# Rossendale BOROUGH COUNCIL

Application Number:	2017/0514	Application Type:	Full	
Proposal:	Construction of access road and associated retaining wall to serve residential development approved under 2016/0630 (part retrospective)	Location:	Land at Waingate Mews, Hurst Platt, Waingate Road, Rawtenstall	
Report of:	Planning Manager	Status:	For Publication	
Report to:	Development Control Committee	Date:	16 <sup>th</sup> January 2018	
Applicant(s):	Ryan Kiely, BAK Building Contracts Ltd	Determination Expiry Date:	19 <sup>th</sup> January 2018	
Agent:	N/A		-	

Contact Officer:	James Dalgleish	Telephone:	01706 238643
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In	
Name of Member:	
Reason for Call-In:	
3 or more objections received	$\checkmark$
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 set out in section 10.

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### APPLICATION DETAILS

#### 2. SITE

The application relates to the creation of an access road and associated retaining wall on the southern part of a piece of land on which planning permission has been previously granted for the erection of eight dwellings (ref: 2016/0630). The land is located to the north of Newchurch Road in Rawtenstall, accessed via Green Street.

The land associated with planning approval 2016/0630 has been partially developed; two pairs of semi-detached three-storey stone dwellings have been constructed on the western portion of the site. Excavations have taken place toward the eastern end of the site, extending into the slope to the north, and two steel sheet piled retaining walls have been constructed at the foot of the slope. Foundations have been partially constructed for an additional pair of semi-detached dwellings.

The site is surrounded on its north, west and south sides by residential properties and their gardens. To the east of the site is a small area of woodland.

The site lies within the defined urban boundary.

#### 3. RELEVANT PLANNING HISTORY

2008/0681 - Erection of 3 no. detached dwellings (Refused)

2009/0028 - Erection of 3 dwellings (Refused, than allowed on appeal, not implemented)

2012/0544 - Erection of 3 dwellings (Approved, not implemented)

2013/0470 – Outline: Construction of 8 Dwellings Comprising Four Semi Detached Pairs (Approved, not implemented)

2014/0168 - Erection of 8 houses (Approved, not implemented. The construction of the four dwellings currently on site commenced but without the discharge of several pre-commencement conditions included on planning permission 2014/0168, and as such it is not considered that planning permission 2014/0168 has been lawfully implemented)

2015/0087 - Variation of condition 6 (access road and retaining walls) pursuant to planning permission 2014/0168 (Not determined)

2015/0088 - Discharge of Conditions: 5 (road improvements) 8 (contruction method statement) 10 (foul & surface water drainage) & 11(structural stability of land & properties) pursuant to planning permission 2014/0168 (Refused)

2015/0507 - Variation of Condition 11 (land stability) pursuant to Planning Permission 2014/0168 (Refused)

2015/0508 - Discharge of Conditions: 3 (design and facing materials); 5 (scheme to improve section of Green Street); 8 (Construction Method Statement); and 10 (foul/surface water drainage) pursuant to planning permission 2014/0168 (Split Decision – Only Conditions 3 and 8 were discharged)

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2016/0167 - Variation of conditions: 5 (scheme to improve section of Green Street); 10 (foul / surface water drainage); and 11 (land stability) pursuant to planning permission 2014/0168 (Not determined)

2016/0630 - Erection of 8 dwellings including new access road, landscaping and land stabilisation and drainage works (part retrospective) (Approved)

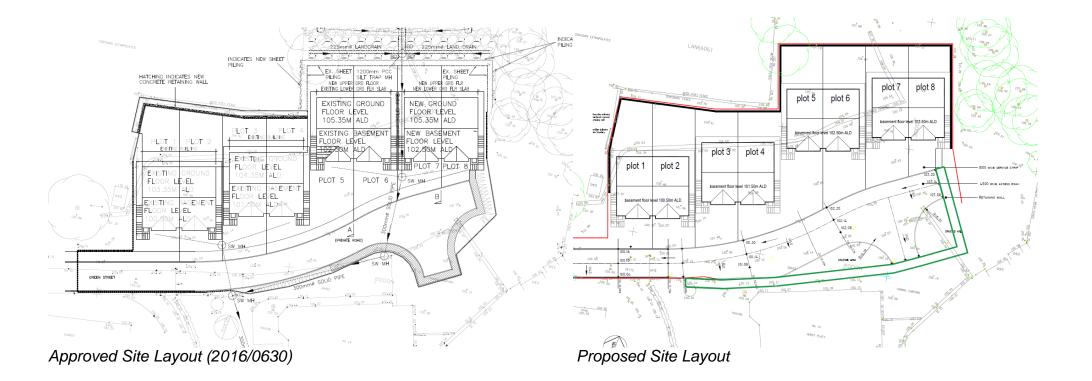
2017/0380 - Discharge of Conditions 8 (Green Street improvements) and 9 (access road) pursuant to Planning Approval 2016/0630 (Withdrawn)

#### 4. PROPOSAL

As set out above there is extensive planning history at this site with planning permission with permission most recently granted (ref: 2016/0630) for the construction of 8 dwellings on the site, with an associated access road, landscaping and land stabilisation / drainage works. However, the development which has taken place in respect of the access road (and associated retaining wall) on site does not accord with the plans approved under 2016/0630.

