

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 6th NOVEMBER 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN COMMITTEE ON 06 NOVEMBER 2018

Application Ref: 18/0601/FUL

Proposal: Full: Erection of timber garden shed and attached greenhouse on domestic garden land.

At: 23 Duxbury Street, Earby.

On behalf of: Mr Stephen Wilkinson

Date Registered: 26.09.2018

Expiry Date: 21.11.2018

Case Officer: Charlotte Pinch

Site Description and Proposal

This application has been referred to committee as more than three objections have been received.

The application site is a piece of open land, directly to the west of No.23 Duxbury Street. A river runs to the south of the site and it comprises mainly of natural vegetation and trees. The site is located within the defined settlement boundary of Earby, within the Earby Conservation Area. Given its proximity to the river, it is within Flood Zone 3 and the trees on the site are protected under TPO/No22/1996.

The proposal is part retrospective for the erection of a timber garden shed and attached greenhouse. The building would have a total length of 5.6 metres and height of 2.4 metres. It is constructed predominantly of green painted timber, with a glazed element to form the greenhouse.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

No objection to the proposal, provided that a condition is applied to ensure that the building is used for domestic purposes only.

PBC Environment Officer

As the proposed shed is on blocks, there may be little impact on the trees from the build itself. However, it may result in a reduction in the amount of water and air that reaches the root system of the trees, through the compaction of soil.

Public Response

Four objections were received from neighbouring occupiers, their comments can be summarised as follows:

- The site is privately owned land, therefore the building is unlawful.
- The greenhouse resembles more of a summer house.

- Could result in a loss of protected trees in the future.
- Commonly used piece of land for wildlife and recreation.
- Loss of a lovely piece of land.
- Negatively affect the privacy of properties facing.
- Detrimental impact on the conservation area.
- Approval will encourage further future development.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Conservation Area Design and Development Guidance SPD 2008 sets out key aspects of development to ensure the special character of the conservation area are maintained.

Impact on the Conservation Area

The Conservation Area Design Guide SPD advises that ancillary buildings, including garden buildings, should be well designed and located in order to respect the character or appearance of the building they serve and the surrounding conservation area.

If garden buildings can be seen from the public realm then particular care should be taken over the design and materials. Simple building forms and natural materials will be the preferred approach.

This retrospective garden building has been substantially completed and is located on a plot of land to the front of a terrace of dwellinghouses. The building is largely obscured by a mixture of plants and trees, so is not immediately visible. Furthermore, the building is partially obscured by existing adjacent larger garage buildings, which are more dominant in the street scene.

Although the building is partially visible from the public realm, it is constructed predominantly of timber and painted green, to blend in with the environment. It is of a small scale and a simple design, which does not appear incongruous or harmful to the conservation area.

It is therefore acceptable in accordance with Policies ENV1, ENV2 and the Conservation Area Design Guide SPD.

Amenity

The erection of the proposed shed and greenhouse would raise no unacceptable residential amenity impacts in accordance with Policy ENV2.

Highways

No objections are raised, provided the building is only used for domestic purposes.

Flooding

The application site is located within Flood Zone 3. Local Plan Policy ENV7 deals with flooding and advises that sequential and exceptions tests set out in the National Planning Practice Guidance should be applied.

As a result of the exceptions test it was concluded that given this site is not 1ha. or more and would only be classed as minor development given its non-residential use, a formal flood risk assessment is not required. The proposal therefore complies with Policy ENV7.

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 proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: DRG No 23 Dux DRG 1 Rev-A, DRG No 23 Dux DRG 2.

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

2. Prior to the commencement of any further works samples of all external materials for the roof and elevations to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only using the approved materials.

Reason: The development has already commenced works and in order to protect and preserve the character and visual appearance of the building.



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LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 24th October 2018