

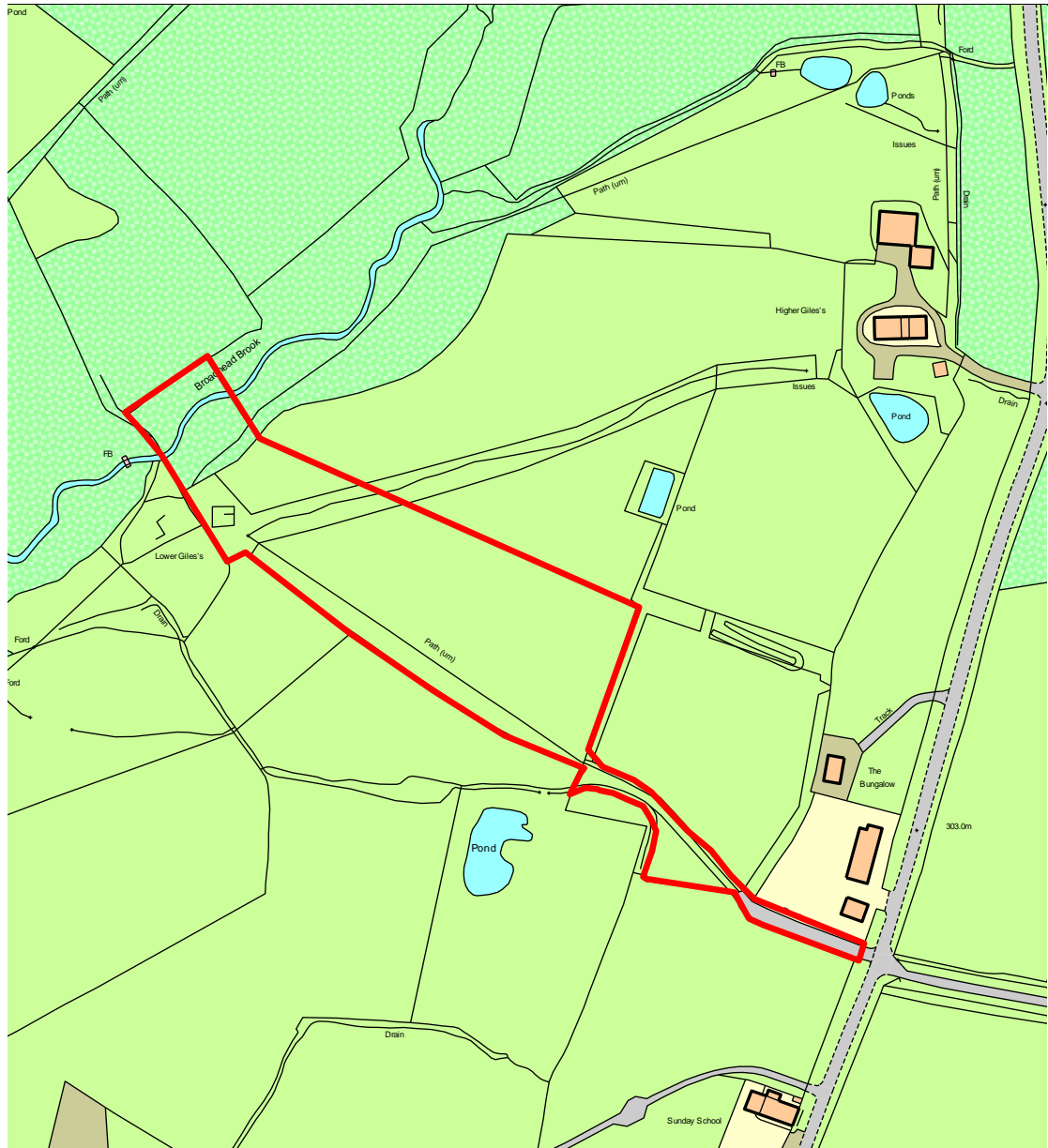
Proposed development: Full Planning Application for Erection of New dwelling

Site address: Lower Giles Farm, Broadhead Road, Turton

Applicant: Mr Paul Holt

Ward: North Turton With Tockholes

Councillor Colin Rigby	
Councillor Jean Rigby	



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to the conditions detailed in paragraph 4.1

1.2 Members may wish to note that this planning application is referred to the Committee as it was received before the 1st October 2015 (date the current scheme of delegation was changed), and there are public objections relating to the proposed development. The determination of the application has been delayed, in part, through review of the design; though principally the delay is due to conflict with a public right of way that crosses the site. That matter has now been uncoupled from the planning process and no longer forms a barrier to processing the planning application (see sections 3.7.1 and 6.6 for further comment).

