

Application Number:	2016/0541	Application Type:	Outline (excluding only landscaping)
Proposal:	Erection of 2 dwellings	Location:	Land adjacent to 72 Holland Avenue Rawtenstall
Report of:	Planning Unit Manager		
Report to:	Development Control Committee	Committee Date :	17 th January 2017
Applicant:	Mr A Lambert	Determination Expiry Date:	20 th January 2017
Agent:	Mr S Hartley		

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

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 Outline Permission be granted, subject to the Conditions set out in Section 10.

2. SITE

The Application relates to a broadly rectangular site of 0.2ha towards the northern end of Holland Avenue, to the west side of the residential property known as Collinge Fold Farm.

For the most part the site is under grass and rises up from the level of Holland Avenue, a poorly surfaced track running on a W-E axis through the middle of it. Whilst the northern half of the site has a frontage to Holland Avenue, the southern half is setback from Holland Avenue, behind what has the appearance of a public footpath but is designated a Byway

Open to All Traffic. The site thereby stands 10m-20m from the side-boundary of 72 Holland Avenue.

The 2-storey house at Collinge Fold Farm is of stone/slate construction, the gable standing 2+m from the site boundary possessing a first-floor & ground-floor windows. The 2-storey house at 72 Holland Avenue is also of stone/slate construction, the gable possessing first-floor windows that face towards the application site but at a distance of 20+m.

The application site is within the Urban Boundary of Rawtenstall. The open land to its north and west sides is designated as Countryside.

3. **RELEVANT DEVELOPMENT CONTROL HISTORY**

2003/0024 Erection of 5 Houses (Outline)
Refused

2004/0282 Erection of 2 Houses (Outline including means of access)
Refused

2015/0466 Erection of 2 dwellings (Outline excluding only landscaping)
Approved at the meeting of DC Committee held on 7/6/16.

This application sought permission to erect two 4-bedroomed houses, with attached double-garages and included details of Access, Layout, Scale & Appearance.

In accordance with the wishes of LCC Highways, an amended scheme was submitted that proposed a house to each side and accessed from the track running on a W-E axis through the middle of the site, suitably up-graded, with that section of it forward of a cattle-grid to provide Holland Avenue with a vehicle turning-head to adoptable standard. This layout plan also acknowledges that to provide level platforms on which to construct the proposed houses will entail excavation towards the northern and western boundaries of the site, but not to an extent that will then require construction of retaining walls exceeding 0.5m in height. The proposed houses were to have slate roofs and stone walls.

Notwithstanding objections received from 9 local residents and Rossendale Civic Trust, Officers recommended approval of the application with the following Summary Reason for Approval :

Notwithstanding that the site is greenfield and the congestion that presently occurs on the approach roads to it, the proposed development is considered to be acceptable in principle as the site is within the Urban Boundary and, subject to the conditions, it is considered that it will not result in unacceptable harm to visual and neighbour amenity, biodiversity, flood risk or highway safety.

Consideration has been given to Policies AVP4 /1 / 2 / 3 / 8 / 9 / 16 / 18 / 19 / 23 / 24 of the Council's adopted Core Strategy DPD (2011) and the National Planning Policy Framework.

4. **PROPOSAL**

The current application is accompanied by a Planning Statement which explains the reasons for its submission as follows :

“This new application is for the same development as that approved but the siting of the 2 houses is amended by moving them slightly further apart as there is a 25ft wide easement to allow access to the radio mast further up the hillside. This has only latterly come to light and each of the proposed houses has been re-sited by approximately by 0.5m to accommodate the easement.

Lastly, this new application addresses some of the pre commencement conditions in anticipation that they will not need to be imposed with regard to the current application, if approved :

Condition no 3 - A Construction Method Statement is included with this current application.

Condition no 4 - The proposal for the current application is to connect to the surface water sewer in Holland Avenue in the normal way and in accordance with Building regulations and any other requirements of the statutory authority for the drain.

