

<b>Application Number:</b>	2020/0504	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of dwelling	<b>Location:</b>	Garden to East side of 22 Greave Clough Drive, Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	23 February 2021
<b>Applicant:</b>	Mr P Rodgers	<b>Determination Expiry Date:</b>	26 February 2021
<b>Agent:</b>	Mr N Baxter		

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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 Planning Permission be granted subject to the conditions set out in Section 10.

## 2. **SITE**

The Applicant resides in a large detached house, of stone/tile construction.

It takes access from Greave Clough Drive, which runs to its south side and at this point is un-adopted highway, to the other side of which is a Council-owned Recreation Area. To its rear runs a stream called Oaken Clough, beyond which are dwellings that front Oakenclough Road/Oaken Close.

This application relates to the part of the side-garden which is 9m from the house gable and extends up to Warcock Lane. The red-edged site has a width ranging between 12m and 17m and a depth of 32m. This gently-sloping, lawned area is open to view from the dwellings to the opposite side of Oaken Clough. However, it is totally screened from the highways running to the east and south sides by 1.5m high timber-boarded fences, immediately behind which are hedges of 8m high pollarded trees and 6m high conifers.

The area is within the Urban Boundary of Bacup. The site is not in a Conservation Area and none of the trees on or bounding the site has the protection of a Tree Preservation Order. The Environment Agency has designated the site as being within Flood Zone 1 (Low Risk).

## 3. **PROPOSAL**

Permission is sought to erect a 2-storey, 4-bedroomed detached house that faces towards Greave Clough Road.

It is to have a footprint of 9.4m x 10.3m, with external walls of coursed natural stone and a slate roof rising to a ridge of 8m in height. It is to have a setback from Greave Clough Road of 12m and a setback from Warcock Lane ranging between 6m and 9m.

As first submitted, the application proposed an area of hardstanding be provided to the front of the house for the parking of cars, with a vehicular access-point to both Greave Clough Drive and Warcock Lane, in each case requiring removal of a 6m length of the existing 1.5m high boundary fences. It was also intended to remove in total a 35m length of the frontage hedges, retaining only that part of the high hedge which would be between the rear garden of the proposed house and Warcock Lane.

As amended, the application proposes that the parking area to the front of the house now take vehicular access only from Greave Clough Drive, enabling retention of the full length of the 1.5m high timber-boarded fence down the Warcock Lane frontage. It remains the case that a 35m length of the high-hedge which arcs around the corner of Greave Clough Drive and Warcock Lane is to be removed. A close-boarded timber fence is proposed on the party-boundary between the existing house and the proposed house.

The application is accompanied by a Design & Access Statement and a Tree Report. The latter indicates that, in addition to the conifers in the frontage hedges to be removed, there are 2no Alders and 4no Sycamores to be removed - all six of these trees have previously been pollarded at a height of 5m. It also provides details of the siting and form of the temporary fencing to be erected to protect other trees and lengths of high-hedge during construction works.

## 4. **PLANNING HISTORY**

2020/0505 Erection of dwelling - Garden to west side of house at 22 Greave Clough Drive

Consideration is currently being given to this application (to which no

neighbour objections have been received).

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework**

- Section 2 Achieving Sustainable Development
- Section 5 Delivering a Sufficient Supply of Homes
- Section 6 Building a Strong, Competitive Economy
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well-Designed Places
- Section 14 Meeting the Challenge of Climate Change, etc
- Section 15 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **RBC Core Strategy (2011)**

- AVP2 Area Vision for Bacup, etc
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport (inc Appendix 1 Parking Standards)
- Policy 18 Biodiversity, Geodiversity & Landscape Conservation
- Policy 19 Climate Change, etc
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

### **Other**

- National Planning Practice Guidance
- RBC Emerging Local Plan
- RBC Alterations and Extensions to Residential Properties SPD (2008)

## 6. **CONSULTATION RESPONSES**

### **RBC Tree Consultant**

No objection, subject to conditions.

### **RBC Ecology Consultant**

No objection, subject to conditions.

### **LCC Highways**

As first submitted, the application proposed an unnecessary access to Warcock Lane (an adopted highway) and, as shown on the submitted drawings, it lacked the visibility-splays for safe use.

As amended, the application proposes a vehicular access only to Greave Clough Drive (at this point an un-adopted highway). No objection to the amended scheme, subject to Conditions.

### **United Utilities**

No objection, subject to conditions.

