

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 3rd March 2020

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN AREA COMMITTEE – 03RD MARCH 2020

Application Ref: 19/0692/FUL

Proposal: Full: Erection of a two-storey dwelling.

At: Land to the rear of 21 – 25 Duxbury Street, Earby

On Behalf of: Mr & Mrs Horsefield

Date Registered: 24 October, 2019

Expiry Date: 19 February, 2020

Case Officer: Christian Barton

This application has been brought before committee as it has received 3 objections.

Site Description and Proposal

The application site is a domestic garden located within the settlement of Earby and the Earby Conservation Area. It is surrounded by garden areas to the north, terraced dwellings to the west, Earby Beck to the south and undeveloped land to the east. The site currently houses domestic outbuildings and provides off-street parking for 19 Duxbury Street.

The application seeks to erect a two-storey dwelling with two bedrooms and associated parking area and garden. The proposed dwelling would have a length of 8.7m, a width of 10m and a dual pitched roof 6.3m in height. It would have natural stone elevations, a slate roof and timber doors and windows. Rooflights and solar panels are also proposed for the east and west roofslopes with a Juliet balcony proposed for the south elevation.

Planning History

No relevant planning permission.

Consultee Response

PBC Conservation – The proposed dormer bungalow lies within the Earby CA. It has potential to be seen from the public footpath running alongside the beck, with the rear and S side elevations likely to be visible, therefore stone would be preferable to render to these elevations. The CA SPD requires timber windows and doors rather than UPVC. The south elevation could be improved by aligning both pairs of glazed doors to create a central vertical feature in the gable; similarly the rooflights to the rear E elevation should ideally be aligned with the window placement, and would be better as flush fitting type with vertical mullions to improve their scale.

LCC Highways – There are two off-road parking spaces currently provided for the applicants' dwelling (19 Duxbury Street). These would be lost to make way for the proposed bungalow and its off-road parking provision. From the information submitted we consider that the proposed dwelling would have four bedrooms, and should therefore have three parking spaces.

In our opinion the proposed development would be detrimental to highway safety due to the narrowness of the access from Croft Street, loss of current off-road parking provision and increase in on-road parking where there is an existing high demand. Given the above, we object to this application on highway safety grounds.

(Update) – Access to the back street leading to the proposed dwelling would be via Croft Street, which is a privately maintained road providing vehicular access to five dwellings, and over which Public Footpath 27 (Earby) also passes. The entrance to this back street is narrow (approximately 2.8m wide from Croft Street and 3.1m wide from Duxbury Street). Whilst vehicles currently use this entrance/back street to access the off-road parking for a number of properties on Duxbury Street these are domestic vehicles.

The access width required for emergency vehicles is considerably greater. A 3.7m carriageway width (kerb to kerb) is required for operating space at the scene of a fire, although to simply reach a fire the access route could be reduced to 2.75m over short distances, provided that the pump appliance can get to within 45m of a dwelling entrance. This distance is exceeded from Croft Street. If access was made via Duxbury Street cars parked at the front of properties would reduce the carriageway width, restricting access for emergency vehicles and impacting on response times.

In addition, large construction/delivery vehicles required during the building phase may not be able to access the site and so park either on Croft Street and/or the top section of Duxbury Street, where they could pose a hazard to other highway users, including obstructing access to other properties.

Parking – The amended proposal is for a three bed property with two off-road parking spaces. This level of provision is in line with the borough council's parking standards for the type and size of development proposed. There also appears to be adequate manoeuvring space from the site to allow vehicles to enter and leave the back street in forward gear.

There are two off-road parking spaces currently provided for the applicants' dwelling (19 Duxbury Street). These would be lost to make way for the proposed bungalow and its off-road parking provision. Off-road parking provision in the surrounding area is limited and any loss would increase the demand for existing on-road parking.

Secure, covered storage for two cycles should be provided within the development's curtilage in line with the council's Parking Standards.

General – Public Footpath 27 (Earby) passes to the rear of the development site. This Public Right of Way must not be obstructed during the proposed development. If the applicants consider that it would be necessary to temporarily close this public footpath then this must be done through the appropriate legal procedure. The development must not commence until the necessary procedures are in place.

Given the above concerns, our opinion remains that the proposed development would be detrimental to highway safety due to the narrowness of the access from Croft Street, loss of current off-road parking provision and increase in on-road parking where there is an existing high demand. Therefore we object to this application on highway safety grounds.

Should the LPA be minded to approve the application conditions should be added to the approval to ensure appropriate parking areas and secure cycle storage facilities are provided.

