

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER**

TO: COLNE & DISTRICT COMMITTEE

DATE: 05th September, 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 5TH SEPTEMBER 2019

Application Ref: 19/0430/FUL
Proposal: Full: Erection of a detached dwellinghouse with garage.
At: 17 White Lee Avenue, Trawden.
On behalf of: Mr S Hardman
Date Registered: 25.06.2019
Expiry Date: 06.09.2019
Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to committee as it was deferred from the August committee, to allow for a site visit to be carried out.

The site is a domestic garden to the side of a detached dwelling located on White Lee Avenue within the settlement of Trawden and Trawden Forest Conservation Area. The houses on White Lee Avenue were constructed in the 1990s, they consist of a mixture of semi-detached and detached houses of artificial stone construction with concrete roof tiles and timber fenestration.

The proposed development is the erection of a three bedroom detached dwelling, within the garden to the south side of No.17. The proposed house would have a total footprint of 7.7m by 13m, which includes a single storey element at the rear. The dwelling would have an eaves height of 5.2m and ridge height of 8.6m. It would be constructed from artificial stone, with a concrete tile roof.

A very similar proposal was approved in 2014 for a detached dwelling on this plot. During the course of this application, revised plans were received making amendments to the size and design of the dwelling. It has been reduced from 5 to 3 bedrooms, reduced in width and height, as well as slight alterations to window configurations. The assessment of the application will be based on the revised plans, received on 29th July 2019.

Relevant Planning History

13/13/0574P
Full: Erection of a detached dwellinghouse.
Approved with Conditions. 2014.

Consultee Response

LCC Highways

There is a previously approved application for a new dwelling on this site under application reference 13.13.0574P.

The verge along the frontage of the site is classed as a service verge therefore a number of underground services should be anticipated and protected during the construction phase.

I note that there is no condition on the previous approval for a construction traffic management plan however I do anticipate that there will be difficulties with access for material delivery vehicles

and parking for trade vehicles. Therefore I would recommend a condition is placed on this application to manage and minimise the disruption.

Environment Agency

The application boundary has been amended and it no longer falls within Flood Zone 3, removing the need for a Flood Risk Assessment (FRA) to be submitted as part of the application.

United Utilities

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Water supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

United Utilities' property, assets and infrastructure

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. We provide this information to support the applicant in identifying the potential impacts from all construction activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for

maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Trawden Forest Parish Council

Object to the proposed development. It appears to be very close to the neighbouring property (No.17). There are 3 parking spaces provided, however the Neighbourhood Plan recommends 4 for the number of bedrooms proposed. We believe there are already parking issues on White Lee Avenue.

The height of the property's roof is double that of the house, it should be in keeping with the existing properties to either side of the development and be no higher than these. The application states that it will have UPVC windows, these should be wooden as it is within a Conservation Area. Some of the site also falls within a Flood Zone.

Public Response

Five letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- There have been a number of changes in policy since the previous application was approved in 2014. These include TFNP, Policy 3 (Housing Windfall) and Policy 4 (Parking).
- Loss of private garden amenity space for residents of No.17.
- Openness of the estate would be severely compromised.
- Existing parking issues within the estate would be exacerbated by this additional property.
- Dwelling would not be the required 1 metre from the side boundaries of the site.
- Ridge height is 1.5 metres higher than adjacent dwellings, which is out of keeping.
- The single storey element at the rear contravenes the 45 degree rule.
- There are no other examples of three storey properties within White Lee Avenue.
- Construction works will cause severe disruption and inconvenience.
- Three storeys would result in overlooking and loss of privacy to adjacent neighbours.

Following submission of amended plans on 29th July 2019, 5 additional letters of objection were received from neighbouring occupiers, their comments are summarised as follows:

- Insufficient parking spaces on plot. The garage is not large enough to count as a parking space.
- Loss of privacy to neighbouring gardens.
- Deadline should have been extended to comment on revised plans, as some neighbours were away.
- Proportions of the house will be out of keeping with existing large detached properties.
- Harm to the 'open' feel of the estate and cause overdevelopment.
- The property would not be 1 metre from adjacent properties.
- Single storey rear element would contravene 45 degree rule.
- Risk of de-stabilisation of land and the drainage of water.
- A construction method statement would not be sufficient to control the congestion across the estate.
- Building work would be severely disruptive and inconvenient for all residents.
- The policies of the Trawden Forest Neighbourhood Plan should hold great weight.
- The property would be overbearing to directly adjacent dwellings.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries will be supported. Rural Service Centres, including Trawden, will provide the focus for growth in Rural Pendle.

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) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Replacement Pendle Local Plan

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

Trawden Forest Neighbourhood Plan (2018-2030)

Policy 1 (Location of Development) Development proposals within the settlement boundaries will be supported provided that they are appropriate in scale, massing and character.

Policy 3 (Housing Windfall Sites) Within the settlement boundaries proposals for residential development which comprise none or fewer net additional dwellings will be supported, provided their design accords with certain principles.

