

REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING MANAGER

TO: West Craven Area Committee

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Access to Long Ing Development Site

PURPOSE OF REPORT

- (1) To inform Committee of the options to prevent access to the site other than from the approved access.

RECOMMENDATIONS

- (1) That Committee note the report.

REASONS FOR RECOMMENDATIONS

- (1) To provide Committee with Information on the issues raised at the last Committee.

ISSUE

- 1 Concerns were raised at the last Committee regarding how the developers accessed the development site approved under application 13/14/0100P and the behaviour of the individuals involved. That was approved on appeal.
- 2 The appeal had conditions attached to it. Condition 7 requires that before any other development takes place on site the access, as approved, shall be formed. Therefore any work which constitutes a technical start under section 56 of the Planning Act 1990 cannot go ahead without the access being formed.
- 3 No conditions restricting permitted development rights were placed on the permission granted at appeal.
- 4 The road serving the houses at Moss Side is classified as an unadopted highway. The land on the north west of the majority of the unadopted highway is owned by the developer. Anyone can pass or repass over that as of right. To prevent that happening, a traffic

regulation order would need to be put in place restricting its use. Unless and until that happens no one can be legally prevented from using that highway.

- 5 The Town & Country Planning (General Permitted Development) Order 2015 ("the GDO") grants certain rights for work to be undertaken without planning permission. Under Part 2, Class B of the Second Schedule anyone can form an access to a unclassified highway provided it is created to facilitate development allowed elsewhere in the GDO.
- 6 Part 4 Class A of the GDO gives permission for temporary buildings and structures to be put on land temporarily for operations being carried out or operations to be carried out.
- 7 The combination of Parts 2 and 4 are that the developer would be legally entitled to form an access to any temporary works or structures placed on the upper part of the site that were there under the provisions of Part 4 Class A.
- 8 Were an access to be formed without relying on any part of the GDO then the Council could serve an enforcement notice. That could only remedy the breach. It could not remove permitted development rights and the developer could revert to the provisions of the GDO if they wanted to access the site from Moss Side.
- 9 Condition 5 of the appeal decision however does require a method statement about how the site is to in effect be managed during development which would control the main activities. It does not however go as far as removing permitted development rights under the GDO.
- 10 In terms of antisocial behaviour, whilst that cannot be condoned it is not something that can be controlled under prevailing civil legislation. If the behaviour is at a level that a breach of the peace happens then that is a matter that the police would need to deal with.
- 11 The course of action that I would advocate is to open up dialogue with the developer to raise the concerns and for the construction code of practice condition to be utilised as effectively as possible when development commences on site.

IMPLICATIONS

Policy:	None
Financial:	None
Legal:	None
Risk Management:	None
Health and Safety:	None
Sustainability:	None
Community Safety:	None
Equality and Diversity:	None