

**TITLE: 2005/568 – PROPOSED ALTERATIONS TO EXISTING BOUNDARY
RETAINING WALL AT 39-49 (ODDS) HUD RAKE, HASLINGDEN**

TO/ON: DEVELOPMENT CONTROL COMMITTEE 10TH NOVEMBER 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 28TH NOVEMBER 2005

**APPLICANT: Rossendale Borough Council Private Sector Housing Renewal
Service**

DETERMINATION EXPIRY DATE: 28th November 2005

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.

Site and Proposal

The applicant seeks permission for alterations to existing boundary retaining wall at the above address. The properties are located within the countryside area.

Relevant Planning History

None

Notification Responses

Public consultation was undertaken by means of site notices which were posted at 3 points around the site, to which there have been no replies.

Consultation Responses

County Highways

No objections to the proposal on highway grounds however a condition was requested to be placed on an approval stating that a formal highways closure of the land affected is necessary before development begins. In addition the highways department sought comments from the County's Bridges/Structural Engineer in respect of the proposed method and detail of construction, who comment that:

- The wall will have to be technically approved by the Highways Authority.
- The Highway will have to be stopped up where the width of footpath is to be reduced due to the construction of the new retaining wall therefore it will be necessary for the developer to put in a request to the Highways Authority. The new retaining wall is to be privately owned.
- A minimum width of footpath (to traffic face of kerb) of 1.125 metres to be maintained.
- A licence between the Highway Authority and the developer may be required for the retaining wall foundations which will be below the highway (they are seeking legal advice on this).

Development Plan Policies

Rossendale District Local Plan (adopted 1995)

Policy C1 (Countryside Areas) states that to enhance rural landscapes, known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes. Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area.

DC4 (Materials) states that Local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or Welsh blue slate, or in appropriate cases, with good quality substitute slates.

Policy DC1 (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Joint Lancashire Structure Plan (adopted 2005)

Policy 1 (Development Framework) states that development will be located primarily in the principle urban areas, main towns, key service centres (market towns) and strategic locations for development.

Policy 20 (Lancashire's Landscapes) states that development must be appropriate to the landscape character type within which it is situated and contribute to its

conservation, enhancement or restoration or the creation of appropriate new features.

Other Material Planning Considerations

PPS1 – Sustainable Development
PPS7 – Rural Areas

Planning Issues

The location for the proposed development is within the countryside and therefore Policy C1 (Countryside) of the Rossendale District Local Plan is considered relevant as well as Policy 20 (Lancashire's Landscapes) of the Joint Lancashire Structure Plan.

Policy C1 (Countryside Areas) of the Rossendale District Local Plan states that priority should be given to locations adjoining the urban fringes. The location of the proposed development is immediately to the east of the edge of the urban boundary and so therefore the site of the development is acceptable. The proposed re-facing and alterations would improve the visual appearance of the existing wall and contribute to the enhancement and restoration of the of the rural landscape. Therefore the development would comply with Policy C1 (Countryside Areas) of the Rossendale District Local Plan and Policy 20 (Lancashire's Landscapes) of the Joint Lancashire Structure Plan.

The proposed alterations include the repairing and re-facing of the existing boundary retaining wall which lies in front of 39-45 (odds) Hud Rake. The applicant proposes to use concrete to retain the wall and base and guard rails measuring approximately 0.8m to sit on top of the wall. Policy DC4 (materials) of the Rossendale District Local Plan states that local natural stone is normally required for development and as the applicant proposes to use reclaimed stone for the re-facing the proposal would comply with this policy. The use of reclaimed stone would mean that the development would be appropriate to landscape character type and therefore would comply with Policy 20 of the Joint Lancashire Structure Plan.

Policy 1 Development Framework) of the Joint Lancashire Structure Plan states that development will contribute to achieving "*A high quality built environment.*" The proposed alterations and re-facings using reclaimed stone will assist in this as they will improve both the aesthetics and safety of the existing wall. This would have the result of benefiting the residents of 39-45 Hud Rake as well as improving the visual appearance of wall within the locality for other nearby residents. Therefore the proposed development would be in accordance with Policy 1 of the Joint Lancashire Structure Plan and Policy DC1 of the Rossendale District Local Plan.

Recommendation

That planning permission is approved subject to conditional control.

Conditions

1. The development permitted shall be begun before the expiration of three years from the date of this permission. Reason – Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. All materials to be used in the elevations of the proposed development shall be as stated on the application form and shall not be varied without the prior written permission of the Local Planning Authority. Reason – To ensure that the development will be of satisfactory appearance.
3. A formal highways closure of the land affected shall be sought prior to commencement of development. Reason – in the interests of highway safety.
4. A minimum width of footpath (to traffic face of kerb) of 1.125 metres is to be maintained. Reason – in the interests of pedestrian and highway safety.

Notes:

1. The applicant should be aware that the Highway will have to be stopped up where the width of footpath is to be reduced due to the construction of the new retaining wall.
2. A Licence between the Highway Authority and the developer may be required for the retaining wall foundations which will be below the highway.

Local Plan Policies

C1
DC1
DC4

Structure Plan Policies

Policy 1
Policy 20

