

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 9th November, 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO COLNE & DISTRICT COMMITTEE 9th NOVEMBER, 2017

Application Ref: 17/0583/FUL

Proposal: Full: Change of use to residential curtilage and construction of low level timber decks and associated works.

At: The Gables Albert Road Colne

On behalf of: Ms Kerry Hollyoak

Date Registered: 5 October 2017

Expiry Date: 1 December 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is the former library/church The Gables which has been converted into apartments.

The site is within the town centre and Albert Road Conservation Area. There is an area of Civic Space to the front (south) of the site where the war memorial and Titanic/Wallace Hartley memorials are sited. These are listed structures.

This application seeks consent to use the land as residential curtilage and construct three decks to serve apartments 1, 8 and 9.

Two of the decks would measure 3m x 2.8m constructed in timber raised 300-400mm from the ground with two steps down. These would serve apartments 1 and 8.

The third unit No. 9 would have a level paved patio measuring 3m x 2.8m constructed in Yorkshire stone with four stone steps down. A 2m high fence panel has already been erected adjacent to the doorway to this apartment.

Screening is proposed by 1.8m pleached photinia frames between the decks.

TPO No. 2, 1981 is extant on the site and a tree survey has been submitted as part of this application.

Relevant Planning History

13/13/0257P- Full: Change of use from a church to a dwelling house - Approved 23rd July, 2013.

13/15/0339P - Full: Demolition of timber structure to rear and conversion of church to nine residential units, use toilet block as storage, insert rooflights and additional windows to East and West elevations and reinstate basement window to eastern and western elevations – Refused 8th October, 2016 - Allowed on Appeal.

13/15/0459P - Full: Demolition of timber structure to rear and conversion of church to six residential units, use toilet block as storage, insert rooflights and additional windows to East and West elevations and reinstate basement window to eastern and western elevations – Approved 20th November, 2015.

16/0638CND - Approval of Details Reserved by Condition: Discharge Conditions 3 and

17/0074/FUL - Demolition of an unlisted building within a Conservation Area; Partial demolition of former public convenience and retain 2.1m high stone wall to front elevation – Approved.

17/0074/FUL – Full: Change of use of former toilet block for garaging vehicles in association with adjacent residential apartments – Approved.

Consultee Response

LCC Highways – No objection in principle as it should have negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

PBC Conservation Officer – No adverse comments.

Colne Town Council – Object on the grounds of negative impact on residential amenity of nearby properties and to change of use.

Public Response

Site and press notices posted and nearest neighbour notified by letter. Publicity expires on the 15th November and any further comments received will be reported to the meeting. One response received raising the following issues:

- A fence has been erected enclosing the view of no. 32 Melling Court;
- The French windows are way above the height of the residents windows and are an invasion of privacy; and
- A row of laurel bushes have been planted which are at least 2m higher than the boundary wall. These are a non-native species and are poisonous. If left to grow these will block out the light to the gardens of Melling Court.

Officer Comments

The main issues to be considered with this application are the impact on the conservation area, impact on amenity, design and materials and impact on protected trees.

1. Planning Policy

The following Pendle Local Plan Part 1 policies are relevant to this application:

ENV1 seeks to protect and enhance our natural and historic environments.

ENV2 sets out general design principles and climate change.

The Conservation Area Design and Development Guidance SPD sets out criteria for development within a conservation area.

The following saved Replacement Pendle Local Plan policy is also relevant here:

Policy 14 'Trees, Woodlands and Hedgerows' recognises the importance and amenity functions and seeks to protect them.

2. Impact on the Conservation Area

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

This site lies within the Albert Road Conservation Area and there are two listed structures sited adjacent to the site, the War Memorial and the Wallace Hartley Memorial.

In terms of the change of use of the land this would have minimal impact on the conservation area and listed structures.

The alterations themselves would not be overly visible from any public vantage point and would therefore have a minimal impact on the Conservation Area.

This is acceptable and adheres to the Conservation Area Design and Development Guidance SPD in accordance with policy ENV1.

3. Impact on Amenity

In terms of the change of use of the land this would have minimal impact on the conservation and listed structures any proposed structures can be controlled by an appropriate condition.

The use of the land as residential would increase the use of the land by the occupiers of The Gables; however, as this land is within their ownership then this can be accessed and maintained as such by the residents of The Gables.

The use of the land would not unduly affect the protected trees. Some of these trees require tree works which have been applied for under a Tree Preservation Order application and three replacement trees would be planted to mitigate for the loss of these trees.

The proposed decks would introduce the potential for overlooking and due to the land differences in level result in loss of privacy for the residents in 22, 24, 26, 28, 30 and 32 Melling Court to the north of the site. The rear elevations of these flats are located 6.5m from the rear boundary wall of the land. This is close; however, it is an existing relationship between the buildings. The land where the proposed decks would be sited is part of the original curtilage of the building and not the section of land to the west which was previously owned by the Council and has been sold to the developer for residential use subject to covenants.

The raised decked areas for units 1 and 8 would be located m and m away respectively and this is acceptable in terms of potential impact on amenity.

Plot 9 is closest unit to the boundary with the flats and the difference levels would lead to unacceptable privacy issues with the first floor flats if a raised desk was erected with adequate screening. After discussions with the applicant it was agreed that this unit would not have a raised timber deck as this could not be lowered to an acceptable degree and a higher screen fence in this location would not be acceptable when viewed from the adjacent properties. Amended plans have been submitted which proposal a level stone flagged patio and stone steps to this unit. With the fence already erected under permitted development rights at 2m this would provide adequate privacy to all the occupants.

