

Committee Report**Date: 02.03.2022**

Item Number	03
Application Number	21/01327/FUL
Proposal	Erection of a replacement dwelling
Location	135 West Drive Thornton Cleveleys Lancashire FY5 2EG
Applicant	Mr And Mrs Brough
Correspondence Address	c/o Mr Christopher Homer 46 Jepps Avenue Barton Preston PR3 5AS United Kingdom
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Hannah Dodgson****1.0 INTRODUCTION**

1.1 This application is before the Planning Committee for consideration at the request of Councillor Kay. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located on the northern side of West Drive, close to the junction with Amounderness Way and east of the junction with Central Avenue North in Cleveleys. The site previously comprised a detached residential bungalow which has now been demolished. The bungalow was finished in red brickwork with clay roof tiles and brown uPVC windows/doors. The surrounding street is residential with properties that vary in their design, size and character. The application site is located within Flood Zone 1.

3.0 THE PROPOSAL

3.1 This application seeks consent for the erection of a replacement dwelling. The proposed dwelling would be a dormer bungalow, larger in size than the previous existing dwelling. To the front it would have two pitched roof dormers and a roof light. To the rear would be two further pitched roof dormers serving a first floor terrace. The terrace would have an obscure glazed panel to the western side measuring 1.6m in height and to the rear measuring 0.65m. To the east side there would be angled louvres extending from the terrace up to the eaves of the projecting roof.

3.2 The overall height of the new dwelling would be 2.8m to the eaves and 7.2m to the ridge. To the rear the eaves would be higher at 4.2m. The width of the dwelling would be 9.8m and the length would be 14.2m. The materials would be white render

to the walls, a tiled roof and grey uPVC windows/doors. The front dormers would be finished in a timber cladding below tiled pitched roofs.

4.0 RELEVANT PLANNING HISTORY

4.1 20/01208/FUL - Single storey front extension to replace existing bay window, single storey rear extension with first floor balcony above and alterations to roof to include velux windows to front and dormer extensions to the rear. Permitted.

4.2 89/00727 - Rear extension. Permitted.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- CDMP1 - Environmental Protection
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

SPG4 - Spacing guidance for new housing layouts

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.1.1 No objections subject to conditions - The western section of the driveway does not have a vehicle crossing installed, the applicant is requested to enter into a section 184 agreement for the formation of a vehicle crossing.

6.2 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.2.1 No objections

6.3 UNITED UTILITIES

6.3.1 No objections - Sets out standard advice in regards to drainage, water supply

6.4 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.4.1 Conditions for a desk study and gas protection measures to be added to any permission granted.

7.0 REPRESENTATIONS

7.1 Three letters of objection have been received. The main concerns raised relate to the following points:

- the loss of privacy and overlooking from the rear balcony and dormer windows which will allow a view into neighbouring gardens
- loss of sunlight to other properties
- the visual impact of a larger property between bungalows.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact was made with the agent to request revisions were made to plans showing obscure glazing of the balcony, angled louvres and dormer materials. Further contact was made to agree pre-commencement conditions.

9.0 ISSUES

- 9.1 The main issues in this application are as follows:
- Principle of Development
 - Visual Impact / Design / Impact on the street scene
 - Impact on the Residential Amenity
 - Impact on Highway / Parking

Principle of development

9.2 The application site is located within the settlement of Thornton-Cleveleys where development is directed under Policy SP1 of the Local Plan. The proposal is to build a new dwelling following the demolition of the existing dwelling, therefore there would be no net increase in dwellings on the site and the proposal would be acceptable in principle. Policy SP2 requires all development to be sustainable. The proposed dwelling would be located within a residential area within walking distance of Cleveleys town centre and transport links and would therefore be considered to be sustainable in terms of accessibility and location.

Visual Impact / Design / Impact on the street scene

9.3 The site is within a residential area, comprising dwellings which vary in design and scale. Whilst some objections have noted that the immediate area is made up of bungalows, the wider area including the opposite side of the street has a number of two storey dwellings. Therefore no particular dominant character is attributed to this area. The proposed dwelling would be a dormer bungalow which would have a modest eaves height of 2.8m. The ridge height would be more significant at 7.2m, although the existing bungalow had a ridge height of 6.6m, so the difference is minor. The roof shape would differ to the front, but the overall width of the dwelling would be the same as existing, so a visual gap between the neighbouring properties would be maintained and it would not appear overly dominant. The main change to the size of the dwelling would be in the length, but this would not be overly noticeable from the front elevation, so it would not cause visual harm to the street scene, and the garden is sizeable so the dwelling would not be excessive in size. There would also be two dormers added to the front of the dwelling, but they would be small pitched roof dormers which, it is considered, would sit well within the roof plane. Therefore they would appear well designed and subordinate to the rest of the dwelling. The materials would be render to the walls, timber cladding to the dormers under a tiled roof, and grey windows/doors. This is demonstrated in the Design and Access Statement which shows that the materials complement one another and that the dwelling would be contemporary in style, being of a high standard of design. As such it is considered that the dwelling would not be out of proportion or character with the wider street scene along West Drive, consistent with Policy CDMP3 of the WLP.

