

Application Number:	2025/0223	Application Type:	Full
Proposal:	Proposed erection of two detached dormer bungalows	Location:	Land At Cowm Adjacent Back Cowm Lane Whitworth OL12 8BJ
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	18/11/2025
Applicant:	Mr M Azeem (Azera Homes Ltd.)	Determination Expiry Date:	04/08/2025 (Extension of time agreed until 21/11/2025)
Agent:	Mr Rahat Anwar (RA Design & Project Management Ltd.)		

Contact Officer:	Storm Grimshaw	
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	N/A
Member Call-In	N/A
Name of Member:	
Reason for Call-In:	
3 or more objections received	Yes
Other (please state):	N/A

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 that they would be minded to grant planning permission and that the determination of the application hereafter be delegated to the Head of Planning, Chair of Development Control Committee and Vice Chair as follows:

(1) To complete a suitable Unilateral Undertaking to secure:

- A financial contribution of £2,500 towards improving the environmental quality and accessibility of the remaining Green Belt land in the surrounding area.
- (2) To have discretion to refuse planning permission in the circumstance that the Unilateral Undertaking is not completed within four months of the resolution to grant planning permission.
- (3) That upon satisfactory completion of the above Unilateral Undertaking that planning permission be granted subject to the conditions contained within this report.

APPLICATION DETAILS

2. SITE

The application site is an irregularly shaped plot of land approximately 0.08 hectares in area. The site is to the west of Back Cowm Lane in Whitworth and is located approximately 175m northwest of the junction of Cockhall Lane and Tong End. Back Cowm Lane, an unadopted highway, continues from Tong End.

Access to the site is via a hard-surfaced track taken from Back Cowm Lane. The site previously formed part of Cowm Reservoir (a reservoir owned and managed by United Utilities) and sits adjacent to the entrance of the former water treatment works. It is understood that the former water treatment works is no longer an active site operated by United Utilities and the land is surplus to operational requirements and thus available for residential development. The site itself forms part of a much wider housing allocation (ref. H63 – Cowm Water Treatment Works, Whitworth) in the Council's Local Plan and is located within the urban boundary.

The site is positioned between the access leading to the former water treatment works and the gardens of dwellings along Sandbank Gardens to the south. Bordering the site to the east is 29 and 30, Tong End – a Grade II listed former farmhouse dating from the early 18th century. To the west of the site is overgrown grassland and vegetation, with Tong End Brook further beyond.

The site itself is overgrown grassland with a small number of trees within and close to the borders of the site. The site is enclosed by post and rail fencing along the access road leading to the water treatment works.

None of the trees on site or on land nearby are protected by a Tree Preservation Order. The site falls entirely within Flood Zone 1, and is not at risk of surface water flooding according to Government mapping data. No public rights of way run through the site.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

Planning permission is sought to erect two detached three-bedroom dormer bungalows on the site. The proposed bungalows would contain one bedroom at ground floor level and two bedrooms and an office at first floor level.

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The dwellings would face north and sit parallel to one another, off-set slightly from the access road leading to the former water treatment works. The dwellings would have a contemporary appearance with modern glazing, contemporary dormers and gabled porch entrances. Following negotiations between the case officer and the planning agent the external facing materials of the bungalows has been revised so they are entirely faced out of natural stone, with the roofs laid with natural slate. The proposed walls of the dormers to the front and rear would be 'tile-hung' in natural slate also. The windows and rooflights on the rear roof plane would include obscure glazing.

Limited information has been provided in regards to landscaping and boundary treatments, but the agent has confirmed that a mix of soft planting and timber fencing would enclose the site, and sandstone cobbles would form the driveways to the front. Two parking spaces for each dwelling would be accommodated within the boundaries of the site. The dwellings would benefit from private gardens to the rear.

5. POLICY CONTEXT

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 5	Delivering a Sufficient Supply of Homes
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
Section 16	Conserving and Enhancing the Historic Environment

Development Plan

Most Relevant Local Plan Policies (although the Local Plan should be read as a whole)

Strategic Policy SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

SD4: Green Belt Compensatory Measures

HS1: Meeting Rossendale's Housing Requirement

Policy HS4: Housing Density

Policy HS8: Private Outdoor Amenity Space ENV1: High Quality Development in the Borough

ENV2: Historic Environment

ENV3: Landscape Character and Quality

ENV4: Biodiversity, Geodiversity and Ecological Networks

ENV6: Environmental Protection

ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

ENV10: Trees and Hedgerows

TR4: Parking

Other Material Considerations

National Planning Practice Guidance

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6. CONSULTATION RESPONSES

Consultee	Comments		
Ecology (GMEU)	No objection. The statutory biodiversity requirements could be		
	discharged.		
Environment	No objection.		
Agency			
Growth Lancashire	Identified limited/low level of less than substantial harm.		
Land Contamination	No objection, subject to conditions		
Consultant			
LCC Archaeology	No objection, subject to condition.		
LCC Highways	No objection, subject to conditions		
RBC Environmental	No objection.		
Health			
United Utilities	No objection, subject to condition.		

7. REPRESENTATIONS

To accord with the General Development Procedure Order, site notices were posted and neighbour letters were sent out. A notice was also published in the Rossendale Free Press as the development will potentially affect the setting of the adjacent Grade II listed buildings.

