

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD & REEDLEY COMMITTEE

DATE: 2nd AUGUST 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE ON 02 AUGUST 2021

Application Ref: 20/0703/FUL

Proposal: Full: Change of use of land to be used for outdoor recreation Airsoft (Sui Generis), erection of associated game structures and alterations to land levels to form car park (retrospective).

At: Barden Lane Stables, Barden Lane, Brierfield

On behalf of: Mr Philip Portch

Date Registered: 18/10/2020

Expiry Date: 14/12/2020

Case Officer: Alex Cameron

This application has been brought before Committee as three objections have been received.

Site Description and Proposal

The application site is an area of woodland and adjacent hardstanding reservoir located within the Green Belt approximately 170m to the north of the settlement boundary of Brierfield. Pendle Water runs to the west and the Leeds Liverpool Canal to the east, open land with dwellings at Robinson Lane beyond to the north and open land with Barden Lane beyond to the south.

The proposed development is the retrospective change of use of the land for use as a recreational airsoft venue, which is a team shooting game using air weapons firing plastic projectiles.

The plans have been amended to include retrospective works to raise and level the part area of the proposed car park and remove a converted bus and covered canteen area.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection subject to conditions for highway works, visibility splays, access surfacing and access drainage.

PBC Environmental Health – No objection. Advice in relation to foul drainage.

Canal and River Trust – No comment.

Reedley Hallow Parish Council – Footpath No. 22 crosses the access track within the site. The Parish Council has longstanding concerns regarding the operation of the stable.

Public Response

Site notice posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Noise impact on nearby dwellings and residents of narrowboats berthed at the nearby marina.

- Loss of tranquillity of surrounding public rights of way.
- Highway safety, Barden Lane is unsuitable for additional traffic.
- Coach/minibus access would be inappropriate.
- Potential for damage to dry stone walls to the side of the highway.
- Questions relating to land ownership.
- What would the hours of opening be?
- Obstruction of public rights of way.
- Loss of value of nearby properties.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV2 (Achieving Quality in Design and Conservation) states that 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.

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.

Policy ENV5 (Pollution and Unstable Land) states that new development will be required to ensure that the potential for noise, odour and light pollution is minimised.

Policy SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary. Proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy WRK5 (Tourism, Leisure and Culture) States that proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

Expansion of the rural economy and farm diversification projects will be supported by promoting the re-use of existing buildings of traditional design and construction and by allowing extensions to existing business premises. Premises alongside the Leeds and Liverpool Canal provide a unique opportunity to preserve our industrial heritage, whilst creating new employment opportunities.

Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Principle of the Development

The site is located within acceptable walking distance of the settlement of Brierfield and public transport, this is a sustainable location for the proposed use and therefore is acceptable in accordance with SDP2 and WRK5.

Green Belt

The provision of appropriate facilities for outdoor recreation, as long as those facilities preserve the openness of the Green Belt is an exception that is not inappropriate within the Green Belt.

Engineering operations and material changes of use of land that preserve the openness of the green belt are also not inappropriate within the Green Belt.

The proposal involves a recreational use of land that is acceptable within the Green Belt. There is paraphernalia and structures associated with the use, such as caravans, former military vehicles and emplacements formed from timber pallets etc. Most of these are located within the wooded area of the site and do not unacceptably impact on openness. The amount and location of paraphernalia and structures around the site can be controlled by condition to ensure that it does not unacceptably impact upon the openness of the Green Belt.

There is also a car parking area proposed to the south west of the wood. The parking area is proposed on a previously existing hardstanding that has been extended to the west with an area of raised land at some point in the past four years. The application has been amended to include those works and details of the alteration in land levels submitted. The engineering operation of levelling the land does not unacceptably impact upon the openness of the Green Belt. The proposed parking and portacabin with toilet facilities are necessary in association with the recreational use and therefore fall under that exception and, taking into account their scale and siting would acceptably preserve the openness of the Green Belt.

The development is therefore not inappropriate and would acceptably preserve the openness of the Green Belt in accordance with policy ENV2.

Visual and Landscape Impact

The proposed use and associated paraphernalia and structures are located within the wood and as such are largely hidden from public view. The car park, portacabin and raised land would be visible from adjacent public rights of way but with a condition for additional landscaping these would not result in unacceptable harm to the landscape or visual amenity of the area.

The proposed development is therefore acceptable in terms of visual amenity and landscape impact in accordance with policies ENV1 and ENV2.

Residential Amenity

The parts of the site to be used for airsoft shooting are approximately 210m from the nearest dwelling and 180m from the marina. These distances are acceptable to ensure that the proposed use would not result in an unacceptable level of noise and disturbance to any nearby residents.

