APPLICATION NUMBER: 19/01046/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/01046/FUL	Rachel Carney	20 January 2020

Address: Land Adjacent 19 Centre Vale, Todmorden Road, Littleborough

Proposal: Proposed vehicular access and entrance gates, timber fencing and engineering operation comprising raising of ground levels - Part Retrospective

PUBLICITY	**Weekly list expired?**	y	**Site notice expired?**	y
	Neighbour letters expired?	y	**Press Notice expired?**	n/a

DELEGATION	**Significant departure from local plan?**	n	**Contrary to national policy?**	y
	Applicant a Council Member or officer?	n	**Contrary to previous decision?**	n
	Major with 10 or more objections and recommending approval?	n	**Called in or Planning Panel objection?**	n

COMMENTS	**Planning Panel comments received?**	n
	Neighbour comments received?	y

EIA	**Screening opinion completed and saved to Onbase?**	n/a

CONDITIONS	**Pre-commencement conditions proposed?**	n
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: AT **DATE: 03.07.2020**

SITE

The application relates to a newly created vehicular access onto Todmorden Road and an adjacent strip of land that adjoins an open area that appears to be currently used for the keeping of fowl. The site of the entrance has been cleared of trees and vegetation and fencing and gates have been installed, the land has also been levelled and surfaced with hardcore/gravel. Some trees have been retained to the south of the entrance and along the western boundary of the site.

PROPOSAL

The application proposes the creation of the vehicular access, entrance gates and timber fencing, including engineering operations. The application also includes the removal of trees/shrubs from the site.

The proposed (retrospective) entrance has a maximum width (adjacent to the edge highway) of 10.75m and this splay reduces to a width of 7.5m on the inside edge of the footway. This area is proposed as a dropped kerb which is currently not installed. Beyond the immediate site entrance the site has been surfaced with hardcore and a former banking against the northern boundary has been removed (excavation details are not provided but levels visible on site photographs). A close boarded fence that measures 1.5m in height for the first 2.5m has been erected adjacent to the southern side of the site entrance and the fence height increases to 2.0m up to the point of the installed entrance gates which are set 9.5m back from the footway. To the north boundary of the entrance no new boundary treatment is proposed and there is an existing metal fence.

The installed entrance gate which is proposed to be retained has a height of approximately 2.3m (max 2.7m high gate posts) and comprises 5.3m width double vehicle access gates and a 1.0m wide pedestrian gate. The total width of the gates (including gate posts) is 6.7m and the gates are constructed of metal posts and frame with wire mesh to the vehicle access gates and vertical metal posts to the pedestrian gate. Both gates have been covered with a hessian type mesh.

Beyond the entrance gates a further hardcore surface is proposed and the rest of the site is also infilled with soil and rubble.

To summarise, all works included as part of the application are retrospective apart from the installation of the proposed dropped kerb.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

P1 Improving image
P2 Protecting and enhancing character, landscape and heritage
P3 Improving design of new development
G6 Enhancing green infrastructure
G7 Increasing the value of biodiversity and geodiversity
G8 Managing water resources and flood risk
G9 Reducing the impact of pollution, contamination and land instability
T2 Improving accessibility
DM1 General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area
G/8 Green space corridor
EM/7 Development and flood rosk

Supplementary Planning Documents (SPD):

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Highways And Engineering

Object to the access created and boundary treatment.

Environment Agency
Object due to the absence of a flood risk assessment

Greater Manchester Ecology Unit
No objection subject to biodiversity enhancements

Trees
No objection subject to replacement tree planting

Drainage
The site is within a flood zone. No objections to development outside of flood zone 3.

REPRESENTATIONS

The application has been publicised with a site notice and neighbour notification letters. Two letters of objection have been received and these are summarised below:

- Disagreement to planning permission being granted retrospectively.
- Work has been undertaken on land not owned by the applicant
- The development has put a number of protected species at risk.
- the land is a soak-away for the River Roch. The Environment Agency should determine what works are carried out on the land in question.
- The creation of an industrial type access road between residential properties is inappropriate and potentially dangerous as it is not design to enable visibility for commercial vehicles.
- The width of the access road suggests an intention to erect industrial size buildings. The access road is unnecessary for use of field to house birds.
- concern over the accuracy of the supporting documents.
- The deposited material is over 3 feet higher than the original ground level posing a flood risk to surrounding properties.
- Japanese knotweed has been dug up causing contamination of other areas of the land.
- The access is visually not in keeping with the area and is unnecessarily large for the current use.
- A dwarf stone wall has been removed, adversely impacting the appearance of the site from the roadside.