50 letters of objection have been received (including one from Whitworth Town Council) to the planning application, raising the following issues in summary:

- a) that an approval of the proposal would not be in the best interests of highway and pedestrian safety. It would lead to the increased use of Tong Lane and Tong End which already suffer from congestion and which are incapable of satisfactorily accommodating any additional vehicular use.
- b) that the proposal would lead to the loss of a valuable area of open green space,
- c) that the development would appear out of keeping with the character and appearance of the area,
- d) that an approval of this proposal would contravene the requirements of the Reservoirs Act 1975,
- e) that the development site forms part of a wetland area and the development would harm the ecological balance of the area, and local ecology in general,
- f) that the development could cause damage to underground water storage tanks located adjacent to, or on, the site. The structural integrity of these tanks could be compromised by construction activity leading to potential water discharge or collapse which would endanger public safety and the occupiers of the surrounding properties,
- g) that an Environmental Impact Assessment should have been submitted with the application.

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- h) that the development would harm the historical value of the area. It would also lead to the loss of a stone marking the former presence, and identifying the importance to Whitworth, of a farm building that previously occupied the site.
- that future occupiers of the dwellings would be at risk of flooding, and the development would exacerbate issues of flooding elsewhere. It would also adversely impact on watercourses,
- that the site adjoins a memorial area ('Life For A Life Forests'). Noise generated by the development both during construction and thereafter would unduly disturb visitors to that area, as well as existing residents,
- k) that the development would harm the residential amenity currently enjoyed by the occupiers of nearby dwellings.

The agent has submitted a Planning, Design and Access Statement in support of the application in which they state:-

- a) that the proposal is 'in line' with all relevant local and national planning policies,
- b) that the proposed development is acceptable in principle as the site is allocated for housing development in the Local Plan,
- c) that the site is sustainably located within both cycling and walking distance of the Key Service Centre of Whitworth,
- d) that an approval of this proposal will assist the Council in meeting its house building targets,
- e) that the dwellings will be acceptable in terms of their siting, design and scale ensuring that they reasonably blend in with their surroundings,
- f) that dormer bungalows would be appropriate as there are other examples of similar development in the vicinity most notably at Sandbank Gardens to the immediate south,
- g) that the new dwellings will not unacceptably overlook, or adversely affect the level of light currently received by, the neighbouring properties. They will also benefit from a satisfactory level of associated garden space,
- h) that the development will not give rise to any undue highway safety concerns. Two additional dwellings will not significantly increase the vehicular usage of the surrounding road network, the scheme makes adequate provision for the associated 'off-street' parking of vehicles and a vehicle charging point is proposed in connection with each new property.
- i) that suitable space will be provided within the dwellings for the storage of bins,
- j) that the development will increase the necessary 10% BNG increase.
- k) that the site is not a significant risk of flooding and is capable of being satisfactorily drained,

8. ASSESSMENT

Principle

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The site is located within the defined urban boundary, where Policy SD2 of the Local Plan expects new development to take place. The site also forms part of an allocated housing site, comprising 0.08ha of the wider housing allocation which covers an area of 0.68ha.

Policies SD1 and SD2 of the Local Plan and Sections 2 and 9 of the NPPF place emphasis upon securing sustainable forms of development. It is considered that the development proposed by this application could reasonably be viewed as meeting this aim in so far as it seeks the development of a site that is located within the defined urban boundary and is allocated for housing, and is less than 450 metres from a bus route and Whitworth Local Centre.

The image below identifies the urban boundary (solid red line) and the H63 housing allocation which is coloured in orange. The application site is approximately shown in blue. There is no site-specific policy within the Local Plan for this allocated site, although Policy HS2 (Housing Site Allocations) identifies that the H63 allocation has a capacity of 10 dwellings at a density of 15 dwellings per hectare. Given the application site comprises only a small area of the wider housing allocation, it is considered that the proposed scheme would not preclude the delivery of 8 dwellings on the wider housing allocation. The appropriate density for this site in visual terms will be considered in the relevant section below.

It should also be noted that at the time of writing the Council cannot demonstrate that it has a fiveyear housing land supply, and as such paragraph 11d) of the Framework is currently engaged when determining applications for housing development.



In conclusion, the proposal would assist in meeting the housing needs of the Borough on a site allocated for housing in a relatively sustainable location. The development is in accordance with the aims of Section 5 of the NPPF, which seeks to deliver a sufficient supply of homes, and Policy HS1 of the Local Plan, which seeks to meet Rossendale's housing requirement. As such it is considered that residential development on this site is acceptable in principle.

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Green Belt Compensation

As the land within the application site has been released from the Green Belt, it is necessary for the development to deliver compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land as required by Policy SD2 and SD4 of the Local Plan. Policy SD4 lists the types of improvements that would be considered acceptable.

The Council's Forward Planning team have estimated the Green Belt compensation measures per dwelling at £1,250. Therefore, the total contribution for the development proposed would be £2,500.

Such contributions would be secured via a Unilateral Undertaking if it is resolved to grant planning permission.

Visual Amenity

The land falling within the H63 housing allocation was previously designated as Green Belt, but was removed and allocated for housing under the adopted Local Plan on the basis that exceptional circumstances exist. In such cases where land has been removed from the Green Belt on the basis that exceptional circumstances exist, Policy SD2 of the Local Plan expects that the design of development minimises the impact on the character of the area and addresses relevant criteria in Policy ENV3.

Policy ENV3 aims to protect and enhance the landscape character and quality of Rossendale, and expects development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions. Development proposals which are in scale and keeping with the landscape character, and which are appropriate to its surroundings in terms of siting, design, density, materials, and external appearance and landscaping will be supported.

Both the Framework and Policy ENV1 aim to create well-designed, high-quality development, and expect new development to be sympathetic to the character and appearance of the local area.

Lancashire County Council's Landscape Character Assessment (2000) places most of the site within the 'Settled Valleys' landscape character type, which is characterised by urban development. A small portion of the southwest corner is identified 'Moorland Fringe' and this character type covers the wider Cowm reservoir area. The site itself has no formal landscape designation, nor is the area defined as, in the words of the Framework, a 'valued landscape'. Nevertheless it is recognised that the wider Cowm reservoir is a well-used and valued recreation area for many.