Yorkshire Water – The site shall be developed with separate systems of drainage for foul and surface water on and off site. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been approved through condition.

Environment Agency – The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development and it fails to:

- Provide an adequate maintenance strip between the proposed dwelling and the top of the river bank of Earby Beck. The Environment Agency require a minimum of 3 meters from dwelling to river bank for future maintenance. It appears from the location plan that there is only approximately a 1 meter strip between the dwelling and river bank;
- Provide consideration for the dwelling being immediately sited next to Earby Beck which is prone to erosion particularly as it is a rapid responding watercourse and on the outside of a meander. This could impact on the foundations of the property but can be addressed by re-siting the property away from the river bank in line with the previous bullet point.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

(Update) The development shall be carried out in accordance with the submitted flood risk assessment (ref 14 January 2020/71609R3/GeoSmart Information Ltd). Conditions should be added to any approval to ensure finished floor levels are 150mm above ground level.

Earby Town Council – No objections.

Public Response

The nearest neighbours have been notified by letter and a site notice. Public comments have been received objecting on the following grounds;

- The dwelling will exacerbate parking problems;
- The access road is not suitable for another dwelling or construction traffic;
- Potential impacts on water supply;
- Further degradation of the roads surface will occur if the development is approved.

Officer Comments

The main considerations for this application are the principle of the development, design, the conservation area, residential amenity, highways, flooding and drainage.

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the NPPF and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy SDP2 (Spatial Development Principles) states that Local Service Centres, including Earby, should accommodate levels of new development to serve a localised catchment and that new development should be located within the settlement boundary unless permitted by an exception outlined in the Local Plan.
- CS Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum;
- CS Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by

encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with the wider locality;

- CS Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused;
- CS Policy ENV7 (Water Management) states that proposals within a designated flood zone should seek to eliminate or reduce the potential for flooding to occur, by demonstrating that further investigation of the extent of risk, and the feasibility of options for prevention or mitigation, have been considered;
- CS Policy LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing at a rate of 298 dwellings per annum. Proposals for housing on non-allocated sites within the settlement boundary are supported in sustainable locations;
- CS Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Other policies and guidance's are also relevant:

- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new housing developments;
- The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas.

National Planning Policy Framework (The Framework)

- Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:

- I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
- II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There is a presumption in favour of sustainable development as set out in Paragraph 11. Applications that conform to the development plan should be approved. Where policies are out-of-date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as 'the tilted balance'.

In broad terms a five year supply of housing is calculated by assessing how many units are required per annum, adding or subtracting houses delivered or under delivery, adding in the appropriate buffer for under delivery and then assessing how many houses can be brought forward within 5 years on sites. Pendle currently has a 4.6 years supply of housing land and the tilted balance is therefore applicable to housing schemes.

2. Principle of Housing

The application site is within the settlement boundary. Residential properties are positioned to all sides and services, facilities and regular public transport links are all within walking distance. The development would be within a sustainable location for housing and is acceptable in principle thereby according with Policies SDP2 and LIV1.

3. Design and the Conservation Area

The setting of the site is derived from dwellings of a range of styles with traditional terraced dwellings to the north and west and detached stone built properties to the east. To the south the boundary of the conservation area is defined by Earby Beck and beyond that the proliferation of stone built properties gives way to more modern brick built dwellings set in higher ground. When viewed from public vantage points to the east the proposed dwelling would be viewed in the context of terraced dwellings and although different in form to those properties the natural stone elevations and slate pitched roof would ensure it effectively harmonises with the surrounding built form of the location. The dwelling would be afforded modest garden areas to three sides however large gardens do not form part of the intrinsic character of the area and the proposed layout would have no adverse impacts on visual amenity.

A number of design alterations were recommended by PBC Conservation and those have been applied to the final plans. The balcony has also been replaced with a Juliet balcony to remove the requirement for screening which would appear unbalanced to the dwellings proportions. Subject to the imposition of conditions to control the quality and finish of the external materials, alongside the design details of the rooflights and landscaping, the proposal would be acceptable in visual design terms and would have no unacceptable impacts on the setting of the conservation area thereby according with Policies ENV1, ENV2 and LIV5 and the guidance of the Conservation Area SPD.

4. Residential Amenity

The proposed dwelling would not appear overbearing in relation to the immediate neighbours owing to its modest scale and ample separation. The proposed windows to the north and east elevations would overlook undeveloped land and a parking area. 19m would separate the proposed dwelling and the properties to the south. However, those properties are positioned on distinctly higher land levels than the site and proposal would have no unacceptable impacts on the privacy of those neighbours. A ground floor window is proposed adjacent to the dwellings on Duxbury Street though that window would face the blank rear elevation of an outrigger at number 25. The proposed development would therefore have no adverse impacts on domestic privacy and would be acceptable in relation to residential amenity thereby according with Policy ENV2.