ANALYSIS

The application is for the formation of a vehicular access, the erection of fencing and gates and the deposition of material and alteration of levels. All parts of the application are retrospective apart from the installation of a dropped kerb at the access. No details have been submitted with the application to advise for what purpose the development has been undertaken but currently the land is used for the keeping of animals.

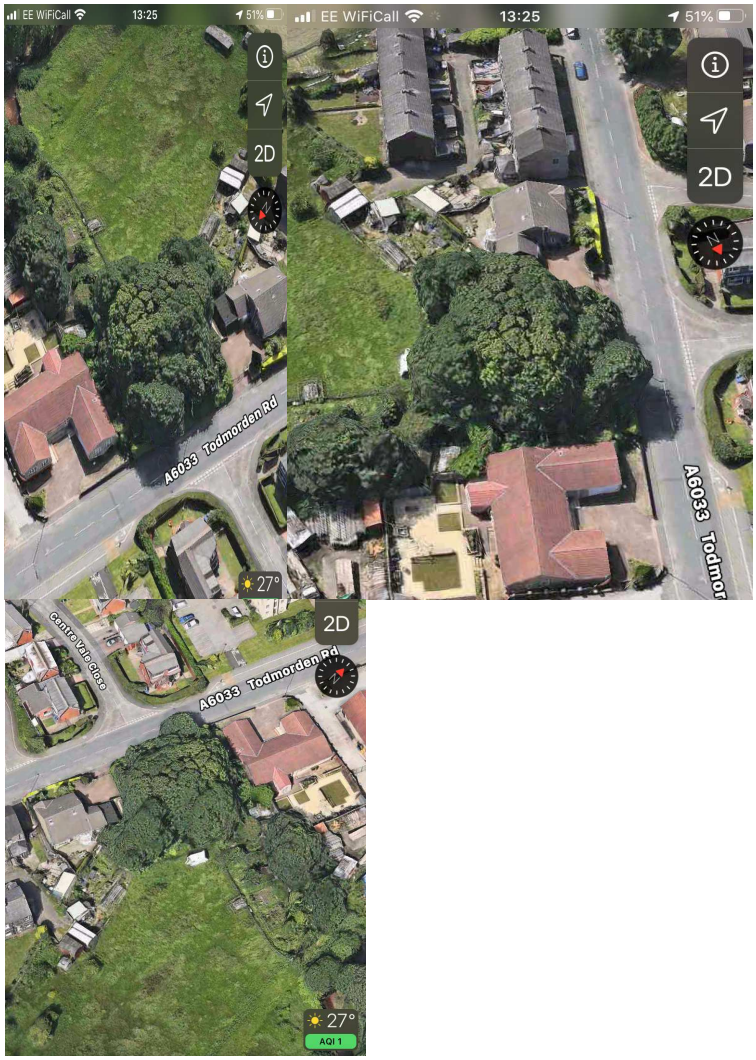
The application is within a greenspace corridor where development should not be permitted if it would lead to an unacceptable narrowing or a division of the corridor. The harm that can arise through the narrowing of the corridor is listed in saved policy G8/A and the risks associated with this application would be the restriction of wildlife along the corridor and the impacts on the amenity value provided by the corridor.