The site itself is an area of enclosed, overgrown grassland surrounded on two sides by residential development and at the entrance of a gated water treatment works. Considering the context of the site, it is not considered that the development of this site for residential purposes would have a significant impact on the character and appearance of the area or the wider landscape.

The new dwellings would appear quite prominently from the beginning of Back Cowm Lane, where the access to the site provides a visual break, but the site 'sits' back and slightly below the highway, and is partially screened from wider public views by trees further along Back Cowm Lane and in the surrounding area. At single storey height the dwellings would not be unduly large each measuring approximately 11 metres (length) x 8 metres (width) and standing approximately 5.7 metres high to ridge. As such they will be similar in height to the surrounding development and

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suitable control can be exercised over this by imposing conditions limiting their finished floor levels. Overall, it is considered that the dwellings will appear in scale and keeping with their surroundings.

The dwellings are also now considered to be acceptable in design terms. They will incorporate 'gabled' pitched roofs that will match those of other dwellings nearby and the agent has since agreed to construct the external walls using natural stone, to 'tile hang' the dormer windows using natural slate and to construct the roof using the same material. The new windows will be constructed of upvc (colour:- anthracite grey) and composite doors are also proposed. These materials will match/reasonably harmonise with those used in the construction of the surrounding properties. A condition can reasonably be imposed requiring them to be constructed of these materials and for samples to be submitted to the local planning authority for approval.

Two metre high close-boarded timber fencing is to be erected along the rear (southwestern) boundary of the site with hedges planted along each side and the front boundary left largely open. These arrangements are also considered acceptable and in line with the requirements of policy ENV3, providing a softer treatment to the boundaries adjoining the listed buildings and the open land to the southeast and northwest. A condition can reasonably be imposed to control the boundary treatment and the agent is agreeable to such a condition being imposed.

The new vehicular areas, internal pathways and patios are to be surfaced, at least in part, using sandstone cobbles. It is considered that materials of this nature should reasonably blend with others used in the construction of the development/other development in the surrounding area. However, in order to ensure that they do so it is recommended that details of them are reserved by condition for consideration at a later date. Again, the agent is agreeable to such a condition.

Space will be available within each property curtilage enabling for the storage of refuse bins in relatively secluded positions to the side and rear of the properties. In view of this it is considered that no reasonable objection could be raised to this element of the scheme either.

In view of the above, and despite the concerns to the contrary, it is considered that provided suitable conditions are imposed to ensure the satisfactory appearance of the development, the proposal would, on balance, be acceptable in visual amenity terms reasonably satisfying the requirements of Policies SD2, ENV1 and ENV3 of the Local Plan and Sections 12 and 15 of the National Planning Policy Framework.

Heritage Impact

The application site is located adjacent to Grade II listed nos. 29, 30 and 32 Tong End. Grade II listed no.26 Tong End is located slightly further along the lane.

The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPAs should, in coming to decisions, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In summary, the key heritage issue to consider is whether the proposal preserves the special interest of the listed building through development in its setting.

The Council's Consultant Conservation Officer has reviewed the submission and concluded:

"Overall, I feel that the proposed scheme will result in some limited, low level harm to the setting of the nos.29, 30 and 32 Tong End and have a slight negative impact on their significance. This is due to the proposed scheme impacting on the rural character of their setting and somewhat

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obscuring views of the existing open landscape. Due to its location further along the lane, the proposed scheme will have little/no impact on the setting of no.26 Tong End. As noted above, I also feel that the scheme could be improved by the use of more a more sympathetic material palette."

Following negotiations between the case officer and the planning agent, the proposed scheme has been revised from that originally submitted as follows:

- The dwellings would utilise a traditional material palette of natural stone and natural slate.
- Sandstone cobbles would be laid to the front of the dwellings.
- Natural boundary treatments such as hedges would feature on the sides of the dwellings, with the front having an open aspect.

It's considered that the above amendments have resulted in a more sympathetic development, with the use of traditional materials in particular mitigating the impact on the setting of the nearby listed buildings. Nonetheless the introduction of development on this site would still have an impact on the rural character of the setting of the listed buildings. In this context, despite the amendments secured, it is considered that the development would now represent a very limited level of less than substantial harm, rather than the 'limited/low level' previously identified.

Paragraph 215 of the NPPF states:

"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, where appropriate, securing its optimum viable use."

The balancing exercise required under paragraph 215 above has been undertaken as part of the overall planning balance set out below.

Neighbour Amenity

a) <u>Light</u>

It is not envisaged that the new dwellings will unduly affect the level of light currently received by the adjoining properties. They will stand almost 16 metres away from the nearest facing window which exceed the minimum 13 metre requirement as set out in the Council's Alterations and Extensions to Residential Properties SPD.

b) Overlooking

It is not envisaged that the dwellings will unacceptably overlook any of the surrounding properties provided that the rear facing dormer windows and roof lights are obscure glazed, and suitable screening is provided along the rear and part side site boundaries. The agent has since clarified that all of the first-floor rear facing windows/rooflights will be obscure glazed. Conditions to ensure that they are, and requiring the implementation of suitable screening along the intervening site boundaries, are therefore recommended. All other newly installed windows will either face open land to the front (north) and side (west) of the site, or Tong End to the east.

c) Outlook

Considering the separation distances involved, it is not considered that the outlook of any neighbouring properties would be unduly impacted by the development.