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal is identified as being of exceptional quality and an innovative design, such that it meets the exception criteria within paragraph 55 of the National Planning Policy Framework, which allows for the construction of new dwellings within rural locations. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The site is positioned within a remote rural location to the west of Broadhead Road and circa 1.8 miles to the north east of Edgworth village. The site and surroundings form part of the West Pennine landscape area and are characterised by sweeping moorland, enclosed by drystone walls and stock fencing. The open countryside is punctuated by dispersed housing of differing character and appearance, though commonly constructed in local gritstone or white render.

3.1.2 The site is partially occupied by the remains of a stone farmhouse that lies in close proximity to a steep ravine. Soil erosion at the top of the ravine is evident and this affects a Public Right of Way (PROW) that traverses the western edge of the site. To the base of the ravine and therefore outside of the application site is Broadhead Brook, which forms part of the 'Broadhead Valley' County Biological Heritage Site. The remainder of the application site is principally formed by improved pasture. The site is accessed via an established track constructed in rubble, which links to Broadhead Road.

3.2 Proposed Development

3.2.1 Full planning approval is sought for the construction of a two-storey dwelling. The new dwelling is of non-standard construction with the ground floor being partially submerged within the landscape, including the use of a grass covered roof. This part of the proposal is arranged around a courtyard. The exposed aspects will be constructed with natural stone, much of which will be taken from the existing building on the site. The first floor sits in contrast to the ground floor and comprises a simple glazed box that is offset to the ground floor plan and cantilevered to give the impression of it hovering above the ravine.

3.3 Development Plan

3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2: Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies;

3.3.2 Core Strategy:

- CS1: A Targeted Growth Strategy
- CS5: Locations for New Housing
- CS7: Types of Housing
- CS16: Form and Design of New Development
- CS18: The Borough's Landscapes

3.3.3 Local Plan Part 2:

- Policy 1: The Urban Boundary
- Policy 5: Countryside Areas
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 41: Landscape

3.4 Other Material Planning Considerations

3.4.1 Due consideration must also be given to the National Planning Policy Framework (NPPF). In particular Section 6, which deals with the delivery of a wide choice of quality homes. Paragraph 55 thereof provides specific guidance to promote sustainable development in rural areas.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development (appropriateness of residential development in rural location);
- Impact upon landscape character of the West Pennine Moors;
- Design;
- Amenity;
- Highways and PROW;
- Ecology.

3.5.2 Principle of Development

There are two fundamental issues to be assessed regarding the proposed development: (i) the principle of the development, and (ii) the proposed design. Given the rural setting of the site and the limited justification for new dwellings in such a location the two issues cannot be assessed in isolation.

3.5.3 The site is positioned within open countryside. Policy 5 of the Local Plan Part 2 relates to Countryside Areas, it advises that planning permission will only be granted for the purposes of agriculture, forestry, or economic uses appropriate in nature and scale to the rural area. This position correlates with the provisions of Core Strategy policies CS1 and CS5 that reinforce that the main focus for development, particularly residential development, will be within the defined urban boundary. It should be noted, however, that both Policy CS1 and CS5 do offer potential for limited rural development to meet defined needs.

3.5.4 The Council's most recent Strategic Housing Land Availability Assessment (SHLAA) was published in 2014. It concluded that in order to meet the Core Strategy's overall target (Growth Agenda) and specific need for larger family dwellings, there should be a release of some greenfield land to achieve this, even if other sites in the urban areas come forward. In addition, it is considered that there are also material considerations such as social, economic and environmental benefits that are associated with the proposed development, which should be considered in the planning balance. As such, it is considered that the proposed development could be viewed as being consistent with Core Strategy Policies CS1, CS5 and CS7.

3.5.5 Notwithstanding the development plan restrictions upon rural development, proposals can be alternatively justified with reference to the NPPF. Paragraph 55 of the NPPF states;

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller

settlements". Further, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

The exceptional quality or *innovative nature* of the design of the dwelling. Such a design should:

- *Be truly outstanding or innovative*, helps to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting, and
- Be sensitive to the defining characteristics of the local area.

3.5.6 The proposed development, the subject of this application, has been submitted on the basis that the proposal complies with the exception criteria set out in paragraph 55 of the NPPF.