Ecology and tree considerations

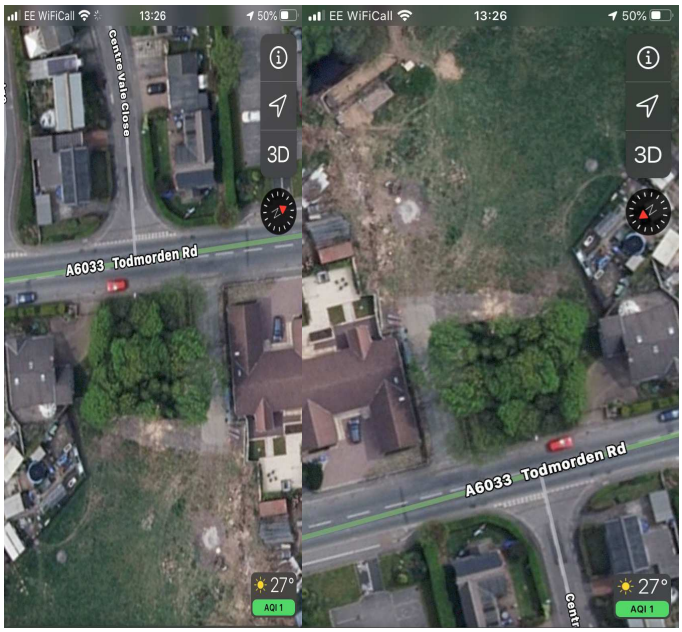
Consultations have been undertaken with the Greater Manchester Ecology Unit (GMEU). They have confirmed that in its current state there is very limited potential for the site to support protected species of habitats that would be impacted upon by the remaining element of proposal for the dropped kerb. GMEU have therefore advised that provision for biodiversity enhancements are made within the site, which could be the planting of native woody vegetation.

In giving full consideration to the above comments and considering the impact of the development on the greenspace corridor, as the application is for retrospective works, it is difficult to ascertain exactly what features may have been removed from the site. However, aerial shots clearly show that the vegetated part of the site was located towards the highway and other streetview images show that the area where the access has been created included a number of large shrubs (possibly trees).

The photos below provide a number of pictures prior and post development.



Three aerial photos showing the site prior to development, including the extent of tree cover



Two aerial photos showing the site following development



Street view of the site prior to development



Photos taken inside the site that show the changes in levels

In considering the impact on ecology it is clear that ground works have been undertaken and vegetation cleared, both within and beyond the application site boundary. There is no evidence that these works have unduly affected any features of ecological value within the site, including protected species, however as per GMEU's comments it is clear that the site will no longer effectively function as part of the Greenspace corridor in providing wildlife habitat. As such, and in accordance with paragraph 170 of the NPPF which seeks to preserve and enhance the natural and local environment, any approval on the site should require a scheme for ecological enhancements. This could be sought through condition.

The Greater Manchester Ecology Unit have also provide arboricutural comments. In this respect the Council note that the application fails to provide plans that accurately provide existing (pre-development) details including pre-development trees and site levels.

The submitted tree survey report states that 'no trees are to be removed as part of this planning proposal', however GMEU have stated that there is an evident stump where a mature tree has in fact been removed.

GMEU have also noted that some pruning of the remaining trees has been undertaken, and there has been some harm to remaining tree roots of several trees immediately adjacent to the new access point behind the gate. However, they have also advised that the pruning works and the root damage will not cause significant

long-term harm to the trees and that the remainder of the tree group has not been affected by the works. Further, they do not consider that the remaining proposed works (the installation of the drop kerb to the road) will have any impact on trees.

In light of the above GMEU have not raised any overall objection to the planning application on arboriculture grounds, but they have recommended that replacement tree planting (2 for 1) is required as a Condition of any permission as compensation for the lost trees.

Further to the above it is considered that the application has resulted in harm to the adjacent trees including the felling of at least one, pruning works and harm to tree roots. Nonetheless, the pruning and root damage is not long lasting and the tree felling can be mitigated through replanting. Additionally to protect the greenspace corridor and its functions in providing a route and habitat for wildlife it is important that ecological enhancements are provided.

It is noted that one of the public objections relate to the clearance of Japanese Knotweed from the site. No concerns in this respect have been raised by GMEU.

Subject to appropriate conditions the application is acceptable in respect of ecology and tree considerations and accords, in this regard, with policies G6, G7 and DM1 of the Core Strategy, the NPPF and saved policy G8(A) of the UDP.

Highways

One of the main elements of the application is the creation of the vehicular access and entrance gates. As Todmorden Road is a classified road the creation of any new access requires planning permission and it is important that this does not result in harm to highway safety.

Consultations have been undertaken with the Council's Highway Service. They have advised that Manual for Streets establishes that a development of this size and nature would be most adequately served by a 5.5m wide access road, but that proposed (constructed) in this application is in excess of this width (11.0m wide) and has the potential to place pedestrians and other vulnerable road users in unnecessary conflict zones at the proposed access point. Furthermore, Manual for Streets also sets out visibility requirements at access points, which for the case of this development requires clear east/west visibility of 43m, from a central point of the access road set back 2.4m from the give-way line.

