

<b>Application Number:</b>	2021/0315	<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Outline planning permission for the construction of one single dwelling house on land adjacent to 7 Beaumaris Close, Haslingden	<b>Location:</b>	7 Beaumaris Close Haslingden Rossendale Lancashire BB4 6TJ
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12/10/2021
<b>Applicant:</b>	Mrs M Greenwood	<b>Determination Expiry Date:</b>	15/10/2021
<b>Agent:</b>	Mr Bryan Youlden		

<b>Contact Officer:</b>	Storm Grimshaw	<b>Telephone:</b>	01706 252411
<b>Email:</b>	planning@rossendalebc.gov.uk		

<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>	<b>Yes</b>
<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 Members resolve to grant planning permission subject to the conditions listed in section 10 of this report.

## 2. SITE

The application relates to a plot of land located to the end of Beaumaris Close, a small cul-de-sac accessed from Cambrian Way, in Haslingden. The site is adjacent to 7 Beaumaris Close and according to the submitted details forms part of the property's garden.

7 Beaumaris Close is a detached bungalow of brick and render construction. The neighbouring properties on Beaumaris Close (and on the wider estate) are built of similar materials but are two storey in height with mock Tudor detailing. The site itself is covered mostly in grass and is bounded by bushes and mature conifers of considerable height. Two mature sycamores are also located on site.

Public footpath ref. 14-2-FP 359 crosses over the pavement on Beaumaris Close and continues along the footpath wrapping around the site which continues south over the Haslingden Bypass (A56) located to the rear of the site.

The site is located within the defined urban boundary.

### **3. PLANNING HISTORY**

The planning history below does not relate to the application site itself but does relate to 7 Beaumaris Close:

2021/0334 – Proposed Certificate of Lawfulness: Extension of existing bungalow by way of adding an additional storey (withdrawn)

2021/0400 – Prior Approval: Prior approval for the enlargement of a dwellinghouse by construction of an additional storey (refused)

2021/0486 – Prior Approval: Prior approval for the enlargement of the dwellinghouse by construction of an additional storey raising the height by 2.7m to a maximum height of 7.357m from the ground level (pending consideration)

### **4. PROPOSAL**

The applicant seeks outline planning permission (with all matters reserved except access) for the erection of one dwelling on the site.

As all matters are reserved, no firm details of the proposed appearance, landscaping, layout or scale of the development have been submitted – nor are any such details for approval at this stage.

However, an indicative site plan (which illustrates how the site could potentially be developed) has been submitted, and shows the position of one dwelling with car parking provision and external amenity space.

### **5. POLICY CONTEXT**

#### **National**

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

Section 2 Achieving Sustainable Development

Section 4 Decision Making

- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 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, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

### **Development Plan Policies**

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

- AVP 6 Haslingden and Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

## **6. CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Summary of Comments received</b>
Health & Safety Executive	No need to consult – the site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline
Cadent Gas	Comments received – apparatus identified in the vicinity of the proposed development
RBC Environmental Health	No objection subject to conditions
Greater Manchester Ecology Unit	No objection subject to conditions
LCC Highways	No objection subject to condition
United Utilities	No objection
Environmental Protection	No objection subject to conditions

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order seven neighbouring properties were notified by letter on 02/06/2021 and again on 20/07/2021. A site notice was also posted on 10/06/2021.

Five objections have been received from neighbouring properties in total, with one property submitting two objections in response to each neighbour consultation. In summary, the following issues were raised:

- Close to adjoining properties
- General dislike of the proposal;
- Information missing from plans;
- Loss of light
- Loss of privacy / overlooking
- Not enough information given on the application
- Loss of trees / fauna on site
- Affect local ecology / wildlife, including bats

- Loss of greenspace which adds to the quality of the local area
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Over development
- More open space needed on development
- Noise nuisance and addition of more noise combined with the Haslingden Bypass
- Development of brownfield sites and use of unoccupied properties should be prioritised for new housing stock
- Impact on residential amenity during construction period
- The addition of a single dwelling to housing supply would be negligible
- The proposed design of the dwelling might be out of keeping with the appearance of the wider estate
- Impact of development on property value
- Lack of clarification on who owns the land
- The land is not brownfield land as is claimed

## 8. **ASSESSMENT**

The main considerations of the application are:

1. Principle
2. Visual Amenity
3. Neighbour Amenity and Residential Amenity
4. Access, Parking and Highway Safety
5. Ecology and Landscaping

### Principle

The Framework contains a presumption in favour of sustainable development, and as such a consideration in this case is whether the proposed scheme represents sustainable development or not. The sustainability of the site's location is a key part of such a consideration.