Condition no 5 - Relates to the reconstruction of the cattle grid included in that approved scheme. No cattle grid is included in the current application.”

5. POLICY CONTEXT

National

National Planning Policy Framework

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP4 Area Vision for Rawtenstall, etc
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale’s Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change, etc
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

6. CONSULTATION RESPONSES

LCC Highways

No objection.

The CMTP is brief, I would recommend that the deliveries are programmed outside the peak hour 8 – 9am and the school picking up time 3 – 4pm. The route to the site will be heavily parked and congested at these times which will present difficulties for the delivery drivers and other highway users.

United Utilities

No objection.

UU wishes to draw attention to :

- the means to facilitate sustainable development; &
- the applicant's responsibility to demonstrate the exact relationship between any UU assets & the proposed development and ensure the level of cover to water mains & sewers is not compromised either during or after construction.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order neighbours were notified by letter on 8/11/16 and site notices posted on 17/11/16.

Objections to Application 2015/0466 were received from 9 local residents and objections to the current application have been received from 8 local residents, advancing many of the same concerns :

- At present this is a lovely unspoilt piece of land, which is used for recreational purposes - once two are built what's to stop houses extending up the hill?
- Elevation of the proposed properties will cause loss of privacy/direct view into bedrooms.
- Run-off from the land above/adjacent to the properties when heavy rain falls will not have the means to escape - run-off on to the road has long been a problem.
- Access via Prospect Hill is already overused - it's difficult to get up and down, especially when there is snow and ice on the ground.
- Holland Avenue is a busy street, in which many children play, and to reduce the turning circle adjacent to Collinge Fold is ill-considered.
- Disruption will be caused by construction work.
- The drawings do not show the private right of passage owners of Collinge Fold Farm have previously made the applicant aware of over part of the application site bounding their property - request a minimum of 12ft be shown to allow vehicles to pass and the house nearest to them have a floor level which is no higher than their house.
- The plans do not maintain access to a well on the land to the rear of the site or for pipes laid from it through to Collinge Street

Rossendale Civic Trust notes that Application 2015/0466 was approved, but still see issues of 'skyline' development :

"RCT see this change in siting as a basis to ask for these house designs to be more sympathy with this location, with lower roof slopes to match that of the hillside."

8. ASSESSMENT

The main considerations of the application are :

- 1) Principle;
- 2) Visual Amenity;
- 3) Neighbour Amenity;
- 4) Access/Parking; &
- 5) Drainage.

Principle

Policy 1 of the adopted Core Strategy states that the greatest amount of new development should take place in Rawtenstall. The application site has a frontage to a residential street.

Although it is 'greenfield', it is located within the Urban Boundary of Rawtenstall as shown on the Proposals Map that accompanied the Rossendale District Local Plan (adopted in 1995) and was carried forward into the Core Strategy (adopted in 2011).

With respect to current housing policy, the Government places considerable emphasis on housing delivery and the existence or otherwise of a 5-year land supply is a key component in delivering this aspiration. Paragraph 49 of NPPF indicates that housing applications should be considered positively, with Local Plan policies not considered to be up-to-date if a 5-year supply cannot be demonstrated.

The Council cannot presently demonstrate it has a 5-year housing land supply.

Paragraph 14 of the NPPF states that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.

In June 2016 Committee considered it appropriate in principle to permit erection of 2 detached dwellings and nothing has since occurred to now lead to a different conclusion on this matter.

Visual Amenity

The Officer Report in respect of Application 2015/0466 stated :

"I can appreciate that local residents would wish to retain views they presently have from their properties/the end of Holland Avenue through to the open countryside. However, though far from small, the two houses proposed will still allow views through to the open countryside to the rear of the site, not least by reason of retention of the roadway through the middle of the site that gives access to that land and as amendment of the scheme will now result in a garage to each side of it rather than houses. I am also mindful that the southern half of the application site is setback from Holland Avenue, behind what has the appearance of a public footpath but is designated a Byway Open to All Traffic."