3.5.7 The design of the proposal, which will be discussed in further detail, has been peer reviewed at the pre-application stage by Places Matter! Design Review is a respected method of improving the quality of new development by offering constructive, impartial and expert advice. Design Review panel meetings allow local authorities, clients, developers and design teams to present their schemes at the pre-planning stage to a panel of experts from the built environment sector and benefit from the discussion and constructive advice of the panel. Specifically the Places Matter! Design Review consists of a panel of respected built environment professionals providing expertise from a range of fields including: Development, Architecture, Engineering, Planning, Landscape Architecture, Urban Design, Public Art and local planning.

3.5.8 The review panel's final response is that this proposal could realise the potential to be a paragraph 55, truly exceptional or innovative, building in the countryside. There was overall support for the design approach of setting one box upon a plinth, providing that clear visual separation between the box and plinth is achieved. Further, it was suggested that key to the success of the project will be in the detail of the individual elements

3.6 Design:

3.6.1 The proposed design is explained in the architect's supporting statement in the following manner;

"A steep slope and stream slice across part of the owned land and it is our intention to react to this in a sensitive and innovative way. The main body of the building will sit underground using the topography to conceal itself and subtly push upward using a reflection of local materiality which is then contrasted with ultimately modern fabric and technology.

The design is to encompass modern, open plan living that balances a desire to embrace the local landscape and uninterrupted views, whilst simultaneously providing a sheltered and private living environment. The majority of the scheme's mass is hidden underground using the landscape to reveal itself as a plinth upon which the living space sits employing an ultra-modern aesthetic to rise up and over the landscape and cantilever over the gorge. The manner in which the building is seen from the surrounding landscape has been developed and thoroughly considered by working alongside the landscape architect. The land around this building has public footpaths around it and as such lower areas of the building and the landscape which engulfs it is composed of natural and local materials to blend and compliment the area. The approach to the building is very client driven and as such is a private and understated elevation that houses the garage and dwelling entrances. These are subtly designed to form large expanses of timber recessed into the dry stone facade and instead of reading as doors, read as panels that exist within the elevation”.

- 3.6.2 The proposal is evidently a bespoke response to the site and surroundings. Members should note that a design response that provided a standard farmhouse or other vernacular form would ultimately fail the exception criteria in paragraph 55 of the NPPF. The assessment, therefore, is not whether the proposal is vernacular or modern/incongruous, but rather whether it is truly outstanding or innovative design; helps to raise standards of design more generally in rural areas; reflects the highest standards in architecture; significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area.
- 3.6.3 In conjunction with the paragraph 55 tests are the general requirements of Policy 11 of the LPP2. The policy requires that successful proposals demonstrate an understanding of the wider context and make a positive contribution to the local area. These requirements are assessed with regard to 8 specific issues; character, townscape; public realm; movement and legibility; sustainability; diversity; materials & colour; and viability.
- 3.6.4 It is considered that the scheme does represent an innovative and exceptional design. The proposed dwelling has been designed to respond to the unique landscape setting, with great emphasis being placed upon how the development interacts with the steep embankment at the top of the Broadhead Valley ravine, as well as the distant views of the site afforded by the open and undulating nature of the surrounding landscape.
- 3.6.5 Although neither the subterranean nature of the ground floor, or the simplistic design of the glazed box are unique. The union of the two elements and the interaction with the landscape does offer an opportunity to consider the proposals as being innovative and amounting to exceptional design, in order to meet the NPPF test. However, the key to the success of the development will be in the

detail of the individual elements and it is considered to be essential that further information on the; whole wall construction of the box; glazing system; internal blinds; window reveals & framing; solar PV cells on the roof and stonework are supplied and agreed. It is suggested to Members that these key elements of the design could be controlled by way of planning condition. Indeed, these elements are specifically identified for control within the Places Matter! Design review response.

3.6.6 Subject to the controls identified, the proposal is considered to be compliant with the paragraph 55 exception tests and the more general design policy assessments contained within Policy 11 of the LPP2. Accordingly the principle of the development can be supported.

3.7.1 Highways and PROW:

3.7.2 The site access/egress utilises an existing rubble track linking to a field access gate, which joins Broadhead Road. The track faces the splayed access to Whowells Farm on the opposite side of Broadhead Road. The submission seeks to widen the existing junction to 5m in order to allow two vehicles to pass when leaving/entering the site. The existing field gate will be moved 15m away from the carriageway avoiding conflicts with vehicles waiting to enter or leave the site. The applicant's submission suggests that the altered access/egress will also assist the farmer who uses the adjacent field.