Policy 4 (Parking) Opportunities that arise to address a recognised local parking shortfall or safety issue relating to on street parking will be supported. For a detached property of 3 bedrooms, a minimum of 2 on plot parking spaces should be provided, with a recommendation of 3.

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. Supplementary Planning Document. 2008.

Principle of Development

The application site sits within the settlement boundary of Trawden, within walking distance of essential services and public transport, this is therefore a sustainable location for the purposes of the Framework.

Paragraph 70 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. This is echoed by Policy 3 of the TFNP, which states redevelopment of residential gardens to provide additional supported is not supported where the proposal is of a form or density which would cause harm to the amenities of the surrounding dwellings. This would not be the case here, therefore the location accords with Policy and the principle of residential development on the site is acceptable.

Design

Paragraphs 124 through to 132 of the NPPF contain guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

Although the layout of the houses at the northern end and west side of White Lee Avenue are quite tightly spaces, there are wide gaps between Nos. 15-19. This spacing appears to be as a result of a sewer which crosses the gardens, rather than being a design feature of the development.

Some concerns have been raised regarding a lack of private amenity space for the proposed dwelling and the existing No.17. There is no requirement for a specific level of private amenity space to be provided within current planning policy or related guidance, although it is typically expected that a house should have sufficient space to store bins and hang out washing. The proposed dwelling would have more than adequate amenity space to meet those needs.

The proposed house would be separate from the side of No.17 by 2m and No.19 by 1.3m. In addition to the stepped levels of the properties would be sufficient to ensure an acceptable level of visual separation between the houses and would be similar to the spacing between many other properties on White Lee Avenue.

The dwelling would be two storeys and have a maximum height of 8.6m, this is lower than that approved in 2014 and would respect the existing ridge heights of adjacent properties. Moreover, the style of the dwelling is carefully in keeping with those of the existing properties, with a traditional equal apex roof form.

It is acknowledged that the gap between Nos. 15, 17 and 19 currently provide views of Trawden Brook and the countryside beyond from the road and properties on the opposite side of the Avenue. However, private views are not ones that can be protected through the planning system and the loss of this view has no material impact on public views of the countryside.

The site is within the Trawden Forest Conservation Area, which is a designated heritage asset. The development itself is located within a relatively modern housing estate, however it does not have any historic interest or contribute positively to the heritage asset. The introduction of a further house into the street scene, will have no significant detrimental impact on the heritage asset.

The design of the proposed house would be in keeping with the adjacent properties. It would be constructed from artificial stone with a concrete tile roof. Although these are not materials which are typically appropriate within a Conservation Area, they would match those of the rest of White Lee Avenue. Taking this into account, it would not harm the character and appearance of the Conservation Area.

The proposed development is therefore acceptable in terms of design and visual amenity and would not harm the character and appearance of the Conservation Area, in accordance with Policy ENV2.

Residential Amenity

This application proposes the erection of one, two storey detached dwelling, on land adjacent to existing properties. Windows to the front of the proposed dwelling would have a separation distance of 17 metres from dwellings on the opposite side of the Avenue. This replicates the existing relationship of Nos. 17 and 19 with the properties opposite across a public highway, therefore providing an acceptable level of privacy for both existing and the proposed dwelling.

Two first floor side facing windows are proposed on the dwelling, however these would serve a bathroom and landing, therefore can be obscure glazed by condition. There are no side facing windows on No.19 and just one set of patio doors on No.17, however taking into account proposed separation distances and that the room is served by other windows, this relationship is acceptable in terms of amenity.

The development proposes a single storey element at the rear of the property, with a depth of 3.6 metres. This is 0.4 metres shallower than that approved in 2014 and would not result in a loss of light to rear facing habitable room windows at No. 17 or 19. However, due to the nature of the site, it is necessary to attach a condition removing permitted development rights for the property, to ensure it is not extended any further to the rear without permission.

The proposed development is therefore acceptable in terms of residential amenity, in accordance with Policy ENV2.

Highways and Parking

The proposed comprises of one, three bedroom detached dwelling, therefore in accordance with Policy 31, a total of two on plot parking spaces would be required. Moreover, Policy 4 of the TFNP recommends a 3 bedroom property should provide a minimum of 2 on plot spaces, but 3 is recommended.

The plans submitted show two driveway parking spaces to the front of the dwelling, in addition to a third parking space within the integral garage. This would provide adequate provision in accordance with Policy 31 and Policy 4 of the TFNP.

Drainage and Flooding

United Utilities have noted that a sewer runs near the site and an easement of 3m either side is required. The plans show the location of the sewer and the area left as an easement, this does not affect the siting of the proposed house.

Comments have been made regarding potential flooding and the impact of Flood Zones on the development. Although part of the red edge site lies within Flood Zone 3, the Environment Agency have raised no objection on the basis that the proposed dwelling itself is within Flood Zone 1.

Protected Trees

No protected trees would be directly affected by the proposed house, however, a condition is required to ensure protective fencing is erected around two protected trees in the rear garden of No.17 during construction.