5. Highways and Parking

The dwelling would be afforded two off-street parking spaces which is acceptable and in accordance with the Parking Standards of Saved Policy 31. Concerns have been raised by neighbours and LCC Highways regarding the constrained nature of the access road in relation construction and emergency vehicles together with parking impacts. Currently the site provides two parking spaces for an adjacent dwelling which would be lost to the development. However, the minor additional on-street parking requirements which would be created would not have an unacceptable impact on highway safety. Access to the site for fire engines could be gained from

the bottom of Duxbury Street and that approach would provide ample distances for fire crews to access the site.

A Construction Method Statement condition would allow the routing of construction vehicles to be finalised prior to the commencement of development. The access roads from both Duxbury Street and Croft Street are circa 3m wide which is sufficient to allow for most construction vehicles to pass through. Concerns have been raised regarding degradation of the private access road though such matters are covered by civil law and they are not material to the assessment of this application. The traffic movements associated with the dwelling once built would be the same as the existing parking area and when the above factors are taken into account the proposed development would have no unacceptable impacts on highway safety in accordance with Policy ENV4.

6. Flooding

The site lies in part within Flood Zones 2 and 3 and the plans originally showed the dwelling proposed within 2m of the flood wall. Initial objections were raised from the Environment Agency on the basis as the construction of a dwelling so close to the flood wall would impede future maintenance and have the potential to compromise its structure thus increasing the risk of fluvial flooding. The position of the dwelling has subsequently been moved away from the flood wall and a minimum of 3m clearance is required for maintenance purposes. A condition has been added to ensure the floor level of the dwelling is built at least 150mm above existing ground levels and subject to that condition the proposed development would be acceptable in terms of flood risk in accordance with Policy ENV7.

7. Drainage

Indicative details have been submitted showing surface water draining into Earby Beck and foul water connecting to a combined sewer. Subject to the imposition of a condition to finalise those details, the proposed development would be acceptable in terms of drainage.

8. Wider Considerations

Concerns have been raised regarding lead water pipes in the area and supply problems. The addition of one dwelling in the area would have no significant impacts on water supply and in any event such matters are not material to the assessment of this application.

9. Five Year Housing Supply

Pendle currently does not have a five year supply of housing. As such consideration needs to be given to Paragraph 11 of the Framework. This is quoted above but is commonly referred to as the application of the tilted balance. As with all applications the development needs to be assessed against the Development Plan and then the tilted balance needs to be taken into consideration. The tilted balance indicates that where policies most relevant for the determination of the application are out of date approving the application unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

For this application the development would conform to the development plan and the recommendation is to approve it. The tilted balance would add weight to this as the benefits of housing provision and boosts to the local economy would outweigh any disbenefits and the concerns outlined above.

10. Summary

The proposal seeks to erect a two-storey dwelling together with associated works. Subject to appropriate conditions, the development would be acceptable in terms of the principle, design, the conservation area, residential amenity, highways, flooding and drainage in compliance with Policies SDP2, ENV1, ENV2, ENV4, ENV7, LIV1, and LIV5, Saved Policy 31 and the guidance of the Conservation Area SPD.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in terms of, principle, design, residential amenity, highways, drainage. 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: 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 strict accordance with the following approved plans: 01B, 02C, 03C and 04E.

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

3. No above ground works shall commence on site unless and until, representative samples of all the external materials to be used in the construction of the roof, walls and driveway surface, together with samples showing the colour and finish of the windows and doors and detailed plans of the rooflights and solar panels to be installed as part of the development hereby approved, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials and details.

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

4. The dwelling hereby approved shall not be occupied unless and until, the parking area as shown on approved plan '01B' has been laid out and made available for use thereafter for the parking of vehicles associated with the occupants of the dwelling.

Reason: To provide adequate parking provision to service the development in the interest of highway safety.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & 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 (Extensions and other alterations), B (Additions to the roof), C (Alterations to the roof), E (Curtilage buildings and Class G (Chimneys, flues etc.) of Part 1 of

Schedule 2 and of that Order, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the conservation area.

6. No development shall commence on site unless and until, a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide separate systems for foul and surface waters, be constructed and completed in accordance with the approved details before the dwelling is occupied and thereafter be retained.

