporting Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Preserving and Enhancing the Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change, etc
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

## 6. **CONSULTATION RESPONSES**

### **LCC Highways**

No objection.

Holly Mount Way is a privately maintained road for the majority of its length and, consequently, it will not be possible for Lancashire County Council to formally adopt the new estate road and maintain it thereafter.

Request the following conditions are placed on any approved application to secure the future maintenance of the estate road to protect the future residents :

- 1) The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before first occupation.
- 2) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The storage of plant and materials used in constructing the development
  - iv) The erection and maintenance of security hoarding
  - v) Wheel washing facilities
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) Details of working hours
- 3) No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed street and retaining structures within the development have been submitted to and approved by the Local Planning Authority. The streets and structures shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Note : The applicant is advised that to discharge the condition that the local planning Authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

### **LCC Drainage**

No objection to the proposed development subject to the following condition :

No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

### **United Utilities**

No objection.

### **Drainage Comments**

In accordance with the National Planning Policy Framework and Building Regulations, the

site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way.

Building Regulation H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the drainage options in the following order of priority:

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practicable
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- c) a sewer (approval must be obtained from United Utilities)

No objection provided that the following condition is attached to any approval :

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the 225mm surface water sewer located in Haslingden Old Road to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8) and part H3 of the Building Regulations

### Water Comments

A water main crosses the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. You will need an access strip of no less than 5m, measuring at least 2.5m either side of the centre line of the pipe. This should be taken into account in the final site layout, or a diversion will be necessary, which will be at the applicant's expense.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

A domestic water supply can be made available to the proposed development.

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order 6 press notice was published site notices posted and 45 neighbours were notified of the proposal by letter on 30/6/15.

The following comments have been received :

### **4 Holly Mount Apartments**

We are the owners of the ground floor apartment in the northeast corner of the adjacent apartment block and must register our objection to the development on the following accounts :

1. We are at the bottom of a steep incline and the new three storey houses are some five metres to ground level above us. Whilst we don't anticipate much loss of light we will be completely overlooked.
2. The access road running adjacent the apartment block is very close to the existing development.
3. The lights of associated traffic would be a major intrusion to our property.
4. What road boundary is planned for the east side of the road?
5. What noise levels are expected from the rumble strips?

6. Asda car park is already a magnet for youths and their skateboards, an inclination of 1:12 on the access road would surely be more of an attraction and with the tight bend a potential hazard.

### **8 Holly Mount Apartments**

We object to this application on the grounds of noise/light/privacy and landscape issues.

The access road planned will mean cars and vans using the access road will shine their headlights into our property. There will also be noise from vehicles turning the corner. We bought our property because it looked out onto what today is a hillside with mature and recently planted trees which I understand are all under a 6 month preservation order. I would also like to ask if anyone has carried out a habitat survey of the proposed development area which as far as we can see has a large collection of new saplings and trees planted by the previous developer; the land and trees in question are also used by deer, foxes and bats, all of which are seen on a regular basis by the residents living to the rear of the Holly mount apartments.

We also fear that if the development of the 4 houses is given permission there will be further applications to build more house - we do know that there is access to the site from Haslingden Old Road which if eventually was joined to the proposed road would end up as a through road to Hollymount Way and Asda, used by traffic trying to avoid the traffic lights at the bottom of Haslingden Old Road, and causing even more traffic noise, light intrusion and distress to the residents living in the apartments.

### **102 Haslingden Old Road**

We would like the Council to consider the following points :

1. The Planning Application form, section 14 (Existing Use) states "Undeveloped land - previously land in association with Lower Mills/Amtrack - an access from Haslingden Old Road and some curtilage structures." In addition The Planning Statement states "Vehicular access from Haslingden Old Road and into the site still exists". We would like to state that vehicular access from Haslingden Old Road does NOT exist and never has. The applicant has used the piece of land between 102 and 104 Haslingden Old Road to drive plant/ machinery into the site and he has created a hard-standing road to do so. Therefore, as a condition of any proposal by the applicant, this should be removed and this area NOT used for access of plant/machinery during any development. This would ensure there are no accidents on a busy road opposite two primary schools and that adjacent buildings are not damaged by large vehicles.
2. Much is made in the Planning Statement of the applicant's commitment to visual amenity and landscaping - for example, "the development would respect separation distances, would be well landscaped and would not cause harm to the amenities enjoyed by the occupiers of surrounding residential properties." This being the case, the landscaping should be extended to include the whole site and in particular the land between 102 and 104 Haslingden Old Road. Planting in this area should subsequently be covered by the current and proposed Tree Preservation Order. This would secure separation, privacy and visual amenity for these properties, ensure this land is not used for access (which the applicant states they have no plan to do).
3. In relation to the Planning Application Requirements, the response by the applicant to take into consideration the wildlife of the site states. "a green buffer between the site and apartments is proposed. This will have some positive bio-diversity/nature conservation benefits. As long-time residents of this area, we are aware of a significant

bat population that uses this site along with a wide variety of other wildlife. Therefore, any landscaping should be done in alignment with the proposed Tree Protection Order for this site and should protect any existing wildlife that lives on or makes use of this site.