The site is located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development and is located on the edge of an established residential area in Haslingden.

Whilst the site is over 400m from a bus stop with regular services, the route to the bus stops located on Manchester Road is served by continuous footways, lighting and modest inclinations. The local bus services along Manchester Road travel to various town centres including Haslingden town centre, approximately 1.3km from the application site which includes a wide range of services and facilities. A supermarket selling a wide range of convenience and consumer goods is also within walking distance of the site, less than 300m (as the crow flies).

Concerns have been raised during the consultation period that the proposed development would result in the loss of an area of greenspace. The Planning Agent has advised that the site forms part of the garden associated to 7 Beaumaris Close and the Council has no evidence to suggest that the land is not residential garden (or has not been used for such purposes for a period longer than ten years).

Further comments have been received regarding ownership of the site. Certificate B has been signed as part of the application form which certifies that the requisite notice has been served to the landowner. In any case, the planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership, and therefore the application can still be determined even if the issues of ownership remained unresolved (subject to the requisite notice being served).

In light of the above, it is considered that the proposed development is acceptable in principle.

### Visual Amenity

Approval of matters relating to the appearance, layout, scale and landscaping of the development is not sought at this stage. Such matters will be considered in detail at reserved matters stage. However, it is nonetheless important to ascertain at this stage whether the development can be delivered without having a significant adverse impact on the character and appearance of the site and the surrounding area.

Section 12 of the Framework and Policy 23 of the Core Strategy require that new development proposals are of the highest standard of design and add to the overall quality of the area. The site is located to the edge of a residential estate which has an established character, and it is important that any scheme is in keeping with the character and appearance of the estate.

Officers raised concerns with the Planning Agent over the capacity of the site area to accommodate an appropriately sized dwelling whilst maintaining a suitable private garden area, parking spaces and maintaining the screen of mature conifers/trees across the site. An indicative site plan (ref. 01-01) has since been submitted which shows that the site could accommodate a reasonably sized dwelling in keeping with the style of the surrounding properties, as well as suitable parking provision and sufficient amenity space without resulting in overdevelopment.

Subject to conditions, the outline scheme is considered acceptable in terms of visual amenity.

### Neighbour Amenity and Residential Amenity

Objectors' comments are noted, however it is not considered that the outline scheme proposed would result in any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any neighbouring residential properties subject to appropriate design, scale and siting of the proposed dwelling.

Scope exists for the applicant to ensure that unacceptable harm to neighbour amenity does not occur, through appropriate design and details of the scheme's siting, scale, height and landscaping at reserved matters stage.

The applicant's attention is drawn to the separation distances specified in the Council's Alterations and Extensions to Residential Properties SPD, which would need to be strictly met in order for the development to be considered acceptable.

The site is located within close proximity to the Haslingden Bypass (A56) and mapping provided by the Department for Environment, Food & Rural Affairs shows the site suffers from noise and air pollution. In response to concerns raised by Officers and the Council's

Environmental Health Team, the Planning Agent submitted a Noise Assessment report recommending mitigation measures to address the harm resulting from the site's proximity to the A56. After reviewing the Noise Assessment report, the Council's Environmental Health Team confirmed they would have no objection to the proposed scheme subject to the mitigation measures identified in the report being implemented.

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

#### Access, Parking and Highway Safety

The Local Highway Authority has confirmed the proposed access as shown on the amended site plan is acceptable and has stated the proposed scheme should have negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

As such, the Local Highway Authority has no objection to the proposed scheme subject to a condition.

#### Ecology

The Council's ecology consultant has raised no objection to the application – subject to conditions requiring the submission of further information in relation to protecting and enhancing biodiversity on the site as part of the development.

#### Land Contamination

The Council's land contamination consultant has no objection to the scheme on land contamination grounds subject to the inclusion of conditions requiring further site investigation.