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

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: CAL2019004001 RevB, Location Plan 1:1250

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

3. Prior to the commencement of development samples of the external materials to be used in the construction of the roof, walls and window mullions/surrounds of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. No development hereby permitted shall commence unless and until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for foul and surface water to be on separate systems and include details of the flow attenuation measures for the surface water disposal system including final run-off rates. The approved scheme shall be installed in its entirety prior to first occupation of the dwelling hereby approved and any measures shall be retained for their intended use at all times thereafter.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as specified in Classes A of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

6. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 100mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

7. Excluding the garage door, all window frames, door frames and doors to the building hereby permitted shall be of timber construction only and retained as such; and shall be finished in a colour submitted to and approved in writing by the Local Planning Authority. The garage door shall be finished in white.

Reason: To ensure satisfactory appearance to the development in the interest of character and appearance of the Conservation Area.

8. Prior to first occupation of the dwelling hereby approved, two car parking spaces as shown on drawing No. CAL 2019004001 RevB shall be surfaced in a bound porous material and laid out in their entirety and shall be retained at all times thereafter for the parking of vehicles for the occupants of the development.

Reason: To allow for effective use of the car parking areas and ensure materials are not transferred onto the highway, causing a hazard for vehicles.

9. No development shall take place, including any works of demolition, unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to safeguard residential amenity and highway safety.

10. The window in the first floor north side elevation and the window in the first floor south side elevation of the development hereby permitted shall at all times be glazed only with obscure glass, of obscurity Level 4 or above, and be retained as such. Any replacement glazing shall be of an equal degree of obscurity. The window shall also be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling.

11. 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 unsevered. 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.

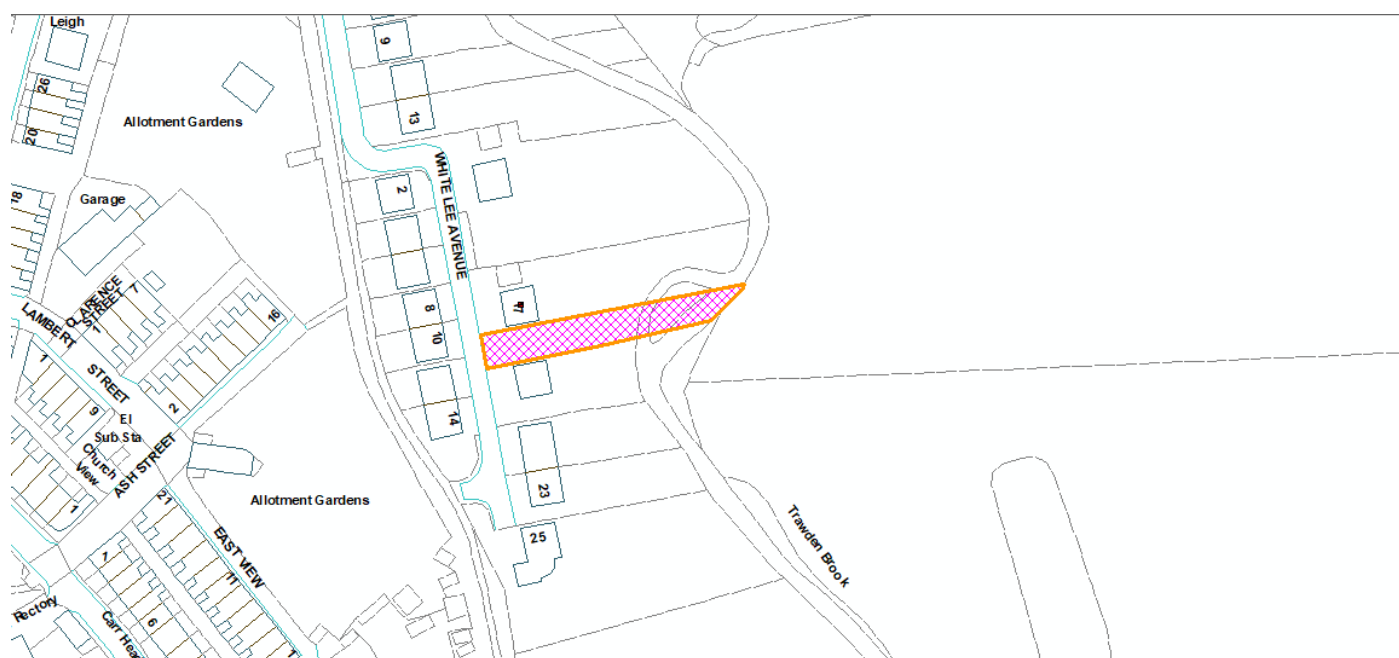
All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837(2012) of the trees to be retained on the site,

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.

INFORMATIVE

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council using the website link <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx> to obtain a quotation and request the works.



Application Ref: 19/0430/FUL

Proposal: Full: Erection of a detached dwellinghouse with garage.

At: 17 White Lee Avenue, Trawden.

On behalf of: Mr S Hardman

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/CPB

Date: 19th August 2019