The plans below show the differences between the approved scheme (2016/0630) and the scheme for which permission is currently sought:

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Rather than following the curve of the southern edge of the access road, a retaining wall has been constructed along the southern edge of the site in an almost straight line, with the access road set back some distance behind the wall. In addition, the proposed scheme omits the previously approved footway along the front edge of the driveways (but maintains a 1.5m wide service strip in its place).

Planning permission is now sought for the access road and associated retaining wall (as constructed). The submitted drawings indicate that the retaining wall will be topped with a set of 1.1m high wrought iron railings.

Condition 8 of planning approval 2016/0630 read as follows:

"Within three months of the date of the planning permission hereby granted, a scheme (including proposed layout, construction details, materials, width, lighting and drainage) to improve the section of Green Street from its junction with Holmes Street in an easterly direction to the red edge shown on the submitted site location plan (Croft Goode Architects Drawing Number 16-2218-EX001 Revision B) shall be submitted to the Local Planning Authority for its approval. The development shall thereafter be fully implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted."

Condition 9 of planning approval 2016/0630 read as follows:

"Within three months of the date of the planning permission hereby granted, full engineering, drainage, street lighting and constructional details of the access road (including the retaining wall and the pedestrian/vehicle restraint along the southerly side of the access road) shall been submitted to the Local Planning Authority for its approval. The development shall thereafter be fully implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted."

As the development which has occurred on site does not accord with the plans approved under 2016/0630 in respect of the construction of the access road and associated retaining wall, it is no longer possible for the applicant to discharge conditions 8 and 9 of that permission.

As such, the current application includes full details as required by conditions 8 and 9 of 2016/0630 and seeks their approval as part of this full planning application.

## 5. POLICY CONTEXT

#### <u>National</u>

National Planning Policy Framework

- 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 11 Conserving and Enhancing the Natural Environment

#### **Development Plan Policies**

Rossendale Core Strategy DPD (2011)

1

- Policy AVP4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 8 Transport

Policy 9 Accessibility

Version Number:

- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change, etc
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

#### **Other Material Considerations**

National Planning Practice Guidance RBC Alterations and Extensions to Residential Properties SPD

### 6. CONSULTATION RESPONSES

LCC (Highways)

No objection.

### 7. **REPRESENTATIONS**

To accord with the General Development Procedure Order 50 neighbours were sent letters on 13/11/2017 (and re-consulted on 28/11/2017) and a site notice was posted on 13/11/2017.

Seven letters of objection have been received, raising the following points:

- Inadequate drainage.
- Development is not in keeping with the character of the area.
- Land instability has been caused by previous works on site.
- Site is visually harmful.
- Harm to neighbour amenity.
- Access road is insufficient to allow safe vehicle and pedestrian movements.
- Unresolved drainage and land stability issues on site.
- Tarmac is not an appropriate material to use on the site.

#### 8. ASSESSMENT

#### **Principle**

- 1. The acceptability in principle of developing an access road and retaining wall to serve the dwellings on site has been previously established under planning approval 2016/0630. The site lies within the designated urban boundary where Policy 1 of the Core Strategy seeks to locate the majority of new development.
- 2. The proposed scheme is considered acceptable in principle.

#### Visual Amenity

3. The proposed access road and retaining wall would not appear significantly different from those approved under 2016/0630 in terms of their appearance. The submitted drawings indicate that the proposed retaining wall would be clad in natural coursed stone to match that used in the construction of the dwellings on site.

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- 4. The applicant has confirmed that the existing timber fence which runs part way along the southern boundary of the site is not to be retained (it no longer forms part of the current application). In its place, wrought iron railings will be provided along the length of the retaining wall.
- 5. The applicant has confirmed that the current tarmac driveways will be replaced with block paved driveways in accordance with planning approval 2016/0630. This is also indicated on the submitted drawing No. 16-2218-PN001 Rev. A.
- 6. It is considered that the submitted scheme would not therefore have a substantially greater impact on visual amenity than that approved under 2016/0630.
- 7. As such the scheme is considered acceptable in terms of visual amenity.

#### Neighbour Amenity

- 8. One of the main changes of the proposed road and retaining wall when compared to the approved scheme on this is site is the fact that the proposed retaining wall would be sited closer to the site boundary with the dwelling located immediately to the south of the site. However, at a height of around 1.4m it would not be unduly overbearing when viewed from the neighbouring dwelling, nor would it cause an unacceptable loss of daylight or outlook. The proposed wrought iron fencing on top of the retaining wall would not be of a form or design which would cause a significant reduction in the amount of daylight reaching the rear elevation of the dwelling immediately to the south of the site.
- 9. As such, it is not considered that the proposed fencing would cause any undue loss of daylight or outlook to the occupants of the neighbouring property.
- 10. It is noted that objections have been received to the current application raising concerns over the proposed drainage from the site. However, the current application seeks only to vary the road layout and associated retaining wall and does not propose any changes to the previously approved drainage details for the wider site. As such, it is not considered that the concerns raised over the drainage of the site would give reason for the current application to be refused. If the developer does not implement the surface water drainage scheme for the wider site as approved under 2016/0630, this would be a separate matter which could be investigated accordingly and discussions are ongoing in respect of the drainage and piling matters at this site associated with the previous planning approval.
- 11. Given the proximity to other residential properties, it is considered appropriate to include a condition restricting the hours of construction in order to prevent undue noise disturbance during construction works.
- 12. Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