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

The proposed development is acceptable in principle and will not unduly affect visual amenity, neighbour amenity and residential amenity, or highway safety. The development accords with the National Planning Policy Framework and Policies AVP6, 1, 8, 9, 18, 23 and 24 of the Council's Core Strategy Development Plan Document.

### **10. CONDITIONS**

1. An application for approval of the reserved matters (namely the appearance, landscaping, layout and scale of the development) must be made to the Council before the expiration of three years from the date of this permission, and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The outline planning permission hereby approved relates to the erection of one dwelling which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:
  - Application form
  - Site Location Plan
  - Amended Site Plan

Reason: To ensure the development complies with the approved plans and submitted details.

3. Details of the appearance of the scheme (a reserved matter), which shall include details of the colour, form and texture of all external facing and roofing materials as well as details of the colour, form and texture of all hard ground surfacing materials, shall be submitted and approved in writing by the Local Planning Authority as part of the reserved matters. The approved materials shall thereafter be used in the construction of the development.

Reason: In the interests of visual amenity.

4. Details of the landscaping of the scheme (a reserved matter), which shall include full details of the proposed treatment of the property boundaries and shall show the retention of the screen of mature conifers across the rear of the site, shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters. The approved landscaping scheme shall be implemented in full within the first planting season following the substantial completion of the development. Any trees, bushes, shrubs or plants forming part of that scheme, including the existing mature conifers on-site, which, within a period of 5 years from the completion of those works, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with replacement planting of similar size and species.

Reason: In the interests of visual amenity and to safeguard the amenity of future occupants of the dwelling and of neighbouring residents in the local area

4. Details of the layout of the scheme (a reserved matter), shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters. The development shall be carried out in conformity with the approved details.

Reason: In the interests of visual amenity.

5. Details of the scale of the scheme (a reserved matter), shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters. The development shall be carried out in conformity with the approved details.

Reason: In the interest of visual amenity.

6. As part of the reserved matters application, all window openings of the proposed dwelling shall be fitted with standard double glazing units with trickle window vents.

Reason: To safeguard the residential amenity of future occupants of the proposed dwelling.

7. As part of the reserved matters application, a 2m high close boarded fence with a minimum density of 12Kg/m<sup>3</sup>, shall be erected to the rear of the site directly fronting the Haslingden Bypass (A56).

Reason: To safeguard the residential amenity of future occupants of the proposed dwelling.

8. As part of the reserved matters application, measures to mitigate for any loss of trees and bird nesting habitat, and which provide a net gain in biodiversity on site, shall be provided and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides an adequate net gain for biodiversity.

9. The removal of any mature trees or obstruction of the existing gable end of 7 Beaumaris Close has the potential to cause harm to bats and shall not in any circumstances occur unless a bat emergence survey has been provided to and agreed in writing by the local planning authority.

Reason: In the interests of protecting any bats nesting within the application site.

10. 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 LPA.

Reason: In the interests of protecting any birds nesting within the application site.

11. Before the new vehicle access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

12. Notwithstanding any information submitted with the application, no development shall take place (except for demolition and enabling works as agreed with the LPA) until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- i) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;

- ii) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

iii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: To mitigate risks associated with land contamination and prevent pollution.

13. Pursuant to condition 13; and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate risks associated with land contamination and prevent pollution.

14. As part of the reserved matters application, details of the proposed means of draining foul and surface water from the development shall be submitted to, and approved in writing by, the Local Planning Authority. These shall show foul and surface water drained using separate systems with surface water discharged by way of one of the drainage options set out in the National Planning Practice Guidance. The development shall be carried out as approved.

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

15. No deliveries, external running of equipment or machinery, or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the following hours:

- Monday to Friday 08:00 to 18:00
- Saturday 08:00 to 13:00

Construction hours shall not be permitted on Sundays or Bank or Public Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy 24 of the adopted Core Strategy DPD.

## 11. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

[http://www.rossendale.gov.uk/downloads/download/331/core\\_strategy\\_local\\_plan\\_part\\_1\\_adopted](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. In this case the applicant did not engage in pre-application discussions.

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. This consent requires the construction of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehiclecrossings.aspx>
3. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
4. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
5. It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development. For more information please have regard to the comments provided by United Utilities.
6. The applicant's attention is drawn to the comments submitted by Cadent Gas.