## 7. **NOTIFICATION RESPONSES**

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

In respect of the application as first submitted, the following comments were received :

19 Oakenclough Road

Object

The proposed building will be in an elevated position at the rear of my bungalow and will look directly into my lounge and kitchen from a distance of less than 20 metres. Because the land falls away on both sides of the stream it is impossible to erect any cover or screen between the properties.

Other Reasons:

- Over development / Development too high
- Loss of light
- Noise nuisance
- Affect local ecology

21 Oakenclough Road

Object

Because of the land fall towards the stream it is not possible to erect a fence or screen high enough to avoid this development looking directly down on numbers 19 and 21 Oakenclough Rd, denying any privacy whatsoever to the lounges and private areas.

Other Reasons:

- Loss of light
- Noise nuisance
- Over development
- Out of keeping with character of area
- Affect on local ecology

Warcock Farm, Warcock Lane

Object

We object on the grounds of increased traffic being detrimental to users of Warcock Lane - it is already an unsafe road for 2-lane traffic, used as a shortcut by speeding taxi drivers and often by speeding youngsters on motorbikes and trial bikes, often illegally. The lane is wide enough for one lane of traffic.

Ember View, Warcock Lane

Object

Reasons:

- The proposed site is too small to accommodate a two storey house.
- The proposed dwelling is directly opposite our bedroom and will also overlook our second bedroom and garden. We are concerned that this will result in a loss of privacy and an increase in noise as the lane separating us is very narrow and we have no other immediate neighbours.
- A screen of trees that currently blocks the view into our property is to be removed. This will detract from the semi-rural nature of our property if our view is dominated by a neighbouring house.

- We are also concerned that there will be an increase in traffic/access risk directly outside our own property, on a narrow road on which traffic already speeds dangerously.

+++ No further comments were received as a result of re-consultation in respect of the amended scheme.

## 8. **ASSESSMENT**

In dealing with this application the main issues which need to be considered are :

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

### Principle

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan most relevant to the consideration of the proposal in question are out-of-date the default position is that planning permission should be granted unless :

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development the NPPF states that a Council's housing policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing land.

The Council is currently unable to demonstrate that it has a 5-year supply of deliverable housing land. This being the case little weight can be given to Policy 2 and Policy 3 of the Core Strategy.

However, this application relates to the side-garden of a house located within the Urban Boundary of Bacup. As this site is in a sustainable location, and Policy 1 of the Core Strategy seeks to locate new development primarily within such areas, the provision of an additional dwelling here is acceptable in principle.

The proposal will make a small, but useful, contribution towards meeting the housing needs of the Borough. For the duration of construction it will add to local employment/economic activity.

Accordingly, there is considered to be no objection in principle to the proposal.

### Visual Amenity

The proposed dwelling is not of disproportionate size for the plot it is to occupy, and will be significantly smaller than the existing dwelling. It is of a design and facing materials in-keeping with the existing dwelling – coursed natural stone and slate.

As first submitted, the application proposed a vehicular access-point to both Greave Clough Drive and Warcock Lane. As amended, the application proposes that the parking area to the front of the house now take vehicular access only from Greave Clough Drive, enabling retention of the full length of the 1.5m high timber-boarded fence down the Warcock Lane

frontage. It remains the case that a 35m length of the high-hedge which arcs around the corner of Greave Clough Road and Warcock Lane is to be removed.

The Tree Report submitted with the application indicates that, in addition to the conifers in the frontage hedges to be removed, there are 2no Alders and 4no Sycamores to be removed - the trees have previously been pollarded at a height of 5m. The Tree Report states:

*“All of the trees proposed for removal are considered to be low quality (‘C’ category) specimens. Many of these trees have been heavily pruned in the past... They offer very limited amenity value to the surrounding area, and could be replaced as part of a post development tree planting scheme.*

*It is recommended that the proposed tree removal be mitigated as part of a post development planting scheme of well-structured new trees that will add to the quality of the area and help integrate the proposed development into the surrounding landscape.”*

Removal of this high-hedge will, in the first instance, leave the proposed dwelling open to public view over the 1.5m high timber-boarded fences retained/proposed on the frontages to Greave Clough Drive and Warcock Lane. However, the Council’s Tree Consultant considers the conifers and pollarded trees to be removed are not good specimens and are of limited intrinsic visual amenity value.