Ecology

An ecology survey of the site has been submitted with the application, subject to standard mitigation measures including a restriction on external lighting, this identifies no unacceptable impacts on the protected species or the surrounding Biological Heritage Sites.

Highways

Subject to conditions for requiring adequate visibility splays, surfacing and drainage the proposed access is acceptable to accommodate the traffic the use would generate and an acceptable level of car parking is proposed.

The proposed use does not directly impact upon public rights of way.

The proposed development is acceptable in terms of highway safety in accordance with policy ENV4.

Other Issues

Potential impacts on property values are not a material consideration in determining a planning application.

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 development is acceptable in all relevant regards in accordance with the Pendle Local Plan Part 1: Core Strategy. 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 accordance with the following approved plans: 00, 01A, 03, 04, 05, 06, 07, 08.

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

3. The structures and paraphernalia on the site associated with the Airsoft use shall at all times be limited to that detailed in the approved plans unless details of any additional, altered or relocated structures and paraphernalia have been submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the visual amenity of the area and openness of the Green Belt.

4. No external lighting shall be installed within the approved application site unless and until details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In order to prevent light pollution causing harm to protected species and the open rural character of the area.

5. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal dated September 2020.

Reason: to ensure protected species are not harmed by the development.

6. Within three months of the date of this permission a detailed landscaping scheme for the car parking area shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

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

The approved scheme shall be implemented in its entirety within the first planting season following its approval. 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.

7. Within three months of the date of this permission a scheme for the off-site highway works shall be submitted to, and approved by, the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved scheme.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the access from the continuation of the nearer edge of the carriageway of Barden Lane to points measured 43m in each direction to the centre of the carriageway of Barden Lane, from the centre line of the access, and shall be constructed and maintained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility at the site access.

9. Within three months of the date of this permission the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately surfaced in bound material. The surface water from the vehicle access should be collected within the site and drained to a suitable internal outfall.

Reason: In the interest of highway safety to prevent loose surface material and surface water from being carried or discharging on to the public highway

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the re-location of a highway gully and street lighting column 8. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

Application Ref: 20/0703/FUL

Proposal: Full: Change of use of land to be used for outdoor recreation Airsoft (Sui Generis), erection of associated game structures and alterations to land levels to form car park (retrospective).

At: Barden Lane Stables, Barden Lane, Brierfield

On behalf of: Mr Philip Portch

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE ON 02 AUGUST 2021

Application Ref: 21/0350/FUL

Proposal: Full: Erection of three terraced dwellings.

At: Car Park, Raven Street, Nelson

On behalf of: Mr Qamar Bashir

Date Registered: 06/05/2021

Expiry Date: 01/07/2021

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is a flagged parking area to the eastern end of Raven Street with terraced houses to the west side front and rear and industrial premises across Bardley Hall Road to the east side.

The proposed development is the erection of three four bedroom terraced houses continuing on from the existing row of terraced houses. The proposed houses would have flat roofed dormers front and rear, blockwork walls, slates roofs and upvc windows and doors.

Relevant Planning History

None

Consultee Response

LCC Highways – Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location, and make the following comments.

The proposal is to erect three terraced houses on an area of land where there were historically houses. Small yard areas are proposed to the rear of each dwelling, which should be large enough to store refuse bins and still provide pedestrian access.

No off-road parking can be provided, which is typical of this type of housing. However, bus stops are within acceptable walking distances, served by a number of services to various destinations. There are also a number of local facilities within acceptable walking distances.

United Utilities – Drainage should be in accordance with the drainage hierarchy set out in the NPPG. Comments relating to wastewater adoption and development near UU's infrastructure.

Nelson Town Council

Public Response

The nearest neighbours were notified by letter. No response.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

ENV5 (Pollution and Unstable Land) requires the Council to work with its partners to minimise pollution and address the risks arising from contaminated land.

LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Principle of the Development

The site falls within the settlement boundary of Nelson, it is in a sustainable location within walking distance of links to shops, services and public transport. The site is not allocated for another purpose therefore the principle of housing is acceptable.

Residential Amenity

Whilst distances from facing habitable room windows would be less than the 21m recommended in the Design Principles SPD at approximately 14m to both the front and rear, this would be a continuation of an existing terraced row and would be in keeping with the existing relationships that are characteristic of the area. Taking this into account, the distances and levels of privacy are acceptable.

The proposed development would not result in any overbearing impact or unacceptable loss of light to any surrounding property.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Visual Amenity

The design of the development includes large flat roofed dormers to the front and rear of all three houses.

Whilst it relates to extensions to existing houses rather than specifically to new houses The Design Principles SPD advises that in general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. That advice is relevant here as the proposed design would have similar impacts to such dormers being erected on existing houses.

There are currently no front dormers in the terraced block. The simple roofscapes result in a uniform and harmonious character and appearance to the frontage of the buildings.