#### Access, Parking and Highway Safety

- 13. The Local Highway Authority has no objection to the approved scheme, subject to the implementation of the submitted details.
- 14. It is not considered that the proposed scheme would have any significantly greater impact on highway safety than the previously approved scheme under 2016/0630. It is considered appropriate to include conditions requiring the following:

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- The removal of the existing tarmac driveways and their replacement with permeable block paving within three months of the date of the planning approval.
- The implementation of the highway works shown on drawing number B14110-03 (including road construction, retaining wall construction street lighting, drainage and other works) within three months of the date of the planning approval.
- 15. Previously, conditions 8 and 9 of 2016/0630 required the implementation of the above works prior to first occupation of any of the approved dwellings. However, it is understood that at least one of the dwellings is now occupied and as such it is considered appropriate to require the completion of the above works within three months.
- 16. Subject to the above, the scheme is considered acceptable in terms of access, parking and highway safety.

### 9. Conclusion

The proposed development is appropriate in principle within the urban boundary and would be acceptable in terms of visual amenity, neighbour amenity and highway safety. It is considered that the proposed development accords with Core Strategy Policies AVP4, 1, 8, 9, 18, 23 and 24, and the National Planning Policy Framework.

### 10. CONDITIONS

- 1. The development shall be carried out in accordance with the following:
- Application Form date stamped 9<sup>th</sup> November 2017 by the Local Planning Authority.
- Site Location Plan (Croft Goode Architects Drawing Number 16-2218-EX001 Revision B) date stamped 24<sup>th</sup> November 2017 by the Local Planning Authority.
- Proposed Site Layout (Croft Goode Architects Drawing Number 16-2218-PN001 Revision A) date stamped 12<sup>th</sup> December 2017 by the Local Planning Authority.
- Drainage Details (Bell Munro Consulting Drawing Number J3794 / D2) date stamped 8<sup>th</sup> November 2017 by the Local Planning Authority.
- Site Layout (James Crosbie Associates Drawing Number 01P5) date stamped 7<sup>th</sup> December 2017 by the Local Planning Authority.
- Part Site Layout Indicating Highway Works (James Crosbie Associated Drawing Number 03) date stamped 7<sup>th</sup> December 2017 by the Local Planning Authority.
- Road Layout and Details (Bell Munro Consulting Drawing Number J3794/ R1) date stamped 7<sup>th</sup> December 2017 by the Local Planning Authority.
- Street Lighting (Lancashire County Council Drawing) date stamped 7<sup>th</sup> December 2017 by the Local Planning Authority.
- Proposed Retaining Wall Design (BAK Drawing Number 05) date stamped 12<sup>th</sup> December 2017 by the Local Planning Authority.
- Proposed arrangements for future management and maintenance of the proposed streets within the development (date stamped 7<sup>th</sup> December 2017 by the Local Planning Authority).

Reason: For the avoidance of doubt.

2. Any 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

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and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

<u>Reason:</u> To safeguard the amenities of neighbours.

3. Notwithstanding what is shown on the submitted plans and documents, the retaining wall to the new access road along the southern boundary of the site shall be faced in coursed stone to match that used in the construction of the elevations of the dwelling on Plot 1 which has already been constructed on the site.

<u>Reason</u>: To ensure the development is of satisfactory appearance.

4. Within three months of the date of this planning approval, the existing tarmac driveways serving the dwellings on plots 1-4 shall be resurfaced in permeable block paving. The permeable block paving shall be retained thereafter.

<u>Reason</u>: In the interests of highway safety and to manage surface water runoff.

5. Within three months of the date of this planning approval, the approved details (as shown on drawing numbers 16-2218-PN001 Revision A, 01P5, 03, J3794/ R1, 05 and the Lancashire County Council Street Lighting Drawing) relating to the access road, retaining wall and street lighting shall be implemented in full.

Reason: In the interests of highway safety.

6. Within three months of the date of this planning approval the areas of land adjacent to the turning head, as detailed on the Proposed Site Layout Plan (ref: 16-2218-PN001 Revision A received 12<sup>th</sup> December 2017), shall be laid with grass and maintained as areas of informal amenity space thereafter.

Reason: In the interests of visual amenity

#### **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:

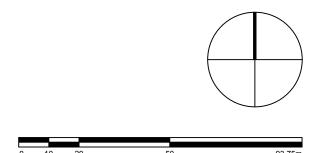
http://www.rossendale.gov.uk/downloads/download/331/core\_strategy\_local\_plan\_part\_1\_ad opted

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.