Reason: To control foul and surface water flow disposal and prevent flooding.

7. No development shall commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a) All proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- b) All proposed boundary treatments with supporting elevations and construction details;
- c) An outline specification for ground preparation;
- d) All proposed hard landscape elements and pavings, including layout, materials and colours;
- e) The proposed arrangements and specifications for initial establishment;
- f) Maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

8. No development shall commence on site 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:

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt during construction;
- f) A scheme for recycling/disposing of waste resulting from construction works;
- g) Details of working hours;
- h) Routing of delivery vehicles to/from site.

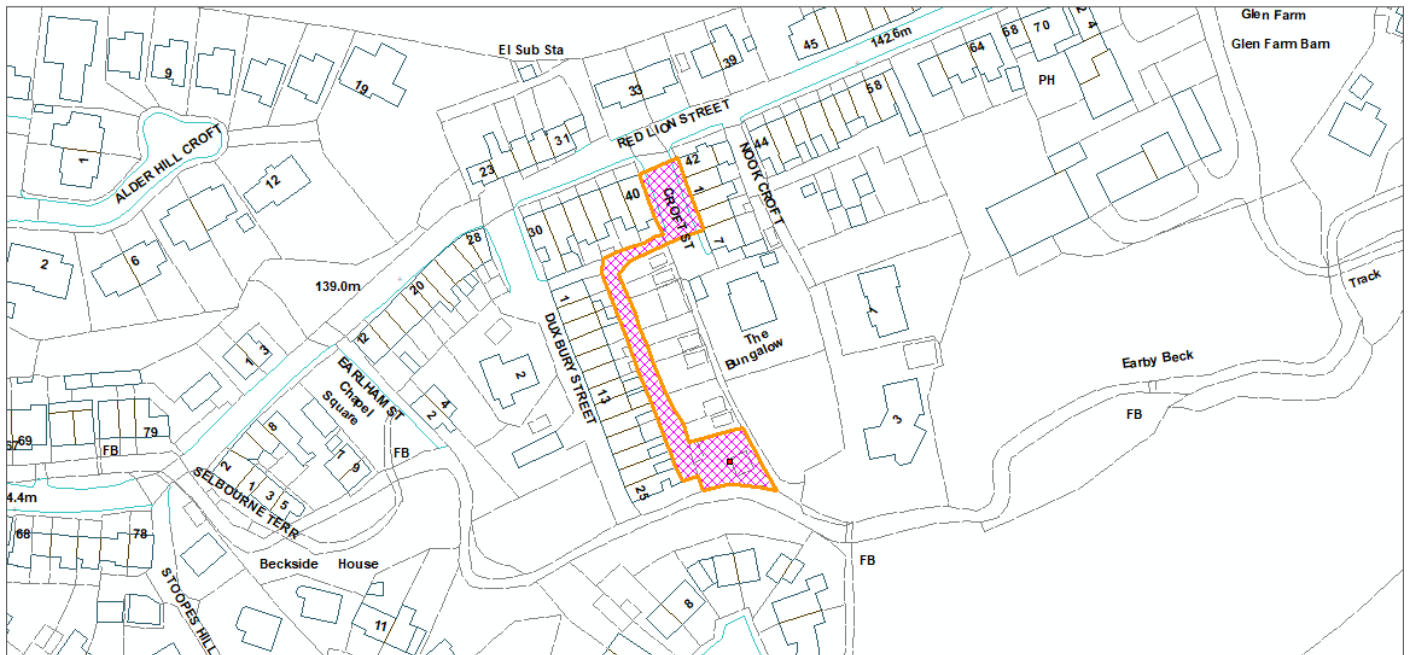
Reason: In the interest of highway safety and to minimise disruption during the construction phase.

9. The ground floor level of the proposed dwellinghouse shall be set at least 150mm above the existing ground levels of the site.

Reason: To reduce the danger to intended occupants of the building from potential flooding.

Informatives

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed temporary closure of a right of way should be the subject of an Order under the appropriate Act. The development may affect the setting of Public Footpath 27 (Earby). If it is necessary for this Public Right of Way to be temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way. The development must not commence until the necessary procedures are in place. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the planning application number, to discuss their proposal before any development works begin.
2. On the Statutory Sewer Map, there is a 225 mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.
 - In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2000).
 - Any proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.



Application Ref: 19/0692/FUL

Proposal: Full: Erection of a two-storey dwelling.

At: Land to the rear of 21 – 25 Duxbury Street, Earby

On Behalf of: Mr & Mrs Horsefield

Date: 20th February 2020