To ensure adequate visibility at junctions Manual for Streets also states that boundary treatments must not exceed 0.6m in height so that vulnerable road users, such as small children, can be seen before motorists make manoeuvres. As the proposed plans and site photographs demonstrate, the constructed fencing is in excess of this height and along with the existing boundary treatment at the adjacent residential property (no.25) the Council's Highways Services have expressed concerns that the required visibility cannot be achieved.

In addition to the above, the submitted plans and current works on site propose a dropped kerb access. Highway Services have advised that for a development of this size and nature at this location, a conventional bell mouth junction is required. The inclusion of tactile paving at the access point is also required to ensure that the proposed development does not impact negatively upon the visually impaired.

Further to the above, Highway Services have noted that it is important to recognise that the development has introduced an access point onto the A6033 – Todmorden Road, which is a local strategic route for the borough with high traffic flows. As such it is important that the standards relating to the access point can be met to ensure

that the development does not create road safety concerns as a direct result of the development.

The proposal is unacceptable in respect of highway safety due to the substandard access that is proposed/has been formed. Information submitted with the application has failed to establish that suitable visibility from the junction can be achieved and the access width and type is also unsuitable for the development and its location on a classified road. The application fails to ensure the safety of highway users, including vulnerable users such as children and the visually impaired and as such is contrary to policies T2 and DM1 of the Core Strategy and policy in the NPPF.

Visual amenity

The application includes the creation of a new access where previously, as the above street view image from google maps demonstrates, there was a stone boundary wall behind which grew mature vegetation.

As part of the allocated Greenspace corridor the amenity value of the site should be protected, particularly where it provides welcome visual relief from urban development, including attractive views in and out of the corridor. Clearly through development of this proposal, the site has and will lose it 'green' and vegetated appearance from Todmorden Road. The new and proposed appearance of the site is one of an 11.0m wide engineered access and boundary treatment with solid timber fencing and metal gates. The scale and appearance of this access is not in keeping with either the surrounding predominantly residential character, the adjacent area of woodland or the former appearance of the site. Furthermore, the scale of the access and development is disproportionate for the development which it serves, which is an open area of land used only for the small scale keeping of animals.

Further to the above the proposed access and boundary treatment is of a scale and appearance that is out of keeping the character and appearance of the greenspace corridor and is also out of keeping with the remaining character of the area, resulting in unacceptable harm to the appearance of the street scene along Todmorden Road.

Assessing the remainder of the development this predominantly comprises the alterations to levels, including the removal of a banking to the north of the access and the deposition of material (increase in levels) along the strip of land that runs to the east of the site. If is noted that there further changes to levels have taken place outside of the application boundary. These are however not part of the current application.

Considering the acceptability of the levels changes it is noted that unfortunately the application has failed to provide existing (pre-development) levels. However, in respect of the removed banking it is considered that this change in levels by itself is not unduly harmful to the visual appearance of the site. Nonetheless, given that this change in levels is fundamentally linked with the formation of the access, which is unacceptable, it is considered that this alteration in levels further contributes to the overly engineered appearance of the large scale access which is detrimental to the appearance of the greenspace corridor and general character of the area.

In respect of the level changes to the east of the site it is unclear why these have taken place and continue to be proposed. No justification or explanation for the development has been provided beyond the fact that it provides a level surface for the applicant within the site. However, as the site is already flat (as shown in the site photos) this explanation holds little weight. With this in mind it is considered that the changes in levels in this area result in platform type feature that is engineered and unnatural in its appearance. While the Council accept that views of this area of the site are limited, this does not justify the development. The Council also recognise

that through the use of conditions the appearance of the “platform” could be softened with vegetation. However, given the composition of the increased levels (as site photos show the deposited material is very rubbly and appears to include large (and crushed) bricks etc) it is not clear how fertile the land would be and as such further deposition of soil may be required to facilitate successful planting of vegetation. This would only serve to further increase levels.

Further to the above it is considered that the increase in levels to the east of the site would result in an overly engineered platform that would again result in harm to the appearance of the greenspace corridor.

The application would result in unacceptable harm to the appearance of the greenspace through the creation of a large engineered access onto Todmorden Road and the alteration of site levels. The formation of the access would also cause unacceptable harm to the appearance of the street scene along Todmorden Road. The application is contrary, in this regard, to saved UDP policy G/8 (A) and policies P1, P2 P3 and DM1 of the Core Strategy and policy in the NPPF.