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#### Please Note

Drawings are based on those submitted as part of previously approved application (Application Number 2014/0168). We are acting as agents on behalf of the applicant and do not assume copyright or ownership of any design or intellectual property.

Site area =  $2,547m^2$  (0.25 hectares, 0.63 acres)

#### Road & Retaining Wall

Client ownership

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В	Blue edge amended following email from Planning on 19.04.2015	25-Apr-17	NJA	RJE
А	Application red edge amended to incorporate works to slope north of site.	06-Apr-17	RJE	NJA
rev	description	date	drawn	check

client

#### Berkshire Homes

project

#### New Housing Development Hurst Platt

Rawtenstall

drawing

#### Existing Site Location Plan

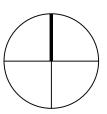
file name 16-2218-EX001 Site Location Plan Rev B			drawn 6-Nov-17
drawing reference	rev	scale	
16-2218-EX001 C		1:1250	) @ A3
issue status		original by	RJE
Planning		checked b	y NJM

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Site Area = 1,630m<sup>2</sup> (0.16 Hectres, 0.4 Acres)

0 1	2 5			15m
А	Highways amended to show 2m service strip, driveway lengths added to plot 8, fence locations noted.	31/05/17	HLY	NA
rev	description	date	drawn	check

#### client Berkshire Homes

project New Housing Development, Hurst Platt Rawtenstall

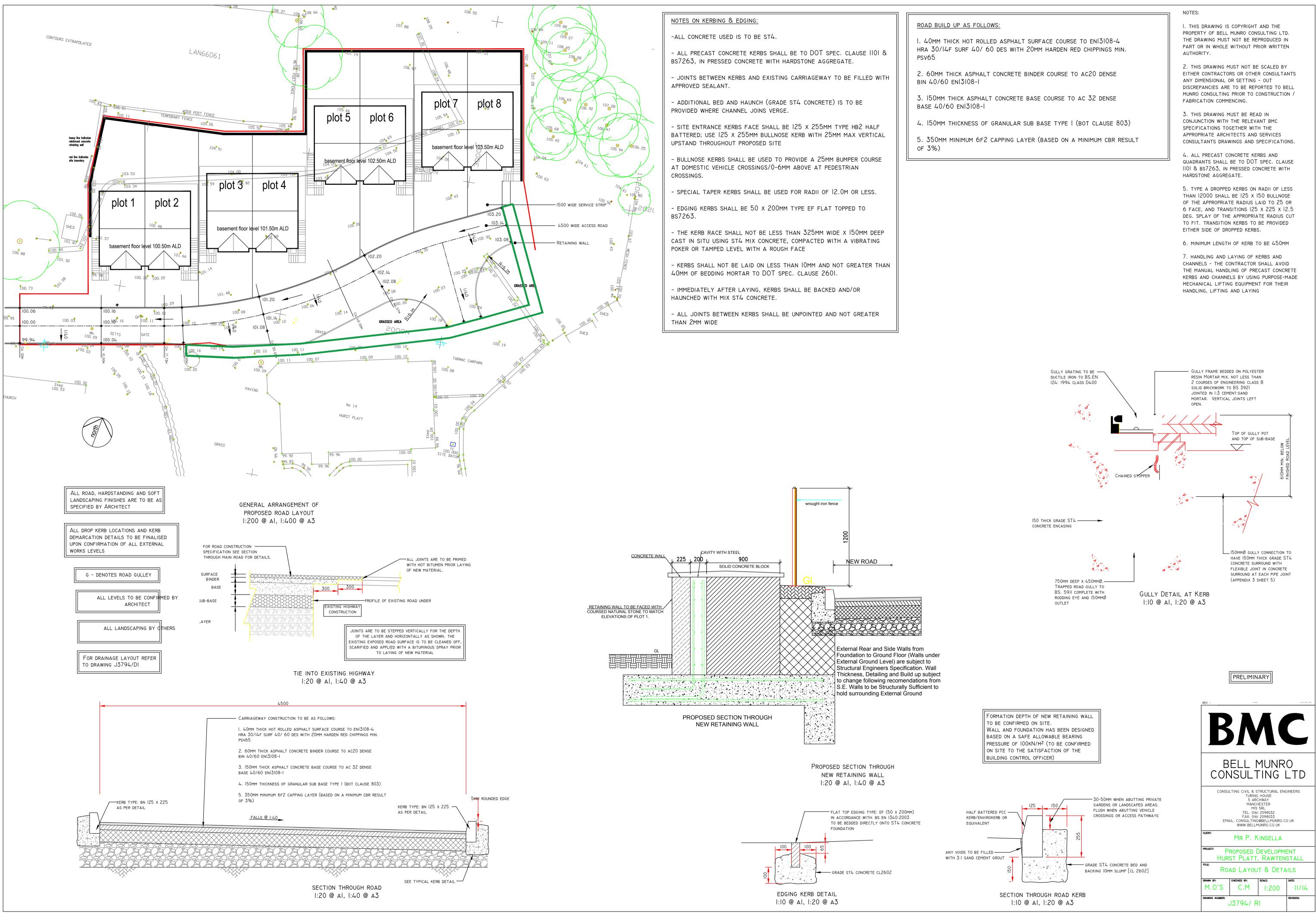
#### drawing

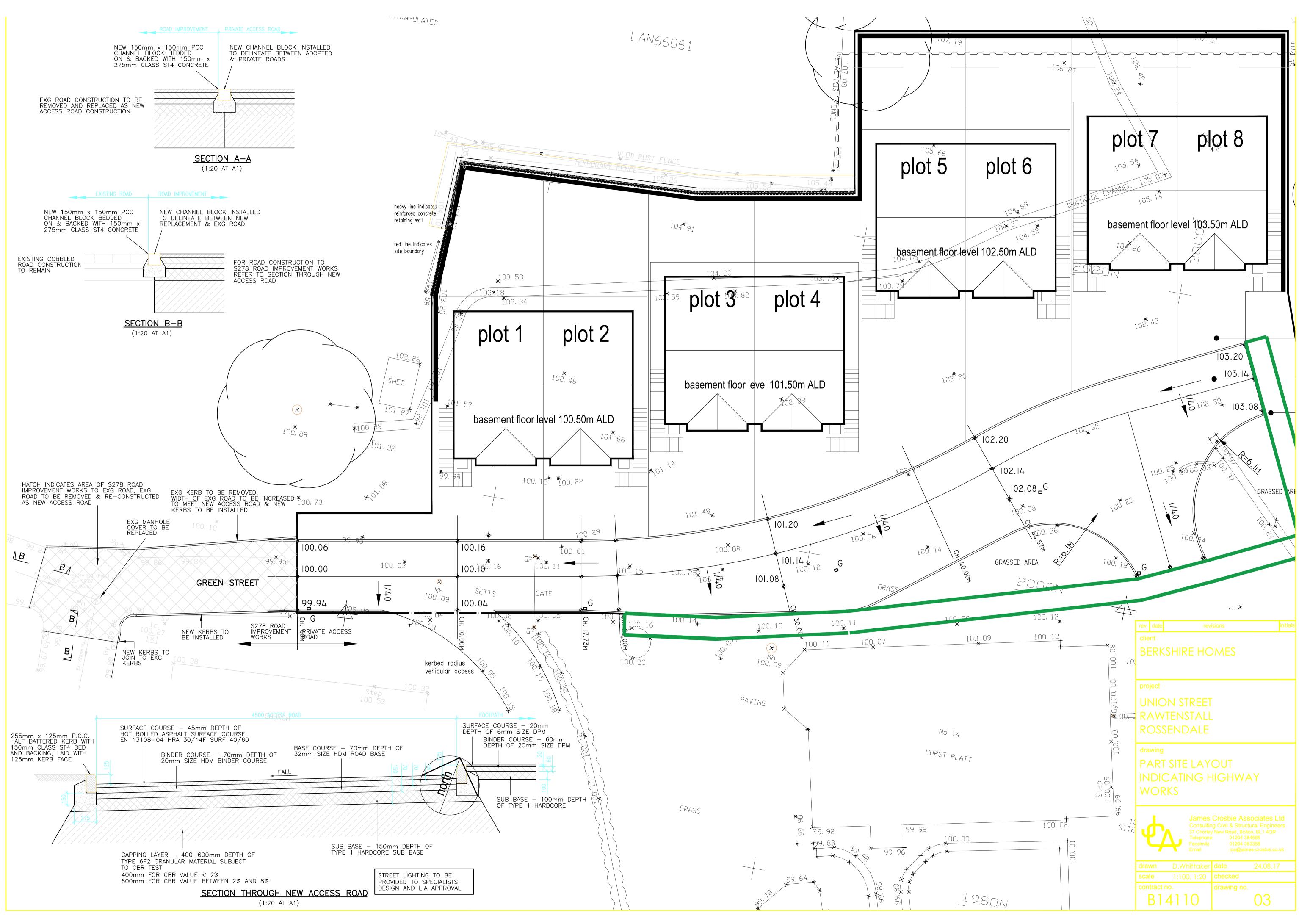
Proposed site layout						
file name Union Street - Proposed Site Model - Floor Plan - Site		drawn 16-Aug-17				
drawing reference rev		scale				
16-2218-PN001 A		1/200 @ A2				
issue status	original by	HLY				
Planning	checked I	y NA				