The Council’s Tree Consultant states:

I concur with the [submitted Arboricultural Impact Assessment] report, its findings and conclusions... the trees on and around the site are young or semi-mature, of category ‘C’ and those to be removed are of very limited amenity value and their removal could be mitigated by replacement planting. The other trees on site are to be retained and protected throughout the development process and detail on such protection is provided in the AIA.

The AIA recommendations and tree protection plan (TPP.13215 Rev 01) should be conditioned to be implemented in full.

A revised site layout has been submitted which shows some indicative boundary planting... The submission of a tree planting plan to mitigate the tree losses and provide screening from the north should be conditioned to be submitted for approval and subsequent implementation in full.

The Conditions recommended are included below.

## Ecology

The Council’s Ecology Consultant states:

There are unlikely to any protected species issues associated with this development. Whilst bats no doubt do and otter could theoretically utilise the brook as a wildlife corridor, this will not be directly impacted and there are no structures or trees on site suitable for bat roosts.

Whilst the development is set well back from the watercourse, there is a risk during construction of surface water run-off contaminated with sediment and other pollutants entering the watercourse during periods of heavy rain. I therefore recommend a Condition to secure a Method Statement to protect the watercourses ecological potential during construction.

The developments main ecological impact is loss of what are non-native trees and the associated bird nesting habitat. I recommend a condition to ensure no works to trees or shrubs occur between the 1st March and 31st August without a bird nest survey by a suitably experienced ecologist first establishes that no active bird nests are present.

Section 170 of the NPPF 2019 states that planning policies and decisions should contribute to and enhance the natural and local environment. A hedge of unspecified species is proposed along the northern and eastern boundaries. Whilst this has the potential to mitigate the losses and I support any planting proposals along the Brook which would strengthen its functionality as a wildlife corridor, I recommend that any planting be of native species and whilst a hedge would be suitable along the eastern boundary, native trees such as alder or willow would be more suitable along the Brook boundary. Mitigation should also be provided for loss of bird nesting habitat through provision of bird boxes on retained trees. I am satisfied however that mitigation is possible and if permission is granted that the details of the ecological mitigation could be secured by a condition.

To avoid the need to submit the further application requested by the Council's Ecology Consultant in respect of the measures to be taken to protect the watercourses ecological potential during construction the Agent has now submitted a Construction Method Statement. Amongst the measures it sets out, to prevent debris or surface water run-off contaminated with sediment or other pollutants entering the watercourse, is erection of Herras fencing 1m from the brook, with a 300mm deep trench to be created in front of this fence, which is then to be lined with polythene and filled with sand, the polythene to be carried 500mm up the face of the fence.

To minimise the likelihood of harm during the construction phase and secure a net-gain in the wildlife value of the site upon completion, the Conditions recommended are included below.

### Neighbour Amenity

For occupiers of dwellings fronting Oakenclough Road, the proposed dwelling will not stand appreciably nearer to the stream than is the existing dwelling. Residents of the house at 21 Oakenclough Road will cease to have view over the full extent of the lawn to the side of the Applicant's house. However, the proposed house will stand 10.5m from the stream, 14m from this neighbour's rear garden, 19m from the conservatory added on the rear of their house and 21.5m from the rear elevation of the house itself. The submitted drawings show a hedge is to be planted at bank-top - with a notation it is to be of native-species plants and 2m high - thereby breaking the line-of-sight between ground-floor windows in the rear elevation of the proposed house and those of the house at 21 Oakenclough Road. Condition 9 will also secure planting of native trees (such as alder or willow) on the slope down to the watercourse which with time will provide further screening. Accordingly, the scheme is compliant with the separation distances in the Design Guide SPD, and there will not be an unacceptable loss of light, outlook or privacy for this neighbour.

In respect of the two dwellings to the opposite side of Warcock Lane with view towards the application site, the front elevation of neither looks directly towards the gable of the proposed house (and even if they did, there are no windows in the gable elevation of the proposed dwelling) and there will be a separation distance of 13.5+m. Omission of the vehicular access initially proposed to Warcock Lane allows the existing 1.5m high timber-boarded fence down the full length of this frontage and gives greater scope for replacement shrub and tree planting down this boundary which, with time, will go some way towards mitigating the change in outlook this residents will initially experience.

The proposal will not result in an unacceptable loss of amenity for any neighbours.

## Access/Parking

As first submitted, the application proposed an unnecessary access to Warcock Lane (an adopted highway) and, as shown on the submitted drawings, it lacked the visibility-splays for safe use.

