|  |
| --- |
| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **WH** | **Date:** | **17-11-23** | **Manager:** | **LH** | **Date:** | **29/11/23** |
|  |
| **Application Ref:** | 2023/0390 |  |
| **Date Inspected:** | 31-05-23 | **Site Notice:** | 31-05-23 |
| **Officer:** | Will Hopcroft |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL** |
|  |
| **Development Description:** | Erection of three dwellings with associated highway works (pursuant to variation of condition 2 (approved plans) on planning permission 3/2016/0092. |
| **Site Address/Location:** | Victoria Terrace, Mellor Brow |
|  |
| **CONSULTATIONS:**  | **Parish/Town Council** |
| No response.  |
|  |
| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** | No objection raised.  |
| **LCC Archaeology:** | No comment to make on the proposed variation of condition. |
| **United Utilities:** | Initial objection, pending request for further information. On receipt of additional information, UU have withdrawn their objection but provided some useful information for the applicant.  |
|  |
| **CONSULTATIONS:**  | **Additional Representations.** |
| The LPA received 7no. letters of objection raising the following material considerations:* Concern around the proposed increase in height of the dwellings.
* Desire to see tree planting implemented as approved.
* Concern around refuse collection, and amenity issues arising from construction work.
* Concern around necessity of the dwellings.

It should be noted that this Section 73 application only seeks to alter matters of design and layout and as such the principal of development cannot be re-approached through this application.  |
|  |
| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1: Development StrategyKey Statement DS2: Sustainable DevelopmentKey Statement DMI2: Transport ConsiderationsPolicy DMG1: General ConsiderationsPolicy DMG2: Strategic ConsiderationsPolicy DME2: Landscape & Townscape ProtectionPolicy DME6: Water ManagementNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:****2022/0015:**Non material amendment of application 3/2016/0092.Substitution of plans House type A House Type B Proposed site plan and overall site. For aesthetics and buildability – Approved**2021/0537:**Proposed additional parking – Approved with Conditions**2021/0535:**Variation of Condition 2 (approved plans) from planning permission 3/2020/0046 to allow extension over garage at Unit 3 – Approved with Conditions**2021/0323:**Non-material amendments of planning application 3/2020/0046. Minor alterations to dwellings and landscaping – Approved**2020/0046:**Section 73 application to vary condition 2 of planning permission 3/2019/0190. Material minor amendments to planning approval to substitute house types – Approved with Conditions**2019/1086:**Discharge of conditions 3 (materials), 4 (protected species), 7 (surface water), 12 (archaeological survey), and 11 (construction method statement) from planning permission 3/2019/0190 – Conditions Discharged**2019/0358:**Replace single storey extension to rear of all three properties. Replacement porches to 2 and 3 Victoria Terrace. Rebuild bay window and add porch to 87 Mellor Brow – Approved with Conditions**2019/0314:**Application for the discharge of condition 4 (energy supply), 5 (proposed boundary walling, gates and fencing), 8 (provisions for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites), 9 (method statement), 12 (scheme for the construction of the site access), 14 (construction method statement), 17 (surface water drainage scheme) and 18 (sustainable drainage management and maintenance plan) from planning permission 3/2016/0092 – Conditions Discharged**2019/0190:**Demolition of Mill Cottage and outbuilding and erection of three dwellinghouses – Approved with Conditions**2016/0092:**Erection of 3 no. dwellings with associated highway works – Approved with Conditions |
|  |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application site relates to a plot of vacant land currently accessed off Victoria Terrace/Mellor Brow, sitting immediately adjacent to Mellor Brook. Access is gained from a newly built track constructed under existing permission 2016/0092, with the site lying in the settlement boundary of Mellor.  |
| **Proposed Development for which consent is sought:**The proposal seeks to vary condition 2 (plans) of the approved planning application found under reference 3/2016/0092. It is noted there is an existing approved non-material amendment to this permission under reference 3/2022/0015, which includes minor alterations to house-types as well to the layout of the site. A non-material amendment does not create a new permission but alters the existing. It is these plans which will be replaced under this Section 73 application, which does create a new permission.The amendments will be addressed in turn as below:**House Type A Plot 3**East (front) elevation – change to facing material. White k-rend and grey smoothed faced ashlar stone have effectively swapped location. Removal of chimney and chimney breast. Lowering of ridge of reverse gable (total height remains the same at 10633mm). West (rear) elevation – same changes to facing materials. Removal of stone surrounds to first floor windows. North (side) elevation – removal of chimney and chimney breast, same material changes, slight set-back of projecting feature to front elevation. South (side) elevation – change in materials to rear projecting features, alteration in window form ground floor window so that it is ground to ceiling. **House Type A Plot 2**East (front) elevation – change to facing material as above. Removal/addition of stone cills to windows to reflect the change in facing materials. Removal of chimney and chimney breast. Lowering of ridge of reverse gable (total height remains the same at 10633mm). West (rear) elevation – change to facing material as above. Removal/addition of stone cills to windows to reflect the change in facing materials. Dark clay ridge tiles. North (side) elevation – change in materials to rear projecting features, alteration in window form ground floor window so that it is ground to ceiling.South (side) elevation – removal of chimney and chimney breast, same material changes.**House Type B Plot 1**South-east (front) elevation – levelling of ground and ridge height, lowering of ridge height of reverse gable feature, slight alteration to heights of retaining wall, lowering of ridge height to end-garage, removal of flat dormer feature, removal/addition of stone cills to window and door openings, removal of chimney.North-east (kitchen gable) elevation – levelling of ground, alteration to material on flat dormer feature, removal of stone cills to 1st floor windows, removal of chimney.North-west (rear) elevation – levelling of ground, levelling of roof ridge, lowering of ridge height of reverse gable feature, lowering of ridge height of end-garage, alteration to materials as above.South-west (garage gable) elevation – changes to ridge heights as outline above, and some material changes to projecting features to front and back elevation. There are some internal alterations to both housetypes which are considered minor in nature. **Layout alterations**Plot 3 – brought forward (east) and shifted north. Plot 2 – pushed backward (west) and shifted north. Plot 1 – amendment to the orientation so that it sits more aligned with plots 2 and 3. As a result, appears to have been brought forward (further east) and shifted south. **FFL**No changes to plots 2 and 3 with regard to their FFL, and no change with regard to their total height. Plot 1 – FFL now sits at 96.40 rather than 95.80 which comprises an increase of 0.6m. As approved – FFL of 95.8m AOD in addition to total ridge height of approx. 8.8m results in a total height of 104.6m AOD. As proposed, FFL of 96.4 AOD in addition to total ridge height of approx. 8.7m results in a total height of 105.1m AOD This results in a net height increase of 0.5m. |
| **Principle of Development:**The principle of development for the provision of dwellings on this site has already been secured under the original approval and does not need to be re-assessed under this S73 application. As such, this application will be assessed against the following material considerations:* Impact Upon Residential Amenity
* Visual Amenity/External Appearance
* Highways and Parking
* Water Management
 |
| **Impact Upon Residential Amenity:**As per Core Strategy Policy DMG1, development must:1. Not adversely affect the amenities of the surrounding area.