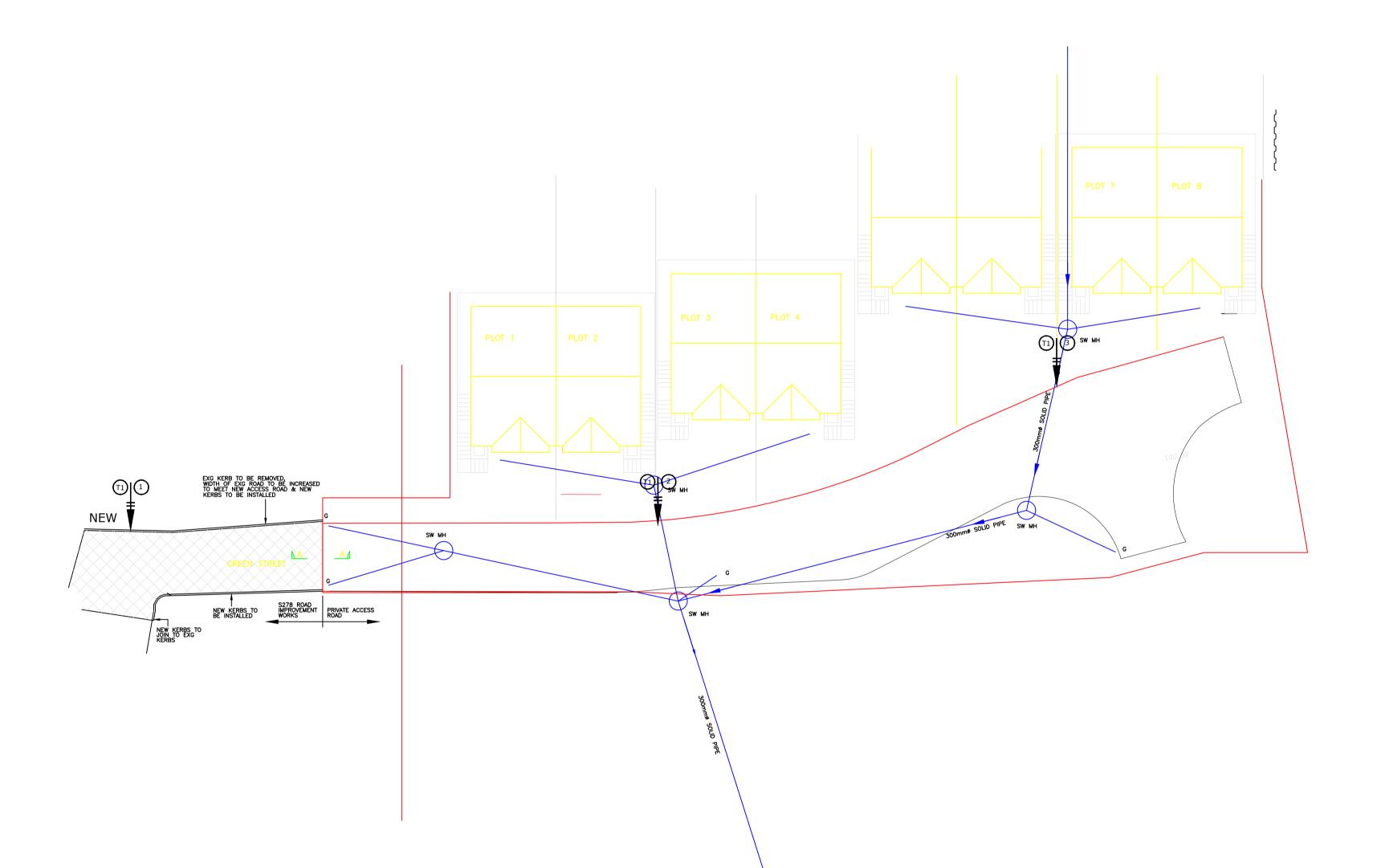
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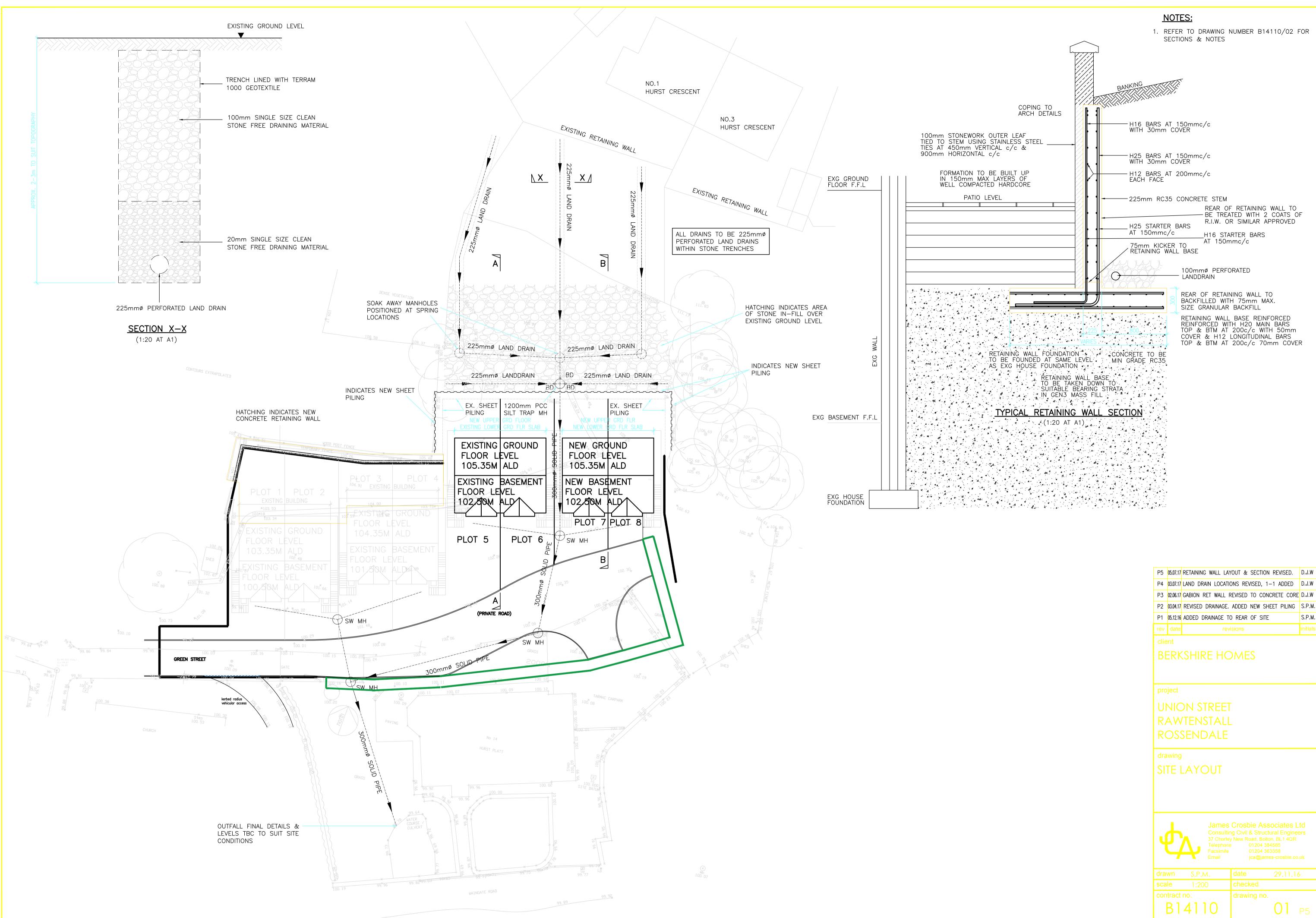