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In view of the above the proposal is considered to be acceptable in terms of neighbour amenity, despite concerns to the contrary, reasonably meeting the requirements of the NPPF and Policy ENV1 of the Local Plan in this regard.

Residential Amenity

It is considered that adequate private outdoor amenity space is being provided in conjunction with each new dwelling. This will be a combination of garden and hard surfaced patio, pathway and driveway areas. It is therefore considered that the proposal will meet the requirements of Policy HS8 of the Local Plan in this regard.

It's considered that the proposed bungalows would provide future occupants with sufficient internal floor space and storage.

Overall, it is considered that the proposed development would ensure future occupants would have a high standard of amenity, reasonably meeting the requirements of the NPPF and Policies HS8 and ENV1 of the Local Plan.

Access, Parking and Highway Safety

Four 'off-street' car parking spaces are proposed in conjunction with the development. This is a satisfactory level of parking for a development of this nature and scale. The proposal is therefore considered to be acceptable in parking terms.

It would not be possible to turn vehicles around within the developed site and vehicles would therefore need to be reversed from the property onto the adjoining access road or vice versa. However, given that this primarily serves Cowm Water Treatment Works it seems unlikely, on the balance of probability, that it will be experiencing substantial vehicular use or that vehicles using it will be travelling very quickly. Consequently, manoeuvres of this nature should not give rise to any undue highway safety concerns in this case.

Vehicular access to each of the new dwellings is to be gained via Tong End, the access road which serves Cowm Reservoir and then via a new access formed to each property from the latter. In this instance it is considered that these arrangements should allow safe access to and from the site despite concerns to the contrary. In coming to this view consideration has again been given to the likely level of use/speed of traffic using those highways and to the very modest scale of development that the accesses are to serve.

The proposals have been considered by County Highways who, following recent amendments to the scheme, now raise no objections subject to conditions. They remain concerned about the proposal to discharge surface water into Lancashire County Council's drainage system. However, it is considered that a suitable means of draining surface water from the site can reasonably be achieved without using this system (see relevant section below). A condition can reasonably be imposed to ensure this.

Subject therefore to the imposition of appropriate conditions it is considered that the proposals will be acceptable in highway safety terms reasonably satisfying the requirements of Policy TR4 and Appendix 1 of the Local Plan in this regard.

Biodiversity Net Gain (BNG) and Ecology

A metric and supporting BNG report have been provided. The report shows that the development cannot achieve a 10% gain in biodiversity on-site.

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As such, the applicant proposes to purchase statutory BNG credits to ensure that the development contributes to providing a 10% gain as required (off site).

The Council's consultant Ecologist (GMEU) has no objection to the above proposals, which will be dealt with when the applicant applies to discharge the statutory BNG condition.

Should approval for the development be received, the statutory BNG condition will be applied to the approval and will require discharging by the Council prior to any development work commencing.

The Framework and Local Plan seek to ensure new development delivers a net gain in biodiversity. The Council's Ecologist has recommended the dwellings incorporate nesting provision in the form of swift bricks to enhance the biodiversity of the site and a condition can be reasonably imposed to secure this.

Flood Risk and Drainage

The site is identified as forming part of Flood Zone One by information supplied by the Environment Agency. However, it lies just over 20 metres away from Tong End Brook at its nearest point and this is prone to flooding. This has led to concerns from some of the objectors both that future occupiers of the dwellings will at risk from flooding and that the development will exacerbate issues of flooding elsewhere. It should be noted that both the Environment Agency and United Utilities have raised no objection to the development in terms of flood risk or safety as a result of flooding.

The developer has since advised that the finished ground floor levels of the dwellings will be constructed at 300mm above ground level as opposed to the usual 150mm, that internal plug sockets will be installed 500mm above internal finished floor level, and that flood proof doors, windows and water resistant air bricks will be installed as part of the development. Subject to a condition requiring that these measures are implemented then, bearing in mind that the application site 'sits' at a slightly higher level than the neighbouring Brook, it is considered that future occupiers of the dwelling will be reasonably safeguarded from flooding.

In terms of drainage, the agent has indicated that both foul and surface water from the developed site are to be discharged into the mains sewer. These proposals have been assessed by United Utilities but they are not willing to agree to surface water being discharged to the public sewer until all other options have first been explored. This aside they consider that the site is capable of being satisfactorily drained by way of a suitably managed sustainable drainage system designed having regard to the drainage hierarchy set out in the National Standards for Drainage Systems (2025). This issue can reasonably be addressed in this case by way of a planning condition and a condition to this end is therefore recommended.

Subject to conditions, it is considered that the scheme will be acceptable in terms of drainage and flood risk reasonably satisfying the requirements of Policies ENV1 and ENV9 of the Local Plan and Section 14 of the National Planning Policy Framework in this regard.

Land Contamination

The agent has submitted a Contaminated Land Risk Assessment in support of the application which recommends either that radon monitoring is carried out or that radon protective membranes are installed. The agent has confirmed their intention to carry out the latter. The Assessment has been assessed by the Council's Land Contamination Consultant who considers that the site may be contaminated and therefore needs to be re-checked for this. They have therefore

recommended conditions requiring that it is re-assessed for contaminants, that suitable remediation works are subsequently carried out if deemed necessary, and that a report verifying that such works have been carried out is subsequently submitted where remediation is deemed necessary. Subject to the imposition of conditions to this end it is considered that there would be no reasonable land contamination reasons for opposing this development as in those circumstances it would reasonably meet the requirements of Policy ENV6 of the Local Plan and Section 15 of the National Planning Policy Framework in this regard.