The front dormer would not respect the simple and unaltered roofscape of the block which provides the visual context for the scheme. It would be incongruous and out of keeping with its surroundings. Consequently, it would be visually obtrusive and it would disrupt the uniformity and visual harmony of the street scene.

This assessment is supported by a recent appeal decision at 179 Chapel House Road, Nelson in which an appeal against the refusal of a proposed front dormer window was dismissed on similar grounds.

The proposed front dormers would cause unacceptable harm to the character and visual amenity of the area contrary to policies ENV2 and LIV5 and the guidance of the Design Principles SPD.

Highways

No off-street car parking is proposed. Taking into account that this is characteristic of the area and that there is adequate access to public transport nearby the proposed development is acceptable in terms of car parking and highway safety.

RECOMMENDATION: Refuse

Subject to the following conditions:

1. The design of the dwellings incorporating front dormers would provide a development that is discordant with the design of surrounding properties and which would harm the character and appearance of the area. As such this would result in a poor design that causes unacceptable harm to the character and visual amenity of the area contrary to policies ENV2 and LIV5 of the adopted Pendle Part 1 Local Plan – Core Strategy and which would be contrary to the design policies in the National Planning Policy Framework..

Application Ref: 21/0350/FUL

Proposal: Full: Erection of three terraced dwellings.

At: Car Park, Raven Street, Nelson

On behalf of: Mr Qamar Bashir

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE ON 02 AUGUST 2021

Application Ref: 21/0367/HHO
Proposal: Full: Insertion of dormer window to front.
At: 155 Netherfield Road, Nelson
On behalf of: Mrs Farhat Khaliq
Date Registered: 30/04/2021
Expiry Date: 25/06/2021
Case Officer: Alex Cameron

This application has been brought before committee at the request of the Chairman.

Site Description and Proposal

The application site is a mid-terrace house located within the settlement of Nelson. The existing house is finished in stone with a natural slate roof and upvc fenestration and has an exiting dormer window to the rear.

The proposed development is the erection of a dormer window to the front. The proposed dormer would be set off the sides of the roof by 500mm and the front by 800mm, it would have a flat felt roof, dark grey shiplap board clad walls and a upvc window.

Relevant Planning History

None.

Consultee Response

Nelson Town Council

Public Response

Nearest neighbours notified – No response.

Officer Comments

Policy

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands. This policy is linked to the guidance set out in the Design Principles SPD.

The Design Principles SPD states that in general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms.

Policy 31 'Parking' which is a saved policy of the Replacement Pendle Local Plan requires adequate car parking to be provided for the development.

Design

The Design Principles SPD advises that in general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms.

There are currently no front dormers in the terraced block. The simple roofscapes result in a uniform and harmonious character and appearance to the frontage of the buildings. Whilst there are dormers on a neighbouring block those are small original pitched roofed dormers that harmonise with the character of those houses.

The front dormer would not respect the simple and unaltered roofscape of the block which provides the visual context for the scheme. It would be incongruous and out of keeping with its surroundings. Consequently, it would be visually obtrusive and it would disrupt the uniformity and visual harmony of the block and cause harm to the street scene.

This assessment is supported by a recent appeal decision at 179 Chapel House Road, Nelson in which an appeal against the refusal of a proposed front dormer window was dismissed on similar grounds.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.

Amenity

The proposed dormer window would not result in a greater impact than existing upper floor windows and therefore would not result in an unacceptable reduction in privacy or other residential amenity impact. The proposed dormer window is acceptable in terms of residential amenity.

Highways

The proposed development would not result in an unacceptable on street parking or highway safety impact.

RECOMMENDATION: Refuse

For the following reason:

1. The proposed front dormer would be an unsympathetic, unacceptable addition to this traditional terraced dwelling and would result in unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.

Application Ref: 21/0367/HHO

Proposal: Full: Insertion of dormer window to front.

At: 155 Netherfield Road, Nelson

On behalf of: Mrs Farhat Khaliq

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE 2ND AUGUST 2021

Application Ref: 21/0401/FUL

Proposal: Full: Sub-divide dwelling house into two dwellings.

At: 16 Hillside View, Brierfield

On behalf of: Mr Mujahaid Bin Jamshaid

Date Registered: 12/05/2021

Expiry Date: 07/07/2021

Case Officer: Laura Barnes

The application has been deferred from the July committee for a site visit with Members.

Site Description and Proposal

The application site relates to a two storey semi-detached dwelling, which has been recently extended to provide additional living accommodation to the ground and first floors.

The proposed development is to sub-divide the property into two dwellings, one which would have four bedrooms and the other which would have two bedrooms.