Residential amenity

In considering the impact on surrounding properties it is considered that the main area of concern is the increase in levels to the east of the site. The raised platform/strip that is proposed (has been constructed) sits adjacent to the rear boundary of no. 19 Centre Vale. However, as the site photographs demonstrate, the boundary treatment for no. 19 is of sufficient height to prevent adverse overlooking and loss of privacy that could arise from the increased levels. It is accepted that the increased levels do result in increased overlooking of the adjacent allotments, however as these are not private residential space it is considered such overlooking is not unduly harmful.

Considering the other neighbouring property, no. 25 Centre Vale it is considered that the proposal would not result in unacceptable loss of amenity. In respect of the access, which it is noted runs immediately adjacent to the boundary of no. 25, under the current land use (keeping of animals) would not cause undue disturbance through excessive levels of traffic movements etc. It is noted that the removal of the banking to create the access has taken place very close to the boundary of no. 25, with the levels taken beneath the base of the existing boundary fencing. Any undermining of this fence and boundary through close proximity development would however be a private matter.

Further to the above the development would not unduly impact on the amenity of surrounding residents and land users and in this respect the application accords with policy DM1 of the Core Strategy.

Flood Risk

The application site is located within flood zones 2 and 3 and as such consultations have been carried out with the Environment Agency. They have advised that land within Flood Zone 3 has a high probability of flooding and the NPPF (paragraph 163 footnote 50) requires that a flood risk assessment is submitted when development is proposed in such locations. A flood risk assessment is vital in making informed planning decisions and in the absence of an appropriate assessment, the flood risks posed by development are unknown. In particular, the raised ground levels could have resulted in a loss of flood plain storage and potential increase in flood risk elsewhere.

No flood risk assessment has been submitted with the application and as such the Environment Agency have objected to the application and recommended that

planning permission be refused. The application is contrary to saved UDP Policy EM/7, Core Strategy policies G8 and DM1 and the NPPF.

It is noted that the Council's Drainage Officer has also provided comment on the application and whilst the vulnerability of the site has been referenced, they have confirmed no objections. However, these comments seem to be purely based on the alterations to levels around the site access, which the LPA note is outside of Flood Zone 3. However, the increase in levels within the site is within flood zone 3 and as per the comments provided by the Environment Agency, a Flood Risk Assessment is required.

RECOMMENDATION **REFUSE**

1. The proposed development would access onto the A6033 - Todmorden Road which is a local strategic route for the borough with high traffic flows. The proposed vehicular access would be excessive in its width and place pedestrians and other vulnerable highway users in unnecessary conflict at the access point. In addition, insufficient information has been provided to demonstrate that adequate visibility from the access onto Todmorden Road can be provided, with the proposed and existing boundary fencing obstructing the required visibility. The proposed dropped kerb access is inappropriate for a development of this size, nature and location and tactile paving would also be required to ensure that the development would not impact negatively on the visually impaired. The application has failed to provide appropriate access onto Todmorden Road and failed to demonstrate that highway users, including vulnerable users would not be subject to unacceptable highway safety risks. The application is therefore contrary to policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. The proposal would result in the creation of a wide, engineered access point onto Todmorden Road which would result in unacceptable harm to the views in and out of the greenspace corridor and the wider visual amenity of the area and street scene. The development would also result in an overly engineered platform feature within the site which would result in further harm to the visual amenity provided by the greenspace corridor. The proposal would result in unacceptable harm to visual amenity and the greenspace corridor and be contrary to saved policy G/8(A) of the Rochdale Unitary Development Plan, policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. The application site is located within Flood Zone 3. Insufficient information has been provided to demonstrate that the development would not result in unacceptable flood risk, particularly as the raised ground levels are likely to result in a loss of flood plain storage and potential increase in flood risk elsewhere. The application is therefore contrary to saved UDP Policy EM/7, policies G8 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

INFORMATIVE:
For the avoidance of doubt, this Decision Notice relates to the following drawings :-

- Existing Site Plan - Drawing no. 19.1973.1B
- As Built Site Plan - Drawing no. 19.1973.3A
- Proposed Site Plan - Drawing no. 19.1973.4B
- Proposed Road Details - Drawing no. 19.1973.5

Report Author Rachel Carney