Whilst we are reluctant to see yet more development on an area of land that provides a 'wildlife corridor' and screen between the retail and residential areas of the town, we acknowledge that this planning application makes some attempts to maintain this important feature. We, therefore, believe that the Council has a responsibility to ensure that this significant part of the overall planning application should have stringent conditions attached to it and regular checks should be made to ensure that the applicant is meeting all these conditions.

### **108 Haslingden Old Road**

Although the Applicant has amended the drawings - which initially included within the application land we own - we would wish clarification of what is intended with regards the boundary. We are concerned about the security of the property that we feel is currently quite well protected from the back, and if it could be agreed that something, such as an 8ft fence, was to be installed at the bottom of my garden I would be happy for this to happen.

### **110 Haslingden Old Road**

On the plan attached to the planning application my property boundary was incorrect (as was my next door neighbour's).

### **118 Haslingden Old Road**

Once the new trees are planted within the maintenance area will they fall under the proposed Tree Preservation Order ? Will land at the back of 118 Haslingden Old Road that is not part of the planned maintenance area and doesn't officially belong to 118 be signed over ?

## **8. ASSESSMENT**

The main considerations of the application are:

- 1) Principle;
- 2) Visual Amenity/Heritage Impact;
- 3) Neighbour Amenity;
- 4) Access/Parking; &
- 5) Other Matters.

### **Principle**

The application relates to a site within the Urban Boundary of Rawtenstall, which is an area the Core Strategy identifies as being the focus for most built development. The site is also near to Rawtenstall Town Centre and its services/facilities. To this extent the development of the site is appropriate in principle.

The application site has for the most part never been occupied by built-development, and a substantial part of it was covered with mature trees/shrubs until felled by the former owner. Nevertheless the Inspector who considered the Appeal in relation to Application 2007/0763 concluded that residential development of the site would in principle be acceptable.

Central Government has since issued the National Planning Policy Framework and the Council has since adopted the Core Strategy. However, I remain of the view that there is no objection in principle to the proposed development.

The number of houses now being proposed on the site being much reduced from the number that would have resulted from the scheme proposed by Application 2007/0763 there is no requirement for the applicant to make available a proportion of the units as Affordable Housing or make financial contributions towards Public Transport provision, etc.

#### Visual Amenity / Heritage Impact

Holly Mount House is a Grade II listed building, which lies within Rawtenstall Town Centre Conservation Area. Whilst the application site lies beyond the boundary of Rawtenstall Town Centre Conservation Area, both Holly Mount House and the site are open to view by the public from the ASDA Car Park.

Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that local authorities must pay special attention to the desirability of the Listed Building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of this Act states that local authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy 16 (5a) of Rossendale Borough Council's Core Strategy Development Plan Document states that the Council will protect Rossendale's historic built environment by ensuring that development is located in a way that respects the distinctive quality of the historic landscape and setting, and retains or enhances character.

In respect of Application 2007/0763, which proposed erection of 16 split-level houses on this site, the Council's Conservation Officer considered that :

*“the approved scheme at the rear of Holly Mount House will to a degree mask part of the proposed development from many vantage points, including the context / setting of the listed building and conservation area. Views from below appear to be restricted largely to the narrow gap between the retaining wall to the Holly Mount site and the Asda car park. The view of the proposed dwellings from the ASDA car park will be seen against a hillside partially hidden by trees, and this is a common sight in the valley area. The sectional drawings, if correct, show that the development will not rise above the existing skyline.*

*However..... it is essential that the existing key groups of trees are retained and supplemented to protect short and long distance views. The scheme will not retain all of the existing key groups of trees.*

*The current proposal would be severe with building and retaining wall dominating, particularly for a long period before the planting has some impact. For some views, the arrangement of buildings and walls will act against the planting ever being able to provide a screen. The most severe impact appears to be at the lower end of the development site, closest to the Asda car park.”*

The Inspector who dealt with the Appeal in respect of Application 2007/0763 was of a similar view :

*“as a result of the rising landform, the proposed split-level dwellings would be of varying heights. Notwithstanding the fact that they would echo a number of design characteristics of the existing terraces this would result in a complex overall*