Other Issues

The concerns raised by the objectors to the application, as set out in the 'Representations' section above, have been assessed. Those identified as (a) (c) and (k) have already been addressed earlier in the report. However, the remainder are also not considered to represent justifiable reasons for refusing the scheme for reasons given below:-

- i. The site is not identified green space. It is allocated for housing development in the Local Plan.
- ii. The requirements of the Reservoirs Act 1975 are not relevant to the consideration of a planning application. However, the applicant would need to separately address the requirements of that legislation.
- iii. Concern about possible damage to infrastructure cannot be taken into consideration when determining a planning application as it is not currently a recognised 'planning matter'. However, should such damage occur either during construction works or thereafter the person responsible for causing it could be liable for the cost of 'making it good'.
- iv. There is no requirement, under the current planning legislation, for an application of this scale and nature to be accompanied by an Environmental Impact Assessment.
- v. It is considered that the concerns about the likely impact that the development may have upon the historical value of the area can reasonably be addressed by imposing a condition on any approval requiring the developer to carry out a programme of archaeological works on the site before any other part of the development is commenced. This approach is supported by the Lancashire County Council Archaeology Team.
- vi. The 'Life For A Life' Memorial Forest does not directly adjoin the application site. It lies approximately 300 metres to the north and is separately accessed via Back Cowm Lane.
- vii. It is possible that a degree of disruption will be caused during the construction of the development (as could be expected with any development of this scale). However, it would not be reasonable to refuse a planning application purely on these grounds. It is considered unlikely, on the balance of probability, that a residential development of this scale would generate a significant level of noise once completed and occupied.

Planning Balance and Conclusion

S.38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision-making.

In principle, the development is acceptable on the site. However, owing to the identified very limited level of less than substantial harm to the setting of nearby designated heritage assets, it is necessary to carry out a balancing exercise of the public benefits of the proposal against the identified harm to the significance of the heritage asset, in accordance with the requirement contained in Section 16 of the Framework.

Public Benefits of the Development

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The development would provide 2 dwellings on an allocated housing site located in a relatively sustainable location. The Council cannot currently demonstrate the required level of housing delivery, and the proposal would contribute towards the Borough's housing need. The delivery of 2 dwellings would make a limited contribution to the Borough's housing supply, which would accordingly be afforded relatively limited weight.

Harm Caused by the Development

The Council's Consultant Conservation Officer identified that the proposals as originally submitted would result in a limited/low level of less than substantial harm to the setting of the nearby Grade II listed buildings, however, this level of harm has since been reduced to a very limited level only, relating to the impact the development would have on the rural character of the listed buildings' setting and the existing open landscape.

Considering the site has already been allocated for housing in the Local Plan and the harm is limited to the impact of built development being introduced on land where housing has been considered acceptable as part of the preparation the Local Plan, with input from the Council's Conservation Officer, and subsequently reviewed by the Planning Inspectorate, it is considered that the identified harm, although duly afforded the weight required by the Framework, would be minimal in this case.

Balance

All other matters in the planning balance have been assessed earlier in this report and subject to the proposed plans (including any mitigation measures) being implemented in accordance with the suggested conditions, it is considered that such matters have a neutral impact on the planning balance.

Whilst weight is duly afforded to the very limited level of less than substantial harm caused to the setting of the nearby listed buildings, it is not considered that such harm outweighs the public benefits of the scheme in this case.

In addition, given that the Council is in a position where it must apply the presumption in favour of sustainable development, it is not considered that any harm arising from the proposals would *clearly and demonstrably* outweigh the benefits. Accordingly, planning permission should be granted.

9. SUMMARY REASON FOR APPROVAL

The development is considered acceptable in principle seeking approval for the residential development of a sustainably located site that is specifically allocated for housing in the Council's Development Plan. It is considered that, subject to the imposition of suitable conditions, it will reasonably safeguard the character and appearance of the area, the amenities of neighbouring properties, highway safety and local ecology. It is also considered, again subject to the imposition of suitable conditions, that future occupiers of properties will not be at significant risk from flooding or contaminants. Whilst the development would cause a very limited level of less than substantial harm to the setting of the nearby heritage assets, it is considered, on balance, that the public benefits of the development, in this case a small contribution to the Borough's housing supply, on an allocated site, would outweigh the level of harm identified. The proposals are therefore considered to be in accordance with the requirements of Policies SD1, SD2, ENV1, ENV2, ENV4, ENV6, ENV9, TR4 and Appendix 1 of the Local Plan, Sections 2, 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework, and the relevant provisions of the Council's Alterations and Extensions to Residential Properties SPD (2008).

10. CONDITIONS

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

<u>Reason</u>: 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 documents, unless otherwise required by the conditions below:
 - Topographic Survey drawing no. 10732_001 dated March 2025
 - Existing Plans drawing no. RAD/3312/25/1 dated April 2025
 - Proposed Plans drawing no. RAD/3312/25/2/RevB dated 30/07/2025
 - BNG Metric V7 23rd August 2025
 - Preliminary Ecological Assessment and Biodiversity Net Gain Report Version 8 and dated 25th September 2025
 - Emails received from the appointed planning agent on 22nd and 27th August which detail the proposed flood protection measures.

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

3. No development shall commence until physical samples of the proposed facing materials and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the details given on the application form, the walls of the dwelling shall be constructed entirely of natural course stone and the roof of the dwellings, including the walls of the dormers, shall be laid and 'tile-hung' with natural slate.

The development shall thereafter be constructed utilising the approved materials and these materials shall thereafter be satisfactorily retained at all times.

<u>Reason</u>: To ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site, and to safeguard the setting of the adjacent listed buildings.

