

Application Number:	2016/0601	Application Type:	Full
Proposal:	Erection of two semi-detached dwellings and associated access and landscaping works	Location:	Land Formerly Used In Association With Amtrack Buildings, Holly Mount Way, Rawtenstall
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	28 th February 2017
Applicant:	Mr Stan Ainsworth	Determination Expiry Date:	8 th March 2017
Agent:	Mr Steven Hartley		

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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	✓
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

Approve full planning permission subject to the conditions.

2. SITE

Holly Mount House is a Grade II listed building, which lies within Rawtenstall Town Centre Conservation Area. In recent years it has been converted to apartments and the level land to its north side has had houses erected upon it. More recently the apartment block permitted on the land immediately to the south east of the current application site has been implemented by the

applicant. Vehicular access to these residential properties is via the road that serves the ASDA store, which stands immediately to the east.

The current application relates to land to the north west side of the recently completed apartment block and rises up towards the rear of housing fronting Haslingden Old Road. The site is bounded to the west by housing fronting Schofield Close and to the east by the wooded embankment that runs to the rear of the adjacent ASDA store.

The surrounding land has planning permission for residential development (for four dwellings and associated access and landscaping works), which was granted under reference number 2016/0062 subject to conditions.

Trees on the site have the protection of a Tree Preservation Order, made particularly to afford protection to the group of mature trees immediately to the rear of Nos. 9-11 Schofield Close. The site lies outside the boundary of Rawtenstall Town Centre Conservation Area, and is within the defined urban boundary.

3. RELEVANT PLANNING HISTORY

2007/0763 - Erection of 16 3-bedroomed houses (Refused, appeal dismissed)

2015/0063 - Erection of four houses and associated access road & landscaping (Approved)

2016/0062 - Erection of four houses and associated access road & landscaping (Amended Scheme) (Approved)

2016/0356 - Discharge of Conditions 3 (Construction Method Statement), 6 (Management & Maintenance of the Street & Retaining Structures) and 10 (Landscape & Boundary Treatments) pursuant to Planning Approval 2016/0062 (Split Decision)

4. PROPOSAL

Planning permission is sought for a pair of split level semi-detached houses (located immediately to the south west of the two pairs of semi-detached dwellings approved under 2016/0062), with associated access and landscaping works. Each dwelling would have 3 bedrooms and would be of stone construction with blue slate roofs. The dwellings would have three-storey front elevations and two-storey rear elevations as they would be partially set into the slope, and would be of similar design to those approved under 2016/0062.

The dwellings would be accessed via the switchback road approved under 2016/0062, leading from Holly Mount Way.

The rear gardens of the proposed dwellings would be grassed lawn areas bounded by 1.5m high close boarded timber fencing. There would be porous asphalt driveways to the front of each house with space to park two cars.

The proposed scheme would not involve the loss of any mature trees on site, and it is proposed to erect protective fencing (to BS5837:2012) around the root protection areas of all mature trees on site during construction works.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

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 8	Promoting Healthy Communities
Section 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment
Section 12	Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Preserving and Enhancing the Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Considerations

National Planning Practice Guidance

Alterations and Extensions to Residential Properties SPD

The Planning (Listed Buildings and Conservation Areas) Act 1990

6. CONSULTATION RESPONSES

Consultee	Comment
LCC Lead Local Flood Authority	No comments made
LCC (Highways)	No objection subject to conditions
RBC Property Services	No objection
RBC Conservation Officer	No comments received
RBC Operations	No comments received
United Utilities	No objection subject to conditions
Rossendale Civic Trust	No comments received

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 24/01/2017 and 52 neighbour letters were sent out on 19/01/2017. A notice was published in the Rossendale Free Press on 03/02/2017.

Three letters of objection have been received raising the following issues:

- Resident and visitor parking is already a huge issue around the site.
- Heavy congestion at peak times and will only get worse.
- Loss of open green space.
- Deterioration in the appearance of the area as a result of the development.
- The area would be better as public open space.

- Car headlights from the development would shine into Holly Mount Apartments and cause a nuisance to residents.
- Cars from the development would generate noise nuisance for nearby residents.
- Birds and bats inhabit the site.
- There are protected trees outside of the application site.
- Vehicular access from Haslingden Old Road does not exist, but the applicant has used access from Haslingden Old Road to drive plant and machinery into the site.
- Landscaping and planting should be extended to include the entire wider site, and planting should be covered by a TPO.