As amended, the application proposes a vehicular access only to Greave Clough Drive (at this point an un-adopted highway), with an area of hardstanding to the front of the house of sufficient size to enable 3 cars to park and turn clear of the highway. Accordingly, the scheme accords with the Parking Standards set out in the Council's adopted Core Strategy. LCC Highways has no objection to the amended scheme, subject to Conditions included below.

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

The erection of a dwelling in the side-garden of an existing house located within the Urban Boundary of Bacup is acceptable in principle and, subject to the conditions, is not likely to detract to an unacceptable extent from visual and neighbour amenity, biodiversity or highway safety. It is considered that the development accords with the National Planning Policy Framework and Policies AVP2 / 1 / 8 / 18 / 23 of the Council's adopted Core Strategy DPD (2011).

## **10. RECOMMENDATION**

That planning permission is granted subject to the following conditions.

### **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 hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below :

Title	Drwg No	Date Recd
Existing Site Plan	NMB/GCD/E/003	28 / 10 / 20
Proposed Site Layout	NMB/GCD/E/002 D	14 / 01 / 21
Proposed Scheme	NMB/GCD/E/001 A	14 / 01 / 21
Site Section	NMB/GCD/E/004	28 / 10 / 20

  
*Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.*
3. Prior to the commencement of development of the dwelling hereby permitted, and for the duration of construction, the Tree Protection Measures referred to in Section 4 of the Arboricultural Impact Assessment by Godwins Arboricultural Ltd (AIA.13215.01) and shown on the Tree Protection Plan (Drwg No TPP.13215 Rev 01) shall be adhered to.  
*Reason: In the interests of visual and neighbour amenity.*
4. No development, including site clearance and earth moving, shall take place or material or machinery brought on site until the measures to protect the Brook from accidental spillages, dust and debris set out in the submitted Construction Method Statement (received on 09/02/21) have been implemented and shall be maintained for the duration of the construction period in accordance with the approved details.  
*Reason: To avoid pollution of the watercourse.*

5. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.  
*Reason: To protect wildlife.*
  
6. The dwelling hereby permitted shall be constructed with external walls of coursed natural stone matching that of the existing dwelling and its roof shall be covered with natural blue-grey slates.  
*Reason: In the interests of visual amenity.*
  
7. Prior to first occupation of the dwelling hereby permitted the area for the parking/manoeuvring of cars shown on Drwg No NMB/GCD/E/002 D shall be provided with a hard, permeable surface and thereafter kept freely available for use as such.  
*Reason: In the interests of highway safety.*
  
8. A 45° visibility-splay shall be provided between the highway boundary and points on either side of the proposed drive measured 3m back from Greave Clough Road. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development, and any gate(s) erected across the drive shall be setback not less than 3m from Greave Clough Road and not open towards it.  
*Reason: In the interests of highway safety.*
  
9. Prior to first occupation of the dwelling hereby permitted a scheme of boundary treatment and ecological mitigation/enhancement, and programme for its implementation and future maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of :
  - a. The fences and gates to be retained/provided; &
  - b. The planting of native-species shrubs & trees to be undertaken on the highway frontages and near to the stream to the rear of the plot (to supplement shrubs & trees the Tree Protection Measures has afforded protection to).
  - c. Not less than 3no bird nesting boxes to be provided on retained trees
 The approved scheme shall be implemented and maintained in accordance with the approved programme. Any of these shrubs & trees which are removed, die of become seriously damaged or diseased within 3 years of first occupation of the dwelling shall be replaced in the next available planting season with others of the same species, unless a variation has first been agreed in writing by the Local Planning Authority.  
*Reason : In the interests of visual and neighbour amenity, to enhance the wildlife value of the site and to accord with Section 3.2 of the Arboricultural Impact Assessment by Godwins Arboricultural Ltd (AIA.13215.01).*
  
10. Foul and surface water shall be drained on separate systems. The surface water drainage scheme shall provide for the disposal of surface water in the most sustainable way having regard to the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof).  
*Reason: To ensure proper drainage of the proposed development.*

## **INFORMATIVES**

- 1) The Local Planning Authority has a Core Strategy (adopted in 2011) and a series of Supplementary Planning Documents, which can be viewed at:  
[http://www.rossendale.gov.uk/downloads/download/331/core\\_strategy\\_local\\_plan\\_part\\_1\\_adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

- 2) The applicant's attention is drawn to the comments received on the application from Consultees, which are viewable on the Council's website:  
<https://publicaccess.rossendale.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QIXE4TNDLOV00>