3.7.3 The submission is supported by a plan detailing vehicular sightlines at the junction with Broadhead Road, though the supplied drawing falls below a standard sightline requirement of 2.4m x 60m. Nonetheless, subject to the removal of a small section of vegetation the proposal would appear able to meet the sightline requirement. Certainly the new dwelling access would be able to match or improve the arrangements for Whowells Farm. Agreement on the sightline and removal/reduction of vegetation below 1m can be controlled via planning condition. Similarly, a condition can also be imposed to require agreement on the surfacing of the track and the access/egress point. Subject to those controls the proposal would be consistent with the requirements of Policy 10 (Part 3, i).

3.7.4 The application site contains a number of public rights of way (PROW) namely footpaths 87, 88, and 89 Edgworth. The proposal conflicts with the route of PROW FP 87 Edgworth, which bounds the western edge of the site.

3.7.5 It is noted that the FP 87 is in an area affected by soil erosion. Notwithstanding this point, the common position is that development may not take place on the alignment of an existing PROW until such time that a diversion order has been confirmed by the Highway Authority. The PROW officer has indicated that an application for temporary closure of the route has been lodged. A further permanent diversion order is currently being processed.

3.7.6 The PROW officer has removed his objection to the scheme given the submission of the temporary and permanent diversion orders. However, it is clear in his response that the development will be progressing 'at risk' until such time that the permanent order has been agreed. This places the applicant in a position whereby if the development could be well advanced and the permanent order fails, the path would need to be reinstated which could substantially affect the development. Further, it should also be noted that if objections to the permanent diversion order are received, then the matter would be passed to the Secretary of State for determination, therefore the Authority cannot guarantee successful confirmation. These points have been communicated to the applicant's agent who has indicated they wish to progress the current planning application to determination despite those inherent risks. Without prejudice to the separate permanent diversion order process, the current application is considered to adhere to the requirements of Policy 10 (part 3, v).

3.7.7 Subject to appropriate planning conditions, the proposal is compliant with the requirements of Policy 10

3.8.1 Ecology:

3.8.2 An ecological survey and assessment was submitted with the application. Despite the relatively close proximity to the Broadhead Valley County Biological Heritage Site (BHS) and the potential for the existing abandoned building to sustain crevice dwelling bat species such as common pipistrelle, the report concludes that the proposal will be without detriment to habitats or important/protected species.

3.8.3 The ecological assessment offers a series of recommendations to safeguard biodiversity interests. These include; working practices to safeguard the adjacent BHS and protected species; and habitat enhancement measures. Capita Ecology have indicated that these should form the basis of a planning condition. Subject to those controls the proposal would be compliant with Policy 9 of the LPP2 and can be supported.

3.9.1 Amenity:

3.9.2 The site's remote location, with the nearest neighbouring property being circa 250m away, means there is no realistic prospect of the development compromising the amenity of adjacent residents due to overlooking, loss of light or the relationship between buildings. The potential for nuisance during the construction phase due to noise, vibration etc can be mitigated by the use of a planning condition restricting the hours of site works (8am - 6pm Monday to Friday, 8am to 1pm Saturdays, no site operations on Sundays or Bank Holidays). Accordingly, the proposal meets the requirements of LPP2 Policy 8 (part ii)

3.9.3 In accordance with the provisions of Policy 8 (part iii) it will be necessary to impose a standard land contamination condition to ensure the development provides a safe environment for future occupants.

4.0 RECOMMENDATION

4.1 Approve subject to the following conditions:

- Materials to be agreed
- Details of the appearance and positioning of the photo-voltaic panels on the roof to be agreed
- Details, including samples, of proposed bin store to be agreed
- Details of the proposed materials for the surfacing of the access track to be agreed
- Details of the whole wall construction of the box; glazing system; internal blinds; window reveal construction and appearance; and window frame colour and material to be supplied and agreed
- Landscaping including details of bank stabilisation works and boundary treatment
- Construction methods statement, including wheel wash, to be agreed
- Vehicular sightlines to be agreed and thereafter retained
- Foul and surface water drainage design scheme to be submitted and agreed. Surface water SUDS compliant
- Contaminated land investigations
- Unforeseen land contamination
- Development to be undertaken in accordance with the recommendations and ecological enhancements set out in section 5 of the 'ERAP Ecological Survey and Assessment Report' (ERAP Ltd ref 2014_067)
- Construction/demolition works limited to;
 - 08:00 to 18:00 Monday to Friday
 - 09:00 to 13:00 Saturdays
 - No site operations on Sundays and Bank Holidays
- Removal of Permitted Development allowances within Schedule 2, Part 1, classes; A, B, C, D, E, F, G & H; and Part 2, class A

5.0 PLANNING HISTORY

5.1 There is no planning application history relevant to the determination of this proposal.

6.0 CONSULTATIONS

6.1 **Public consultation:** 6 neighbouring properties were individually consulted by letter; a site notice erected; and press notice published. 2 letters of objection have been received (see summary of representations appended). In response to the objections received these are private civil matters between the respective parties. With

regards to the consultation process, the application was advertised by site notices at the entrance to Broadhead Road and a press notice advertised in the local newspaper. Individual letters were sent to the adjacent properties on the 27th February 2015. In addition, letters were sent to the occupants of Broadmeadow Farm and Greenacres on the 13th August 2015.