The current application proposes modest changes to the siting of the 2 houses permitted by Outline Permission 2015/0466, with no changes to their intended level/size/design/facing materials. It remains the case that the resulting development will not appear unduly prominent or intrusive as viewed from Holland Avenue or public rights of way in the vicinity of the site.

Conditions are again recommended to regulate the level at which the houses are built, their facing materials and also to ensure appropriate landscaping/boundary treatment, it being important boundaries to the byway and to the open countryside to the north and west sides of the site are suitably soft/green.

Neighbour Amenity

It remains the case that the proposed dwellings will stand sufficiently far from neighbouring houses that they will not result in unacceptable detriment in terms of light/outlook/privacy/overbearing.

A number of the objectors have referred to private rights to/over the application site. As they are private rights they do not provide reason to refuse the application; it would rest with the

applicant to reach agree with those neighbours regarding their extinguishment/diversion where necessary.

Access / Parking

In respect of Application 2015/0466 one of the principal concerns of objectors was that traffic congestion on Holland Avenue/Prospect Hill presently occurs and would be made worse by the addition of the two houses being proposed.

The Officer Report in respect of Application 2015/0466 stated :

“LCC Highways is satisfied that the traffic movements/off-street parking need for the two 4-bedroomed houses being proposed can be predicted. It is satisfied that the garages/hardstanding shown on the submitted drawings is adequate to meet their need for off-street parking. Furthermore, the submitted drawings show that the existing farm track midway along the site frontage to serve them is to be up-graded. This is to entail the cattle-grid being moved further back and the intervening area between it and the adopted highway being properly surfaced to form a vehicle turning-head to adoptable standard, something that Holland Avenue presently lacks and is much needed.

A condition is recommended to ensure that this turning-head is provided if construction of either of the proposed houses proceeds. On this basis I concur with the view of LCC Highways that it would not be inappropriate for permission to be granted for access/parking reasons, notwithstanding the levels of on-street parking that presently takes place elsewhere on Holland Avenue.”

The changes now proposed to Outline Permission 2015/0466 will not materially affect the nature or volume of traffic generated by the site during the construction phase or subsequently.

Condition 3 of that Permission requires a Construction Method Statement to be submitted and approved prior to commencement of the development. The current application is accompanied by a CMS. LCC Highways is satisfied with the provisions of the submitted CMS subject to an additional clause to ensure delivery lorries are programmed outside the peak hour 8 – 9am and the school picking up time 3 – 4pm (as the route to the site will be heavily parked and congested at these times). It is considered appropriate for the submitted CMS to be approved subject to this additional clause.

Condition 5 of that Permission reads :

Prior to first occupation of either of the houses hereby permitted the Cattle Grid shall be re-sited in accordance with Drwg No HA-30-03-16 and the intervening area between it and the carriageway of Holland Avenue shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads. Likewise, prior to first occupation of either of the houses hereby permitted the proposed new footway shown on Drwg No HA-30-03-16 shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

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

It is appropriate to amend the wording of this Condition as the Cattle Grid has been replaced by a Gate since issues of Outline Permission 2015/0466 in June 2016.

Drainage

The site and its surroundings are not in an area the Environment Agency has identified as being at risk of flooding. Nor has LCC Drainage identified this as an area that is particularly susceptible to flooding. Nevertheless, construction of the proposed houses will interfere with existing surface-water drainage from the site and the rising land to its rear. A condition is recommended to ensure design/implementation of a suitable scheme of surface-water drainage.

Condition 4 of Outline Permission 2015/0466 reads :

Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The approved scheme shall be implemented in full prior to first occupation of any dwelling or as otherwise first agreed in writing by the Local Planning Authority.

Reason : To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 19 and 24 of the Rossendale Core Strategy DPD (2011).