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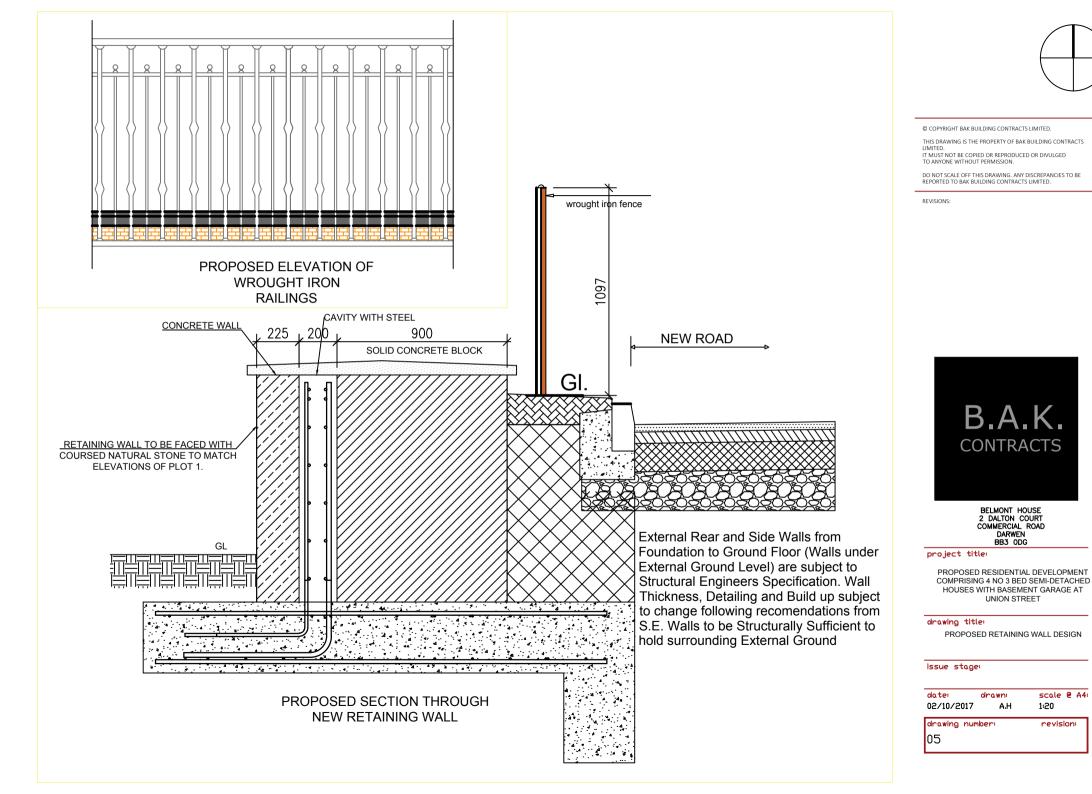