2. Provide adequate day lighting and privacy distances.
3. Have regard to public safety and secured by design principles.
4. Consider air quality and mitigate adverse impacts where possible.

In this sense the proposals need to remain compliant with the relevant commonly accepted separation distances and offer no additional intrusive views into the private amenity space of adjacent occupiers, nor contribute to any issue regarding a loss of light or overlooking. Plots 2 and 3 are sited no higher than as approved, although the layout of the two dwellings has effectively swapped. Plot 3 sits further away from the dwelling to the rear (Beech House) and it is noted there is a slope up towards Beech House, meaning it sits higher than the proposed dwelling. The total distance measured is approximately 25m from rear elevation to rear elevation, plus roughly 1.5m in a slope disparity in favour of Beech House ensuring this relationship is well in excess of the commonly accepted separation distance (21m, plus 1m for every meter off-set in height). Plot 2 sits further back than approved, but this is still broadly level with the original footprint of the layout of Plot 3, and also incorporates the same 1m+ off-set in height in favour of Beech House. The separation distance is again roughly 25m and as such is considered acceptable with regard to any impact on amenity or quality of life. Plot 1 has been re-oriented but as a result now sits further from the adjacent dwelling to the rear – and it is noted it also benefits from being sited ‘in-between’ the two adjacent rear dwellings (Beech House and 9 Woodfold Close). It sits in excess of 26m to the rear elevation of both of these dwellings – and this is further off-set by the difference in orientation, disparity in land levels and distance to the garden (approx. 20m). The minor increase in height to this plot (0.5m) is therefore considered mitigated given the positive relationship with regard to residential amenity. No other impacts on amenity or quality of life have been identified. It is noted that residents are concerned with regard to noise and contaminant from construction – this would not be exacerbated or altered by approving this S73 application and as such is not considered.  |
| **Visual Amenity/External Appearance:**As per CS Policy DMG1, all development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.In addition, CS Policy DMG2 states that development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of material, landscaping and siting.In this sense the design alterations to the proposed dwellings are minor in nature, and largely reflect varying build costs and other external factors impacting upon viability in construction. The material alterations are considered acceptable – the use of render as a primary elevational material is noted in the immediate area – and the utilisation of smoothed stone will offer a good level of contrast. It is noted there are also variations to the number and selection of window and door openings incorporating stone heads and cills. This appears to be linked to the alteration in material choices – where the material is stone already, stone heads and cills are not considered necessary – where the material is render, stone heads and cills offer variation and visual interest to that elevation. There is only one alteration to window form, and this is on the side elevation of House Type A – this is considered acceptable given it would allow for the increased egress of natural light and wouldn’t largely be visible from the streetscene in any case. The alterations to scale, massing and roof forms are minor in nature and generally are limited to height alterations associated with the change in levels on House Type B which has already been assessed and is considered acceptable. Where there are changes on House Type A, Officers consider that these represent an improvement on the approved plan given they bring the ridge of the reverse gable closer in line to the ridge height of the primary roof form, and subsequently it feels less dominant than it may have done previously. The changes to the layout have a minimal effect on the external appearance of the streetscene. Given the above, the proposal is considered acceptable with regard to DGM1 and DMG2.  |
| **Highways and Parking:**Following consultation with the LHA, no objection was raised given no change is proposed to the already approved internal road layout and all dwellings meet the maximum parking standards. As such the proposal is considered acceptable from a Highways perspective.  |
| **Water/Management:**With regards to Water Management, United Utilities (following initial consultation) had objected as a result of concern regarding the proximity of the proposed development to the rising main (sewer operating under pressure) and existing water main. Following submission of a letter by the applicant, which stated that the rising main had been moved already some time ago, United Utilities withdrew their objection and are happy to support the application.  |
| **Observations/Consideration of Matters Raised/Conclusion:**As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval. |
| **RECOMMENDATION**: |  |
| That planning consent be granted subject to the imposition of conditions. |