The Planning Statement which accompanies the current application indicates that this Condition can be dispensed with on the basis that they propose “...to connect to the surface water sewer in Holland Avenue in the normal way and in accordance with Building regulations and any other requirements of the statutory authority for the drain”.

The site and its surroundings are not in an area the Environment Agency has identified as being at risk of flooding. Nor has LCC Drainage identified this as an area that is particularly susceptible to flooding. Nevertheless, it is evident that surface-water from the site is presently discharging from the site on to Holland Avenue, rather than to a proper system of drainage. Construction of the proposed houses will interfere with existing surface-water drainage from the site and the rising land to its rear. Furthermore, the recent replacement of the Cattle Grid with a Gate has removed a brake to surface-water run-off from the track running on a W-E axis through the middle of the site to Holland Avenue. Accordingly, it is not considered appropriate to dispense with this Condition.

9. SUMMARY REASON FOR APPROVAL

Notwithstanding that the site is greenfield and the congestion that presently occurs on the approach roads to it, the proposed development is considered to be acceptable in principle as the site is within the Urban Boundary and, subject to the conditions, it is considered that it will not result in unacceptable harm to visual and neighbour amenity, biodiversity, flood risk or highway safety. Consideration has been given to Policies AVP4 /1 / 2 / 3 / 8 / 9 / 16 / 18 / 19 / 23 / 24 of the Council’s adopted Core Strategy DPD (2011) and NPPF.

10. RECOMMENDATION

That Outline Permission be granted.

CONDITIONS

1. Application for approval of the Reserved Matters, namely Landscaping (including Boundary Treatments), shall be made not later than the expiration of 3 years from the

date of this decision and the development must be begun not later than the expiration of 2 years from the final approval of the reserved matters.

Reason : Required by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with Drawing No HA-30-03-16-A (amended 02-11-16), unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason : For the avoidance of doubt.
3. The development hereby permitted shall be undertaken in accordance with the submitted Construction Method Statement, subject to the additional requirement that delivery lorries are programmed to pass along Holland Avenue & Prospect Road outside the peak hour 8 – 9am and the school picking up time 3 – 4pm (as the route to the site will be heavily parked and congested at these times).
Reason : In the interests of neighbour amenity and highway safety.
4. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The approved scheme shall be implemented in full prior to first occupation of any dwelling or as otherwise first agreed in writing by the Local Planning Authority.
Reason : To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.
5. Prior to first occupation of either of the houses hereby permitted the carriageway of Holland Avenue shall be extended into the site and constructed to the extent necessary to provide a turning-head in accordance with the Lancashire County Council Specification for Construction of Estate Roads. Likewise, prior to first occupation of either of the houses hereby permitted the proposed new footway shown on Drwg No HA-30-03-16-A shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
Reason : In the interests of highway safety.
6. Prior to first occupation of any of the dwellings hereby permitted the parking/ manoeuvring area to serve it shall be provided with a hard, permeable surface. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, or any order amending or revoking & re-enacting that order, the areas so provided shall thereafter be kept freely available for the parking/ manoeuvring of cars.
Reason : In the interests of highway safety.
7. Prior to construction of either of the houses hereby permitted samples of the natural stone and natural slate to be used to construct them, and any associated retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used unless a variation is first agreed in writing by the Local Planning Authority.
Reason : To ensure the development is of satisfactory appearance.

8. The scheme of Landscaping/Boundary Treatment to be submitted shall provide details of :
- a) retaining structures/walls/fences/gates/hard-paved areas;
 - b) types and numbers of trees and shrubs to be planted, and their size and distribution at the time of planting; &
 - c) any changes of ground level or landform.

Reason : In the interests of visual and neighbour amenity, and most particularly to ensure suitably soft/green treatment of boundaries to the byway and to the open countryside to the north and west sides of the site.

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

Reason : To safeguard the amenities of nearby residents.