4. Notwithstanding the details given on the approved plans and application form, no development shall commence until full details of all hard (including all external ground surfacing materials) and soft landscaping (including all tree and hedge planting, grass seed/turf mix) and boundary treatments/means of enclosure to be erected have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall include for the retention of any existing drystone walls and for the planting of native hedges of an appropriate species along the side boundaries of each dwelling; shall only include timber boundary treatments along the rear garden boundary of each dwelling, and shall include for the use of sandstone cobbles to form the surface of the driveways associated with each dwelling.

The approved soft and hard landscaping details and boundary treatments/means of enclosure shall be implemented in full either before the dwellings hereby approved are first

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occupied or, if it involves new planting, within the first planting season following the substantial completion of the development. It shall thereafter be satisfactorily retained at all times.

Any planting forming part of that scheme which, within a period of 10 years from the completion of those works, dies, is removed or become seriously damaged or diseased shall be replaced in the next planting season with replacement planting of similar size and species.

<u>Reason</u>: In the interests of visual amenity and to safeguard the setting of the nearby listed buildings.

- 5. No development shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
 - <u>Reason</u>: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
- 6. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD:
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall be in accordance with the National Standards for Sustainable Drainage Systems (2025) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

<u>Reason</u>: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 7. Notwithstanding any information submitted with the application, no development shall take place 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 revised Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;

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- ii) Where potential risks are identified by the Preliminary Risk Assessment, a revised 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 (including verification plan) 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.

<u>Reason</u>: In the interests of mitigating hazards associated with land contamination and to prevent pollution

8. Pursuant to condition 7; 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.

<u>Reason</u>: In the interests of mitigating hazards associated with land contamination and to prevent pollution

9. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority.

The approved plan / statement shall provide:

- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud, or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Delivery, demolition, and construction working hours.
- The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

<u>Reason</u>: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

10. Deliveries to the approved development shall be made solely between the hours of 9:30am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety.

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11. Prior to the commencement of development, the access between the site and Back Cowm Lane shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course. It shall be completed prior to first occupation of the development and shall thereafter be satisfactorily retained at all times.

<u>Reason</u>: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

- 12. No 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.

<u>Reason</u>: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.

13. The flood protection measures outlined in paragraphs (e) and (1) of the agent's e-mails dated 22nd and 27th August 2027 respectively shall be carried out as part of the development and shall thereafter be satisfactorily retained at all times.

Reason: In order to safeguard the occupiers of the dwellings from potential flood risk.

14. The first-floor windows and roof lights to be installed within the rear (southeastern facing) roof planes of the approved dwellings shall be obscure glazed to level 3 on the Pilkington Levels of Privacy scale, or to an equivalent level as may be agreed in writing by the Local Planning Authority. They shall be obscure glazed to this level before the dwellings are first occupied and shall thereafter be satisfactorily retained as such at all times thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining properties.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, the dwellings hereby approved shall not be altered or extended in any way, nor shall any freestanding buildings be erected within each dwelling's curtilage, without the prior written approval of the Local Planning Authority. Approval for such development shall be sought in the form of a separate application for planning permission.

<u>Reason</u>: To safeguard the character and appearance of the area and the setting of the nearby heritage assets.

16. Prior to the commencement of above ground construction works, a detailed plan indicating the location, number, and type of swift bricks to be incorporated into the external walls of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details, and the swift bricks shall be installed concurrently with the building of the external walls and retained thereafter for the lifetime of the development. Evidence in the form of photographs of the swift bricks installed shall be provided to the Local Planning Authority prior to the first occupation of the dwellings.

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Reason: To enhance the biodiversity of the site.

