



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 15TH JUNE 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 15 JUNE 2017

Application Ref: 17/0150/VAR

Proposal: Full: Major: Variation of Condition: Vary condition 2 of planning permission 16/0390/REM to amend plans.

At: SPRING MILL WHEATLEY LANE ROAD FENCE BURNLEY BB12 9HP

On behalf of: Skipton Properties Ltd

Date Registered: 17/03/2017

Expiry Date: 16/06/2017

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought to the Committee due to the application being for a Major development.

The application site is former mill site within the settlement of Fence. To the north east and north west detached and semi-detached houses, to the south east runs Wheatley Lane Road with terraced houses facing the site, to the south west is an unadopted access road and rows of terraced housing.

This is a variation of condition application to vary the plan numbers condition of the permission for conversion of part of the mill to 3 houses and erection of 19 houses.

The amendments to the plans relate to the wall fronting Wheatley Lane Road. In the approved plans the existing stone retaining wall was shown as being retained to the front of plots 17-19 with the front of gardens plots 20-22 and plot 3 open to street. As built the wall continues along the front of plots 20-22. The levels of the gardens instead of sloping down to the road are have been raised and are retained by the wall, the levels of the gardens of 17-19 have also been raised and are approximately 1-1.5m below the top of the retaining wall where they meet it.

Relevant Planning History

16/0725/VAR - Full: Major: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 16/0390/REM to amend the plans of plots 1, 2, 3 and 4. Approved, 14/12/2017.

16/0555/VAR - Full: Variation of Condition: Major: Vary Condition 2 (Plans) of 16/0390/REM to amend plans of plots 1, 2 and 3. Refused, 10/10/2016.

16/0390/REM – Reserved Matters: Major: Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated works. Approved, 28/06/2016.

13/14/0088P - Outline: Major: Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated garages including demolition of part of mill (Access and Layout). Approved, 11/04/2014.

13/11/0009P - Outline: Major: Conversion of part of mill building to 3 no. houses and erection of 19 no. houses with associated garages including demolition of part of mill (Access and Scale) Approved 25/03/2011.

13/98/0630P - Erect canopy over loading bay - Approved - 31/03/1999.

Consultee Response

LCC Highways – No objections in principle regarding the proposed Variation of Condition: Vary condition 2 of planning permission 16/0390/REM to amend plans at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety in the immediate vicinity of the site, subject to the following comments being noted and note being applied to any formal planning approval granted.

Any walls adjacent to the highway that are retaining land to the rear will need to be the subject of an appropriate Structures Agreement with Lancashire County Council. As the walls have already been erected the developer is advised to contact the county council as soon as possible.

Note: Before proceeding with the scheme preparation the developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include any retaining wall supporting land or property alongside the highway. The term 'highway' shall include footpaths and bridleways.

The Highway Development Control Section recommends that a car parking and manoeuvring condition as part of the formal planning decision.

Natural England – No comment.

Lead Local Flood Authority – No comment.

Public Response

A site and press notice have been posted and nearest neighbours notified. No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 of the Local Plan seeks to ensure a particularly 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.

Policy ENV2 of the Pendle Local Plan Part 1 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 its surroundings.

Policy LIV5 states that layout and design 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.

Design and Visual Amenity

The wall to for the full length of the frontage of plots 20-22 has been constructed from natural stone in keeping with the character of the area and is acceptable in terms of design and visual amenity. The proposed variation of condition is therefore acceptable in terms of visual amenity in accordance with policies ENV1, ENV2 and LIV5.

Residential Amenity

The alterations in land level result in the gardens of plots 17-22 being raised to a level near to that of the first floor of the houses opposite. Taking into account that these are front garden areas with a shared access path for plots 20-22, the height difference and separation, these raised garden areas would not result in an unacceptable privacy impact of the properties opposite.

However, an additional condition for a boundary fence of not less than 1.8m in height along the boundaries of 17-18 is necessary to ensure an adequate level of privacy is maintained by in relation to those gardens.

With this condition in place proposed variation of the plans condition would not result in any unacceptable residential amenity impacts and is therefore acceptable in terms of residential amenity in accordance with policy ENV2 and LIV5.

Highways and Parking

The site access maintains an adequate level of visibility. The proposed variation of condition is therefore acceptable in highway terms in accordance with policy 31.

Summary

The proposed amendments to the design are acceptable in terms of design, visual amenity, residential amenity and highway safety. The application is therefore recommended for approval.

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 variation of condition is acceptable in terms of design, visual amenity, residential amenity and highway safety. 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. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.16/0725/VAR and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/14/0088P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1445SPL/smwlf/PL01 Rev M, 1445SPL/smwlf/Csm-01, 1445SPL/smwlf/HT-A1, 1445SPL/smwlf/HT-A2, 1445SPL/smwlf/HT-BP1, 1445SPL/smwlf/HT-BR1, 1445SPL/smwlf/HT-BE1, 1445SPL/smwlf/HT-C1, 1445SPL/smwlf/HT-F1, 1445SPL/smwlf/HT-H1, 1445SPL/smwlf/HT-PT1, 1445SPL/smwlf/HT-PT2, 1445SPL/smwlf/HT-PN1, 1445SPL/smwlf/HT-SP1,

1445SPL/smwlf/HT-SP2, 1445SPL/smwlf/SS01 Rev D, 1445SPL/smwlf/SS02 Rev C, 1445SPL/smwlf/SS03 Rev C, 10.140 08, GL0590 01, 1445SPL/smwlf/IP-01 Rev A, 1445SPL/smwlf/Cms-02 Rev A, 1445SPL/smwlf/SE02.

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

3. Within two weeks of the commencement of development samples of the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving and samples of the colour and finish of windows and doors (notwithstanding any details on the approved plans, forms or supporting documents) of the development hereby approved shall have been submitted to the Local Planning Authority for written approval. The development shall be carried out in strict accordance with the approved materials.

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

4. All soft landscape works shall be carried out in accordance with the approved landscaping plan GL0590 01 and the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interest of visual amenity.

5. Within two weeks of the commencement of the development details of hard landscaping shall be submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in strict accordance with the approved details.

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

6. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority, 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. Plots 17, 18 and 19 shall not be occupied unless and until a close boarded fence of not less than 1.8m and not greater than 2m (from the garden level) has been erected for the full length of the boundary with Wheatley Lane Road in accordance with details to be submitted to an agreed in writing by the Local Planning Authority prior to its erection. The fencing shall thereafter at all times be maintained in accordance with the agreed details.

Reason: In the interest of residential amenity.