The fence which has been erected is somewhat stark and therefore the applicant has suggested a scheme of landscaping between the existing retaining boundary wall and the fence panel in order to soften the outlook for the residents.

This is acceptable and will reduce the potential impact to an acceptable degree and accord with policy ENV2

4. Design and Materials

The desks and patio areas would measure 3m x 2,8m each and be separated by 1.8m high privacy frames.

The timber decks and steps to units 1 and 8 and the stone steps and patio to unit 9 are acceptable in terms of design and materials.

The design and materials proposed on the plans are acceptable in this location and accord with policy ENV2.

5. Impact on Protected Trees

TPO No. 2, 1981 is extant on the site and a tree survey has been submitted as part of this application.

The use of the land would not affect the protected trees and some of these trees require tree works with three being proposed for removal which has been applied for under a Tree Preservation Order application. Three of the trees are proposed to be removed, two on health grounds. This includes the large T1 Sycamore which is sited to the north of the site adjacent to the stone boundary wall with the properties on Melling Court and two other Sycamores. Three replacement trees will be planted on the site to mitigate these losses.

The proposed timber decks to units 1 and 8 would be constructed using a no-dig floating deck system and would therefore have a minimal impact on the protected trees subject to appropriate conditions.

An appropriate scheme of landscaping has been submitted and this can be controlled by an appropriate condition.

This is acceptable and adheres to policy 14 of the Replacement Pendle Local Plan.

6. Summary

The proposal would be acceptable and would not unduly impact on the Conservation Area, protected trees or on residential amenity subject to appropriate conditions. The design and materials are acceptable in this location and accord with policy.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The use of the land and decked areas is acceptable and would have limited impact on the conservation area, protected trees and amenity subject to appropriate conditions. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: DELEGATE GRANT CONSENT

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

HOLL-04/Dig 00 & HOLL/04 Dig 01A.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The 2m high fence to the north of the site shall be retained at all times with appropriate landscaping as submitted on HOLL-04/Dig 01A to screen the fence and provide an acceptable level of privacy for the occupiers of unit 9 and the residents in adjacent Melling Court.

Reason: The potential impact on the residents would not be acceptable within this screening and landscaping being provided and retained in place.

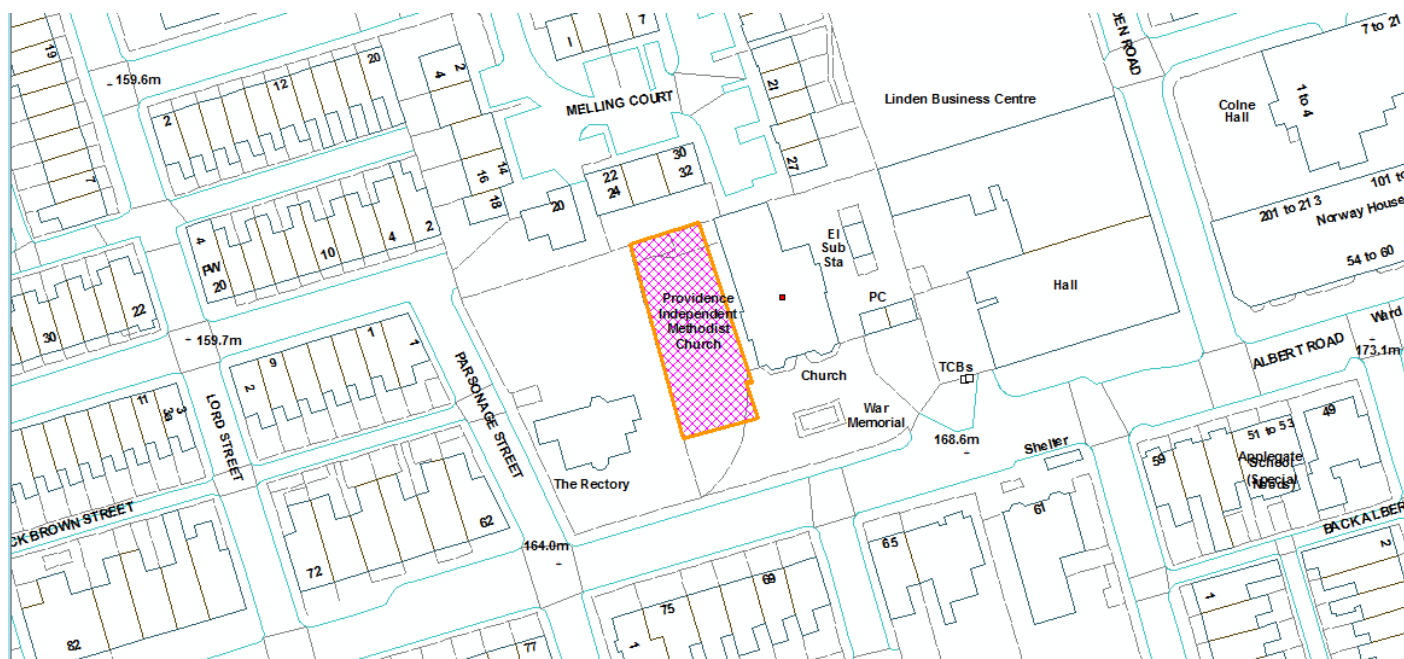
4. The landscaping scheme shown on approved plan HOLL-04/DWG 01A shall be implemented before the decked/patio areas are first brought into use and shall thereafter be retained.

Reason: The potential impact on the residents would not be acceptable within this screening and landscaping being provided and retained in place.

5. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unlevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.



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LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 31st October 2017