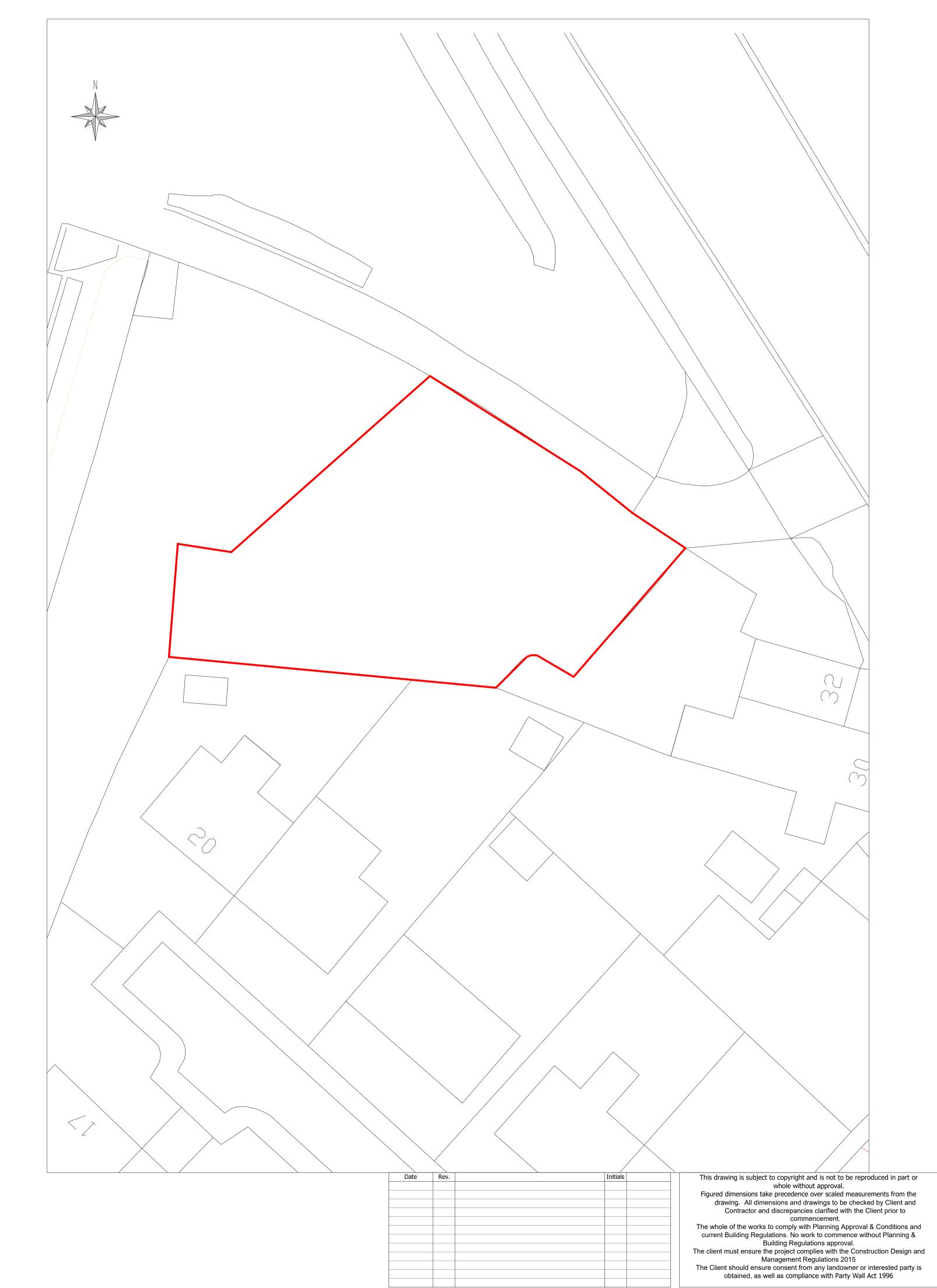
11. INFORMATIVES

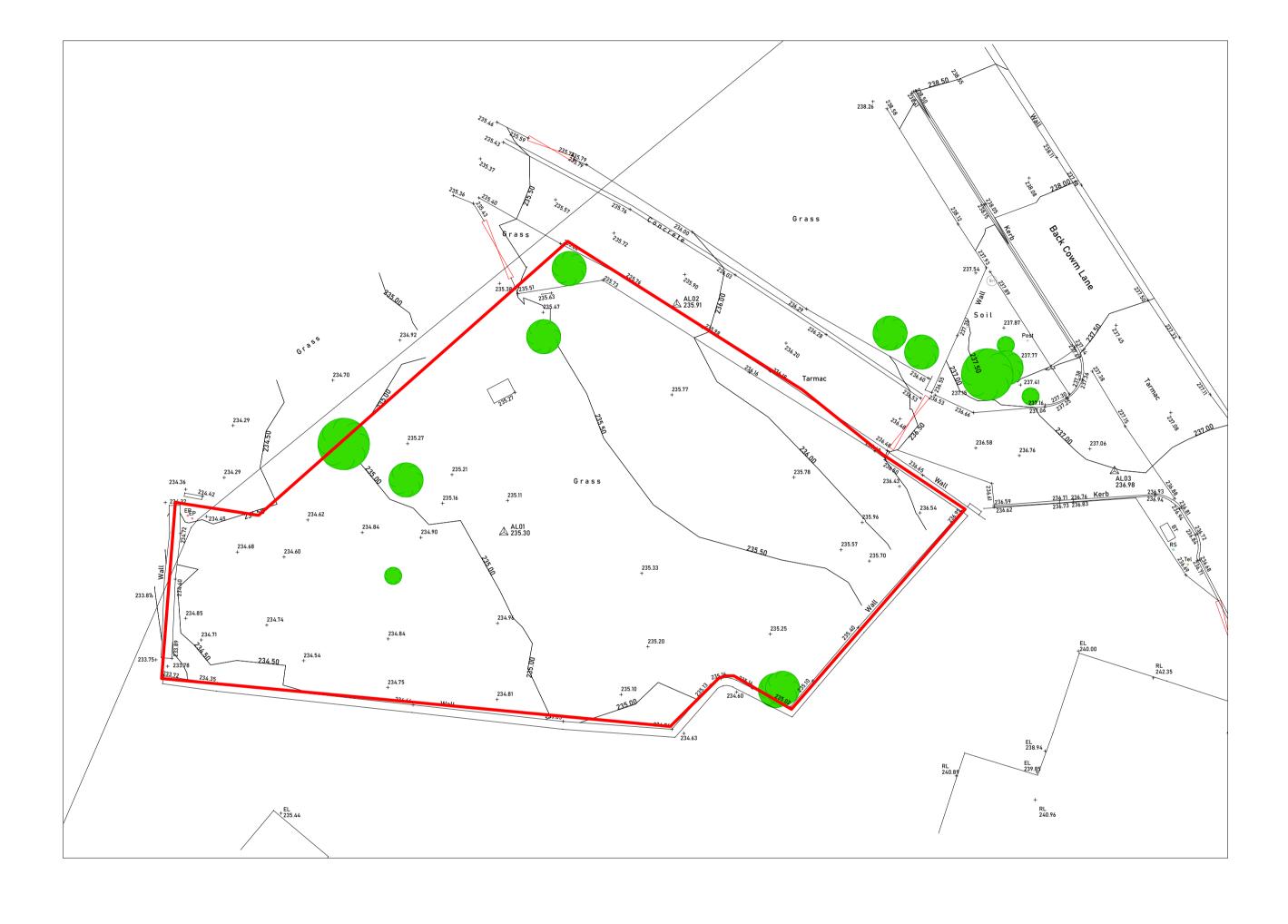
- 1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
- 2. Relevant archaeological standards and lists of potential contractors can be found on the CIfA web pages: http://www.archaeologists.net and the BAJR Directory: http://www.bajr.org.
- 3. The applicant is directed to read the comments provided by United Utilities in full.
- 4. 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.
- 5. 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 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.
- 6. The applicant will need to clarify Radon protection requirements with Building Control or an any appointed Inspector.
- 7. Please consider the following advice from the local highway authority regarding the Construction Management Plan:
 - There must be no reversing into or from the live highway at any time all vehicle sentering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
 - There must be no storage of materials in the public highway at any time.
 - There must be no standing or waiting of machinery or vehicles in the public highway at any time.
 - Vehicles must only access the site using a designated vehicular access point.
 - There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations all of which must be managed within the confines of the site.
 - A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or emailing lhsstreetworks@lancashire.gov.uk
 - All references to public highway include footway, carriageway, and verge.