8. **ASSESSMENT**

The main considerations of the application are:

1) Principle; 2) Visual Amenity and Heritage Impact; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety; 5) Ecology

Principle

The application relates to a site within the urban boundary, which is an area that Policy 1 of the Council's Core Strategy identifies should be the focus for the majority of built development. The site is also within walking distance of Rawtenstall Town Centre and its services and facilities.

Permission exists for erection of four dwellings on the site, and the current application proposes two additional dwellings.

Accordingly, the proposal is considered acceptable in principle.

Visual Amenity / Heritage Impact

The proposed dwellings would be of similar design and appearance to the four dwellings permitted under 2016/0062, and would be sited immediately to the south west of that site and at the same level.

It is not considered that the addition of a further two houses to the scheme approved under 2016/0062 would cause any significant harm to visual amenity. The design of the dwellings is appropriate in the context of the site, as are the proposed facing materials (natural stone elevations and natural blue slate roofs).

Holly Mount House is a Grade II listed building, which lies within Rawtenstall Town Centre Conservation Area. Whilst the application site lies beyond the boundary of Rawtenstall Town Centre Conservation Area, both Holly Mount House and the site are visible from the ASDA Car Park.

Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that local authorities must pay special attention to the desirability of the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

Policy 16 of Rossendale Borough Council's Core Strategy Development Plan Document states that the Council will protect Rossendale's historic built environment by ensuring that

development is located in a way that respects the distinctive quality of the historic landscape and setting, and retains or enhances character.

It is considered that the proposed scheme would not cause any significant harm to the setting of Holly Mount House (which is located around 120m to the south east of the proposed dwellings) or have any substantial impact on the significance of the Listed Building. The design and appearance of the proposed dwellings would not appear incongruous in the site's wider setting.

It is proposed to include 1.5m high close boarded timber fencing around the rear and side gardens of the dwellings (which would be grassed), and it is proposed to incorporate the planting of a Silver Birch tree within the space to the front of each dwelling. The proposed boundary treatments and landscaping are considered acceptable.

Details have been submitted for the proposed landscaping of surrounding land (outside of the red edge of the current application site). However, details of the landscaping of the surrounding land are required to be submitted and agreed by Condition 10 of 2016/0062 and should be dealt with by a separate application to discharge that condition.

The scheme is considered acceptable in terms of visual amenity and heritage impact.

Neighbour Amenity

The proposed dwellings are on lower land than the existing housing fronting Schofield Close and Haslingden Old Road. The blank gable elevations of the proposed dwellings face the rear of dwellings along Schofield Close at a distance of around 14m at the closest point (in line with the guidance contained within the Alterations and Extensions SPD). In any case it is not considered that the proposed dwellings would cause any unduly significant loss of daylight, outlook or privacy to any neighbouring dwellings.

The current proposal will not appreciably change the outlook of occupiers of the apartment block at Holly Mount when compared with the scheme permitted under application 2016/0062. The proposed dwellings would be located over 40m away from the apartment block to the south east, and it is not considered that the development would result in a loss of daylight, outlook or privacy, or noise nuisance for occupiers of those apartments.

It is noted that comments have been received relating to the potential for the headlights of cars on the access road from the houses shining into the windows of Holly Mount Apartments. However, it is not considered that the addition of two dwellings to the four already permitted would significantly worsen the situation with regard to car headlights. It is also considered that car headlights are only likely to be used in hours of darkness, when it can reasonably be expected that residents of the apartment block would have their curtains or blinds closed in any case.

In addition, it is noted that condition 10 of 2016/0062 required the submission of a scheme of landscaping for the wider site and it is considered that the planting of new trees on the site in accordance with that condition will assist in providing a degree of additional screening from headlights.

Given the proximity of neighbouring residential properties, it is considered appropriate to include a condition limiting the hours of construction.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The proposed dwellings would have two off-street parking spaces each, on driveways to their front elevations. Access would be via the switchback road.

The Local Highway Authority has no objection to the scheme, subject to the inclusion of conditions (reflecting those on 2016/0062) requiring:

- The submitted Construction Traffic Management Plan being adhered to throughout the construction period
- The new estate road being constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before first occupation of the dwellings and all works completed within 3 months of first occupation of the final dwelling, the surface course of the roads/footways/associated retaining structures to be first agreed in writing by the LPA
- Submission, approval and subsequent implementation of full details of proposed arrangements for future management and maintenance of the proposed street and retaining structures
- The surfacing of parking areas with a bound permeable material prior to first use of the dwellings, and the retention of the parking areas as such
- Provision of a cycle store for each dwelling, prior to first occupation

Some details have been submitted by the applicant of proposed management and maintenance arrangements for the proposed street and retaining structures; however this information is similar to that submitted previously for the discharge of condition 6 of 2016/0062 – which was not discharged. It is considered that the submitted information lacks the necessary level of detail about the proposed private management and maintenance company and the arrangements to be put in place regarding funding, management and maintenance regimes for the proposed street and retaining structures. As such, it is considered necessary to include a condition requiring full details of such arrangements.