Impact on the residential Amenity

9.4 A main concern in this proposal is the impact of the new dwelling on residential amenity. Some objections have been raised in terms of loss of light, and more so loss of privacy from the balcony and rear facing windows. An application was previously approved for extensions and alterations to the existing bungalow which proposed the same balcony above a single storey extension and rear dormers. In that assessment it was found that the proposal would not be detrimental to amenity, and the same assessment applies to this application.

9.5 On the east side of the balcony, angled louvres are proposed which would restrict the view towards 137 West Drive. On the west side of the balcony, a 1.8m high obscure glazed screen is proposed to restrict the view towards 133 West Drive. This eliminates immediate privacy concerns. Looking out from the balcony to the rear would not be obstructed, but the balcony would be 24m from the shared rear boundary. It would also be set over 20m from the rear of the properties on Central Avenue North, and would not directly face their gardens, with no.133 West Drive being in-between the application site and these properties. Whilst no.133 is a

bungalow so would not completely obstruct the view of the new dwelling from Central Avenue North, the eaves and balcony height of the new dwelling would still be modest so it would be unreasonable to say that there would be significant loss of privacy or loss of light as a result. The view would not be significantly different to what can be achieved from first floor rear facing windows, and there would not be a close rear to rear relationship with any other properties, so there would be no direct overlooking. It is clear from the site plan that the dwelling would project only slightly past the rear wall of 137 West Drive, and not past the rear wall of 133 West Drive, plus it would be set away from the boundaries at both sides, so it would not cause unacceptable overshadowing or be overbearing. There would be two small non-obscured side windows facing no.137, but no.137 does not have any first floor side windows that they would look towards, so there would be no loss of privacy to habitable rooms of no.137.

9.6 The front dormers would be set approximately 27m from the properties on the other side of West Drive so would not cause any further loss of privacy. Overall it is considered that as per the previous application, the proposal would not be detrimental to amenity, due to its significant set off distance from other properties. Factors such as the obscure glazed panels to the balcony can be controlled by a condition so that they remain in situ at all times thereafter.

Impact on Highway / Parking

9.7 The access and driveway would remain as existing. The property would be increased from two to three bedrooms, so no additional parking is required. The local highway authority have raised no objections to the application, but have stated that the western access point should have an extended vehicle crossing. As this is existing, it is not considered reasonable to request that the applicant demonstrates any changes to the access as part of the application, but an informative can be added to any permission granted to advise the applicant to enter into a s184 agreement with the highway authority to carry out these works. Likewise, the highway authority have requested conditions for the driveway to be paved in appropriate material and to be carried out in accordance with the approved plans. With these conditions added, there would be no further risk to the highway. Policy CDMP6 requires the provision of an electric vehicle charging point for new development with parking provision, therefore a condition would be added to be agreed and provided prior to occupation.

Other Matters

Flood Risk

9.8 The site is in Flood Zone 1, an area with low probability of flooding. Therefore a Flood Risk Assessment is not required and it is considered that there would be no further risk to flooding in the area as a result of the development.

Drainage

9.9 The Council's Drainage Engineer has been consulted on the application and has raised no objections. United Utilities have set out standard advice on drainage, sewer connections etc. which is available for the applicant to view online. No further issues are raised on these terms.

Contamination

9.10 Environmental Health (Contaminated Land) have requested conditions for a Desk Study and Gas Protection Measures to be submitted. This has been agreed by the applicant and will be added to any permission granted to eliminate any potential contamination issues in accordance with CDMP1 of the WLP.

10.0 CONCLUSION

10.1 The proposed replacement dwelling would be of suitable scale and appearance and would not have a detrimental impact on the character of the area. It would also not have a significant impact on neighbouring amenity and the balcony would not cause direct overlooking due to its set off distance from other properties. All other relevant material planning considerations have been assessed to be acceptable and the proposal would comply with the NPPF and the above mentioned Development Plan policies. Subject to conditions, the proposal is recommended for approval.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to 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 shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 01.11.2021 including the following plans/documents:

- Site and Site Location Plan
- Proposed Site Plan ref.P02
- Proposed Drainage Plan ref.P03
- Proposed Roof Plan ref.P13
- Proposed Floor Plans ref.P10 REV A (received 29.01.2022)
- Proposed Elevations Sheet 1 of 2 ref.P21 REV D (received 10.02.2022)
- Proposed Elevations Sheet 2 of 2 ref.P22 REV C (received 10.02.2022)

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The development shall be carried out strictly using those materials specified on the application form and email dated 10.02.2022 (front dormers to be timber cladding) unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The development hereby approved shall not be brought into use until the parking / turning area shown on the approved Proposed Site Plan (P02) has been laid out, surfaced and drained. The parking / turning area shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off road parking is provided and retained to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

5. Before the access is first used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be surfaced in tarmacadam, concrete, block pavements, or other permanent hard surfaced material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. Prior to the first occupation or use of the development hereby approved, the screen to the west elevation of the balcony shall be:

i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured).

The screen (including any subsequent repaired or replacement screen) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

7. An electric vehicle recharging (EVCP) scheme shall be submitted unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. The dwelling shall not be occupied until the electric vehicle recharging point has been provided, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

8. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

9. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

Notes: -

1. An extended vehicular access, within the adopted highway fronting the property would need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC Highways before any works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".