

Barrowford and Western Parishes Committee Update 10th October 2019

19/0428/FUL Spencer House Farm. 262 Wheatley Lane Road, Fence

Amended plans have been received, the amendments reduce the double garages to single garage and increase the width of the access to 4.5m for the first 5m. This would provide acceptable access and provision for parking up to nice cars in accordance with the parking standards of the Replacement Pendle Local Plan.

The amended layout plan also shows landscaping to the south side of the access road, however this is not sufficiently detailed to address the need for the proposed landscaping condition.

The recommendation remains to approve.

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 compliant the policies of the Pendle Local Plan Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan. 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:

1:1250 plan, 103, 100, 101, 102, 203C, 200A, 204A, 201A, 202A & 205A.

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

3. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D & E(a) of Part 1 and Class A and B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

- B) no addition or alterations to roof
- C) no other roof alterations

Part 2

- A) no gate, wall or means of enclosure
- B) no means of access shall be constructed to the curtilage of the building(s)
- D) no porches shall be erected
- E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the building

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

3. A scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall provide separate systems for foul and surface waters and shall be constructed and completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To control foul and surface water flow disposal and prevent flooding.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Timing of deliveries
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

7. There shall not at any time in connection with the development 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 proposed road from the continuation of the nearer edge of the carriageway of Wheatley Lane Road to points measured 43m in each direction along the nearer edge of the carriageway of Wheatley Lane Road. The visibility splays shall be constructed and maintained at verge/carriageway level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the site access.

8. Prior to occupation the proposed access from the site to Wheatley Lane Road shall be constructed to a minimum width of 4.5m and this width shall be maintained for a minimum distance of 5m measured back from the nearside edge of the carriageway. Before the access is 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 appropriately paved in bound porous material.

Reason: To enable vehicles to enter and leave the site in a safe manner without causing a hazard to other road users and to prevent loose surface material from being carried on to the public highway.

9. Prior to first occupation of the first unit the existing access shall be physically and permanently closed.

Reason: To limit the number of access points to and from the highway.

10. Prior to any external works samples of all the materials to be used on the external elevations of the development including window, doors, surfacing and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

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

11. The ground floor windows in the side (western) elevation of the detached one bed unit hereby permitted shall at all times be fitted with obscure glazing to a least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above or the windows shall be high level and set a minimum of 1.8m above floor level. The window shall be hung in such a way so as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 1995 (or any other order revoking or modifying that Order) the dwellinghouses hereby permitted shall not at any time have any additional windows, doors or other openings inserted in the elevations unless with the prior written consent of the Local Planning Authority as to the location, size and design and if necessary degree of obscurity of the glazing in the new opening and any window thereafter installed shall at all times comply with the details approved.

Reason: To safeguard residential amenity and to ensure an acceptable design for these traditional barn conversions.

13. The windows shall be of timber or aluminium construction with details including paint colour to be submitted to and agreed in writing prior to insertion by the Local Planning Authority. The windows and doors shall be set back from the external wall face of the wall by at least 75mm in depth.

Reason: To ensure a satisfactory appearance to the development.

14. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

15. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and 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 approved form within the first planting season following the substantial completion of the development. 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.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

16. The proposed development shall not be brought into use unless and until nine car parking spaces each measuring a minimum of 2.4m x 5m have been constructed, surfaced, sealed, drained and marked out within the site in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall be surfaced in porous materials and shall thereafter always remain unobstructed and available for parking purposes.

Reason: In the interest of amenity and to provide sufficient off-street parking on the site.

17. Before a dwelling unit is occupied waste containers an appropriate scheme for one vehicle charging point shall be provided on the site.

Reason: To ensure adequate provision for the storage and disposal of waste and ensure future modes of sustainable transport are accommodated.

19/0504/REM Land to The South of Churchill Way, Brierfield

Lead Local Flood Authority – No objection