*appearance and massing. In addition, the proposed development would require the construction of a significant number of retaining walls.....Whilst by virtue of its location the appeal proposal would have little impact on the character and appearance of the Rawtenstall Conservation Area, for the above reasons it would be harmful to the setting and overall ambience of Holly Mount House.”*

The current proposal needs to be considered in this context. It proposes the erection of 4 split-level houses rather than 16, which are to be erected with the same slab-level. The reduction in the density of development enables the proposed houses to be provided with the garaging/parking facilities and garden that might be expected of newly-built 3-bedroomed houses, whilst still retaining a substantial amount of open space around them at its existing levels and with its existing/enhanced planting. Following receipt of the application discussions involving the Council’s Conservation Officer has resulted in amendment of the intended house-type to ensure the proposed houses will better reflect the design characteristics of the existing housing at Holly Mount, and are to be constructed with appropriate facing materials. I have also obtained an amended Site Layout and a Tree Report that satisfies me the proposed houses are now to be built without the need to cause loss/harm to the group of mature trees to the rear of 9/11 Schofield Close.

The private switch-back road to serve the proposed houses will be open to view from the ASDA car park, entailing reduction in the existing ground-level of up to 2.5m. However, I am satisfied that this length of road will not be unduly prominent or intrusive so long as it is suitably surfaced and appropriately landscaped. Of greater concern to me is that formation of a turning-head of adequate size to accommodate a refuse vehicle will require a build-up of land and construction of a retaining wall of in the order of 2.5m in height at the southern tip of the built-development proposed. Whilst the Site Layout shows there to be a substantial amount of open space around the proposed houses, their gardens and the access road/turning-head, and the application is accompanied by a Landscaping & Tree Proposal Report, I consider it appropriate that any Permission requires submission of fuller details not only of the planting intended but the arrangements to be put in place for its future management/maintenance.

### Neighbour Amenities

The proposed houses are generally on lower land than the existing housing fronting Schofield Close and Haslingden Old Road, the elevations to face the latter to be of two storeys in height and at a distance of 20+m from their rear gardens. The most northerly of the proposed houses will have a garage with roof-terrace above that is only 6m from the party-boundary with houses fronting Schofield Close but is at a level which will preclude view by its users over the existing boundary wall/fence.

The proposal will appreciably change the outlook of occupiers of the recently completed apartment block at Holly Mount. The proposed houses will not have their windows directly facing towards the apartment block and will stand approx. 40m away. Accordingly, I am satisfied the proposed houses will not themselves cause a significant loss of light/outlook/privacy/overbearing for occupiers of the apartments. I can appreciate the concern expressed by a number of the apartment occupiers about the proximity to them of the switch-back road being proposed and the implications its use will have for them, particularly in terms of car noise/headlights. The footway proposed to the side of the switch-back road is on that side furthest from the apartment block and 14m from it. Accordingly, the footway should not give rise to an unacceptable loss of privacy for occupiers of the apartments. At the point where cars descending down the switch-back road will have headlights shining towards the apartment block there will be a separation distance of 14m, with scope for planting and boundary treatment to mitigate impact on the neighbours of sight/sound of

people/vehicles accessing/exiting the proposed houses. To protect the amenities of these neighbours I consider it appropriate that any Permission requires submission of fuller details of levels/planting/boundary treatment here, and the arrangements to be put in place for future management/maintenance.

### Access / Parking

LCC Highways is satisfied that the local road network and private shared-access with ASDA can accommodate the additional traffic the proposed dwellings will generate. Although the topography of the site makes the achievement of suitable gradients difficult, it has arrived at the view that the carriageway and turning-head to be formed to serve the proposed dwellings are not unduly steep and are of appropriate design/dimensions. Each of the houses is to be provided with parking to meet the Council's approved standards.

I concur with its view that any Permission should be the subject of Conditions to ensure the proposed access road is constructed to standards/specifications that would enable its adoption by LCC Highways and proper arrangements are in place for arrangements for future management and maintenance of the proposed street and retaining structures.

### Other Matters

Ground Conditions : The changes in level do not make this an easy site to develop but there is no reason to believe that there is any impediment to its residential development due to contamination or stability.

Wildlife : The site is not a designated wildlife asset. The Site Layout having been amended to allow for the retention of the mature trees to the rear of 9/11 Schofield Close I am satisfied that there are now no trees/structures likely to be in use as bat roosts which will be lost/harmed. While the trees on and around the site are likely to be used by bats for feeding, the loss of vegetation that will result from the proposed scheme is not likely to be detrimental to bats or other wildlife in light of the compensatory planting proposed.