Relevant Planning History

13/96/0506P: Glazed extension to rear
Approved with conditions

20/0308/HHO: Removal of garage and car port and erection of two storey side extension, first floor extension to front with gable roof and single storey rear extension.
Approved with conditions

Consultee Response

LCC Highways

I have viewed the plans and the highway related documents submitted, I have the following comments to make:

This proposal is for the dwelling house to be divided into one 4 bedroomed dwelling (3 parking spaces required) and one 2 bedroomed dwelling (2 parking spaces required).

Based on the car parking recommendations the Parking Standards requirements is for 5 parking spaces for this size of development. In this case ref: Drawing no: PP-003, 3.5.202, Site location and proposed Block Plan, shows 4 parking spaces can be provided on the drive. Ref: Design and Access Statement (814248) submitted, it is a sustainable location with access to local amenities, buses and trains.

It is recommended that the local planning authority satisfies itself that the parking spaces comply in size terms prior to the grant of any planning permission.

There is no record of collisions within the vicinity of Hillside View and no parking restrictions. Therefore, a reduction of one parking space should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The vehicular entrance should be altered to allow vehicles to enter and leave the site independently.

It is recommended that the following conditions and notes are attached to any formal planning approval granted.

Conditions

1. Before the access is used for vehicular purposes, the hardstanding/driveway shall be appropriately paved in bound porous 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.

Informative Note

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

Coal Authority

No comments

Public Response

Nearest neighbours notified by letter, seven letters of objection have been received raising the following issues:

- Concerns over the number of car parking spaces to be provided
- No access to the side or rear of the property, this will be problematic for bin storage
- Negative impact upon surrounding area
- An increase in the number of cars parked on the road may make it difficult for emergency services to get through

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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 its surroundings.

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

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 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Principle of Development

The proposed development is located within the settlement boundary for Brierfield, as such the proposed development is in accordance with Policy SDP2, subject to compliance with policies which relate to design and amenity.

Design

The design of the building has been approved under application reference: 20/0308/HHO. There is only one small change in terms of the design, to the rear elevation which involves blocking off a window. However, the main issue for consideration in this case is the principle of sub-dividing the unit into two dwellings.

As such, there would be no additional design issues, when compared with the planning permission which was previously granted for a two storey extension. The proposal accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy and Design Principles SPD.

Residential Amenity

In terms of its impact upon neighbouring dwellings, there are no additional windows to the proposed development compared with what has previously been approved under 20/0308/HHO. The only change is to the rear elevation where one of the three pane windows, serving the office is to be blocked off in order to ensure there are no unacceptable adverse impacts. However, it is noted from the elevation plans that there is no indication of a fence between the properties. As such, a condition could be added to any approval requiring those details to be submitted.

Another issue which has been raised relates to bin storage. There is a concern that without access between the front and back of the dwelling, it will not be possible for bins to be stored away from the street frontage. There is no requirement for them to be stored to the rear of the property. However, it is important to ensure that the bin storage area does not encroach upon the area set aside for car parking, as such a planning condition could be imposed which requires details of this to be submitted.

Subject to these conditions, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

The proposed Site Plan indicates four car parking spaces to the front of the dwellings. One of the properties is a two bed, so would require two car parking spaces in accordance with Policy 31

whilst the other property is to have four bedrooms so would require three parking spaces in accordance with Policy 31 of the Replacement Local Plan. As such, the proposed development is one car parking space short of meeting the required standard. However, the application site is located within a sustainable location with access to public transport. There is also existing on-street car parking within the vicinity of the proposed dwellings. As such, the proposed development would not result in an unacceptable highways impact.

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 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: 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 accordance with the following approved plans: Location Plan, Ref: ADM/20/49/04
Location Plan and Block Plan Ref: 2215 PP-003
Proposed Floor Plans, Roof Plan & Elevation Plans, Ref: 2215 PP-002

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

3. Prior to occupation of the proposed development details of the material used to block up the ground floor rear elevation window, serving the office, shall be submitted to and agreed in writing by Local Planning Authority and there shall be no variation without the prior written consent of the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to control the external appearance of the development.

4. Prior to occupation of the proposed development details of the boundary fence between the two properties shall be submitted and approved in writing by the Local Planning Authority and there shall be no variation without the prior written consent of the Local Planning Authority.

Reason: In the interests of neighbouring amenity

5. Before the access is used for vehicular purposes, the hardstanding/driveway shall be appropriately paved in bound porous 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.

6. Prior to occupation of the proposed dwellings, details of the bin storage shall be submitted to and approved in writing by the Local Planning Authority. There shall be no variation without the prior written consent of the Local Planning authority.

Reason: In the interests of highway safety

Application Ref: 21/0401/FUL

Proposal: Full: Sub-divide dwelling house into two dwellings.

At: 16 Hillside View, Brierfield

On behalf of: Mr Mujahaid Bin Jamshaid

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 20th July 2021