Subject to the above conditions, the scheme is considered acceptable in terms of access, parking and highway safety.

Ecology

The application site is within the site boundary of the previously permitted scheme (2016/0062) and there is no reason to suspect that the proposed development will have any significant impact on biodiversity over and above that permitted under 2016/0062. All existing mature trees are to be retained, and enclosed by protective fencing during construction works (which can be ensured by the inclusion of a planning condition).

Subject to the above condition, the scheme is considered acceptable in terms of ecology.

9. SUMMARY REASON FOR APPROVAL

The scheme is considered acceptable in principle and, subject to conditions, would not detract to an unacceptable extent from visual and neighbour amenity or highway safety. The development is in accordance with Policies AVP4, 1, 8, 9, 11, 16, 17, 18, 23 and 24 of the adopted Core Strategy DPD and Sections 1, 4, 6, 7, 8, 10, 11 and 12 of the Framework.

10. CONDITIONS

1. The development hereby 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. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form date stamped 11th January 2017 by the Local Planning Authority.
- Construction Traffic Method Statement ('Method Statement') date stamped 11th January 2017 by the Local Planning Authority.
- Arboricultural Method Statement (Mulberry report No. TRE/HM/REV.A) date stamped 11th January 2017 by the Local Planning Authority.
- Site Location Plan date stamped 1st February 2017 by the Local Planning Authority.
- Proposed Floor Plans, Elevations and Sections (Drawing Number SA-03-12-16-C) date stamped 8th February 2017 by the Local Planning Authority.
- Proposed Site Plan (Drawing Number SA-03-12-16-B) date stamped 8th February 2017 by the Local Planning Authority.

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

3. Notwithstanding what is shown on the submitted plans and documents, the buildings hereby permitted and any associated retaining walls, shall be constructed with facing materials to match those used in the construction of the elevations and roofs of the apartment block immediately to the south of the site.

Reason: To ensure the development is of satisfactory appearance.

4. The development hereby permitted shall be carried out in accordance with the details stated in the approved Construction Traffic Method Statement ('Method Statement'), which shall be adhered to for the duration of all works on site.

Reason: In the interests of highway safety.

5. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before first occupation of either of the dwellings hereby permitted and all works shall be completed within 3 months of first occupation of the final dwelling, the surface-finish of roads/footways/associated retaining structures to first be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. No above ground building works shall commence until details of the proposed arrangements for future management and maintenance of the proposed street and retaining structures within the development have been submitted to and approved by the Local Planning Authority. The streets and structures shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: In the interests of highway safety.

7. Prior to first occupation of either of the dwellings hereby permitted the parking areas to serve them 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 or re-enacting that Order, the parking areas provided shall thereafter be kept freely available for the parking of cars.

Reason: In the interests of highway safety.

8. Prior to first occupation of either of the dwellings hereby permitted a secure covered cycle store shall be provided for each dwelling. The cycle stores shall thereafter be retained, maintained and kept available for the parking of cycles.

Reason: In order to ensure that adequate storage exists for cycles at the development.

9. 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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. The information is needed before development starts on site to ensure that an appropriate scheme can be secured.

10. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

11. All measures contained within the submitted Arboricultural Method Statement for the protection of trees during the development phase shall be adhered to for the duration of works, and tree protection fencing shall be erected in accordance with BS5837:2012 as detailed within the above method statement for the duration of construction works. All hard surfaced areas, retaining structures and boundary treatments forming part of the approved scheme shall be completed prior to first occupation of either of the houses hereby permitted. All new planting forming part of the approved scheme shall be carried out in the first planting season thereafter. Any trees or plants which within a period of 5 years of first occupation of the final dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual and neighbour amenity, biodiversity and to protect and enhance nearby heritage assets.

12. No development shall 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 and auger method shall be used to form any piled foundations.

Reason: To safeguard the amenities of nearby residents.

13. Notwithstanding what is shown on the approved plans, prior to first occupation of the dwellings hereby approved 1.8m high close boarded timber fencing shall be erected around and between the rear gardens, and around the side gardens of each dwelling.

Reason: To provide a satisfactory level of privacy for the occupants of the dwellings.

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_adapted

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.