- 6.2 **North Turton Parish Council:** “The Parish Council object to the proposed development on the grounds that it is an over-development of the site and is out of character with the surrounding architecture”
- 6.3 **Capita Highways:** Access to the property will be via an existing track. Sightlines at this point are not ideal and some improvements should be made by cutting back vegetation. No objection subject to conditions related to; sightlines to be agreed and thereafter maintained, construction methods statement and wheel wash details to be agreed, .
- 6.4 **Capita Ecology:** It is considered that the information provided in the ecological survey and assessment (ERAP, 2014) submitted with the application is suitable to support the planning application. Working methods and recommendations set out in section 5 of the report should be required via planning condition.
- 6.5 **Head of Public Protection:** No objection subject to the use of conditions relating to; land contamination; unforeseen land contamination and construction hours restrictions (8am - 6pm Monday to Friday, 8am to 1pm Saturdays, no site operations on Sundays or Bank Holidays).
- 6.6 **Public Rights of Way Officer:** The application site contains number of public rights of way (PROW) namely footpaths 87, 88, and 89 Edgworth. The proposal conflicts with PROW FP 87 Edgworth, which bounds the western edge of the site. It is noted that the footpath is in an area affected by erosion, though that does not alter the need to deal with the matter through the correct procedural route. The regular position is that development may not take place on the alignment of an existing PROW until such time that a diversion order has been confirmed by the Highway Authority. An application for temporary closure of the route has been lodged. A further permanent diversion order is currently being processed. Given this scenario there is an acceptance that the application and any subsequent development can continue ‘at risk’. This does put the applicant in a position whereby if the development could be well advanced and the permanent order fails, the path would need to be reinstated which could substantially affect the development. Further, it should also be noted that if objections to the permanent diversion order are received, then the matter would be passed to the Secretary of State for determination, therefore the Authority cannot guarantee successful confirmation.

7.0 **CONTACT OFFICER: Martin Kenny, Senior Planner**

8.0 DATE PREPARED: 31st March 2016

Summary of representations

Martin Winward

Sent: 17 March 2015 10:32

To: Planning

Subject: Planning Application 10/15/0144 Lower Giles Farm Broadhead Road Turton

Attention Mr Martin Kenny

Dear Mr Kenny

I refer to our brief chat over the telephone yesterday and write as promised with a few observations regarding the above

Broadmeadow Farm borders the application site on 3 sides so we were somewhat surprised not to receive formal notification of the application

There are 3 dwellings on the farm ie

Broadmeadow Farm
The Cottage at Broadmeadow Farm
Greenacres

Most importantly the initial portion of the access road from Broadhead Road to the proposed dwelling runs over and through land owned by the farm but again, no notification of the application was received by us as land owners

This initial portion of the access road, owned by the farm and running down to the the first small copse of trees is shown as being wide enough for 2 cars to pass, the erection of a bin store and various areas of fencing and provision of gates etc

We have not been consulted on any of these points and as all these works sit on land owned by the farm i think it only correct that we formally object to this portion of the application

I can provide the relevant drawing numbers from the application if needed or any further information required

Another point which is possibly only minor relates to the discharge from the septic tank suggested as being installed

I would be gratefull to receive confirmation from a qualified source that any discharge will not find its way either directly or indirectly onto farm land owned by Broadmeadow Farm

As a matter of interest i think there may be some confusion regarding the address ie Lower Giles Farm

The reason i point this out is that Lower Giles Farm already exists elsewhere in the valley ie at the bottom of Knowsley Lane running down from the Toby Restaurant

Martin Winward
13.8.16

Sent: 13 August 2015 08:24

To: Planning

Subject: Fwd: Planning Application 10/15/0144 Lower Giles Farm Broadhead Road Turton

Attention Mr Martin Kenny

Dear Mr Kenny

I understand from local discussion that amendments have now been submitted with regard to the above planning application

Once again no formal notification was received as mentioned in my earlier e mail - 17/03/2015 - see below

Once again we have not been consulted regarding the initial portion of the access road which is owned by ourselves and with this in mind please take this e mail as a formal objection to the application