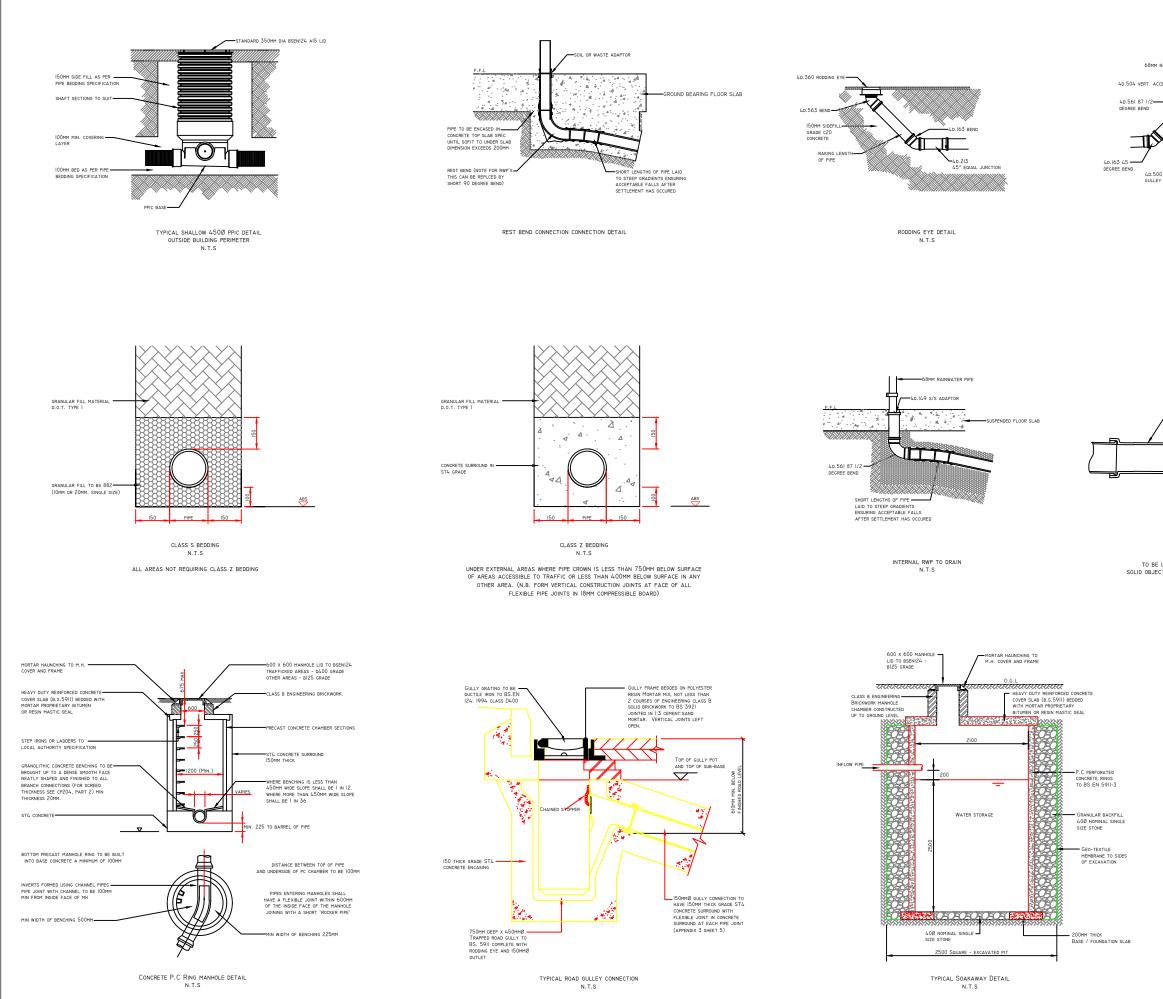


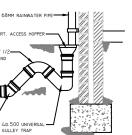
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cable routes.					
	5M TUBULAR STEEL LIGHTING COLUMN WITH GLASS EPOXY ROOT TREATMENT. COLUMN TO BE FITTED WITH 1NO. CIVITEQ 12LED @370mA R2/S5 WITH SS12A $\frac{20}{20}$ DIMMING CELL				
(1) COLUMN IDENTIFICATION NUMBER.					
(T1) CABLE TERMINATION TYPE.	T1 CABLE TERMINATION TYPE.				
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No. DATE AMENDMENT DETAILS	CHECKED BY DRAWN BY				
REVISIONS					
Lancashire Col	mmunity Services				
County Council					
Highways					
PROJECT TITLE Sec 278 Union Street, Rawtenstall					
DRAWING TITLE Street Lighting					
DRAWN BY Katie	PROJECT No.				
CHECKED BY Nigel	DRAWING No.				
DATE 25-09-17					
SCALE 1 / 200 @ A1	SHEET No.				
CLIENT No.	1				



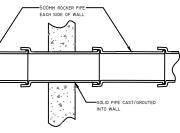








EXTERNAL R.W.P TO DRAIN N.T.S



ROCKER PIPE DETAIL N.T.S

TO BE USED WHERE PIPES CROSS THROUGH WALLS OR OTHER SOLID OBJECTS, OR PASS INTO CONCRETE MANHOLES, OR CHANGE FROM CLASS S TO CLASS Z BEDDING



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