Notwithstanding that the application is accompanied by a Landscaping & Tree Proposal Report, I consider it appropriate that any Permission is the subject of Conditions to ensure submission of fuller details not only of the planting intended but the arrangements to be put in place for its future management/maintenance.

## **9. SUMMARY REASON FOR APPROVAL**

The proposed development is considered to be acceptable in principle and, subject to the conditions, it is considered that on balance it will not result in unacceptable harm to heritage or wildlife assets, visual and neighbour amenity or public health/highway safety. It is therefore considered to accord with Policies AVP4 / 1 / 2 / 3 / 8 / 9 / 16 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

## **10. RECOMMENDATION**

That the application be approved.

## **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 the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the Location Plan (submitted 23/7/15), Drawing No 09-08-15a-PROP and Drawing No 09-08-15a-HOUSETYPE, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Vehicle wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason : In the interests of neighbour amenity and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

4. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. No building works shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason : To mitigate flood risk, in accordance with the advice of United Utilities & LCC Drainage and Policy 24 of the Rossendale Core Strategy DPD (2011).

5. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before first occupation of any of the dwellings hereby permitted and all works shall be completed within 3 months of first occupation of the final dwellings, the surface-finish of roads/footways/associated retaining structures to first be agreed in writing by the Local Planning Authority.

Reason : In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

6. No building works shall commence until details of the proposed arrangements for future management and maintenance of the proposed street and retaining structures within the development have been submitted to and approved by the Local Planning Authority. The streets and structures shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason : In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

7. Prior to first occupation of any of the dwellings hereby permitted its garage shall be available for use and the parking area to serve it shall be provided with hard, permeable surface. Notwithstanding the provisions of the Town & Country Planning (General Permitted

Development) Order 2015, or any order amending or revoking & re-enacting that order, the garages and parking areas provided shall thereafter be kept freely available for the parking of cars.

Reason : In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

8. Notwithstanding what is shown on Drawing No 09-08-15a-HOUSETYPE the roof-terrace balustrades shall be constructed of stone (rather than railing), unless otherwise first agreed in writing by the Local Planning Authority. Furthermore, the buildings and any associated retaining walls shall be constructed with the facing materials used to construct the elevations and roofs of the recently-completed apartment block immediately to the south of the site, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To ensure the development is of satisfactory appearance, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, or any order amending or revoking & re-enacting that order, no extensions or outbuildings shall be constructed without submission and approval of an application for planning permission.

Reason : To avoid development harmful to the setting and overall ambience of Holly Mount House, a Grade II listed building, in accordance with Policies 16 / 24 of the Rossendale Core Strategy DPD (2011).

10. Prior to the commencement of the development hereby permitted a scheme of Landscaping/Boundary Treatment shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details which may have previously been submitted. The submitted scheme shall provide details of :

- a) measures to be taken during the development phase for the protection of trees/shrubs on the site to be retained;
- b) retaining structures/walls/fences/gates/hard-paved areas;
- c) the types and numbers of trees and shrubs to be planted on the application site and the blue-edged land to its north side, and their size and distribution; &
- d) any changes of ground level or landform.

Furthermore, no building works shall commence until details of the proposed arrangements for future management and maintenance of the land within the application site (excluding the residential curtilages) and the blue-edged land to its north side have been submitted to and approved by the Local Planning Authority.

Reason : In the interests of visual and neighbour amenity, and to protect and enhance heritage/wildlife assets, in accordance with Policies 1 / 16 / 24 of the Council's adopted Core Strategy.

11. All measures within the approved scheme of Landscaping/Boundary Treatment for the protection of trees/shrubs during the development phase shall be adhered to. All hard-surfaced areas/retaining structures/walls/fences/gates forming part of the approved scheme of Landscaping/Boundary Treatment shall be completed prior to first occupation of any of the houses hereby permitted, unless otherwise agreed in writing with the Local Planning Authority. All new planting forming part of the approved scheme of Landscaping/ Boundary Treatment shall be carried out in the first planting season thereafter, unless otherwise agreed in writing with the Local Planning Authority. Any trees or plants in the approved scheme which within a period of 2 years of first occupation of the final dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason : In the interests of visual and neighbour amenity, and to protect and enhance heritage/wildlife assets, in accordance with Policies 1 / 16 / 24 of the Council's adopted Core Strategy.

12. Any ground/construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays or Bank Holidays. The shell-&-auger method shall be used to form any piled-foundations, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To safeguard the amenities of nearby residents, in accordance with the Policy 1 / 24 of the Council's adopted Core Strategy.