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- 8. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.
- 9. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.
- 10. Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.
- 11. Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March August) unless suitable checks for active bird nests have been undertaken.
- 12. The swift bricks should be installed in accordance with best practice guidance, such as British Standard BS 42021:2022. They should ideally be placed at a height of at least 5 metres above ground, under shade-casting eaves, and with a clear flight path of approximately 5 metres from any obstructions (e.g., trees or adjacent buildings). Positioning above windows or doors should be avoided where possible. A minimum ratio of one swift brick per dwelling is generally recommended.

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Notes

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LAND AT COWM
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OL12 8BJ

Drawn
RA

Date APRIL 2025

Title
EXISTING PLANS

Client

M. AZEEM

Prawn
RA

Drawn
RA

Drawn
RA

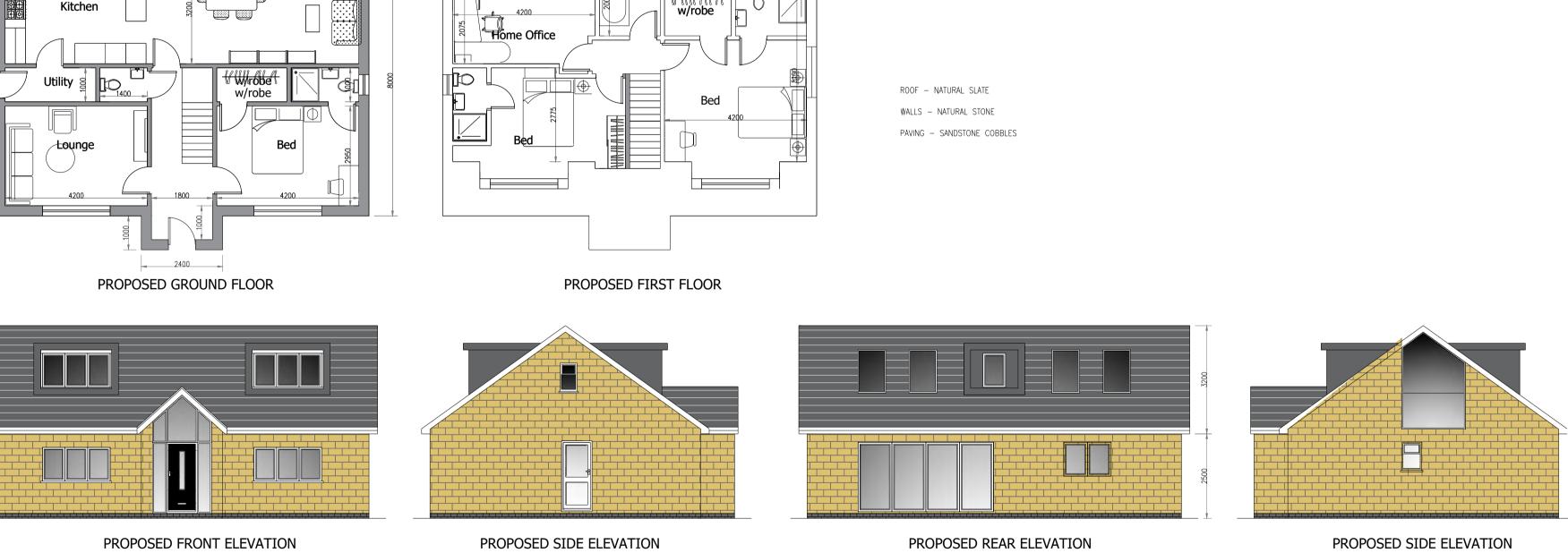
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Drawing Number RAD/3312/25/1







SITE PLAN (1:200)

Date	Rev.		Initials	
30/7/25	A.	Car Park amended	RA	
5/11/25	B.	Materials amended	RA	

BUNGALOW TYPE 'B'

This drawing is subject to copyright and is not to be reproduced in part or whole without approval.

Figured dimensions take precedence over scaled measurements from the drawing. All dimensions and drawings to be checked by Client and Contractor and discrepancies clarified with the Client prior to commencement.

The whole of the works to comply with Planning Approval & Conditions and

commencement.

The whole of the works to comply with Planning Approval & Conditions and current Building Regulations. No work to commence without Planning & Building Regulations approval.

The client must ensure the project complies with the Construction Design and

The client must ensure the project complies with the Construction Design and
Management Regulations 2015
The Client should ensure consent from any landowner or interested party is
obtained, as well as compliance with Party Wall Act 1996

Notes

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LAND AT COWM ROSSENDALE OL12 8BJ	Client M. AZEEM
	Drawn RA
	OCTOBER 2025
PROPOSED PLANS	1:100 @ A1 / 1:200 @ A3
	Drawing Number RAD/3312/25/2/RevB

LOCATION PLAN (1:1250)
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Ordnance Survey 0100031673

BLOCK PLAN (1:500)











