

Brierfield and Reedley Committee Update 3rd September 2019

19/0520/FUL – Garage site North West of 24 Park Lane Brierfield

Amended plans have been submitted which addresses the issue of the rear ground floor window in the two storey projection and this has been removed which is acceptable.

However, the applicant has not reduced the size of the patio to the rear and proposes to erect a 1.8m screen wall along this feature. The position shown of the 1.8m high wall would not provide an effective screen for the two sets of stairs proposed to serve the rear patio which would measure 2.5m x 7.5m at a height of 1.3m. This would result in a structure over 2.5m high from the ground level which is higher than both adjacent properties 3.5m from the boundary with no. 19 and 1.6m from the boundary with no. 21.

Due to the proximity to the adjacent properties this would result in a large solid structure close to both boundaries and reduce the capacity for adequate landscaping and therefore it is recommended that this element is removed from the scheme by means of an appropriate condition to prevent this and any other associated hard landscaping including walls and paths which would prevent an effective and mature landscaping scheme from being implemented

Recommendation – Approve subject to revised conditions as below:

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 1:1250 and Drawing B3 (as amended).

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, D & E(a) of Part 1 and Class 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
- 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

Part 2

B) no means of access shall be constructed to the curtilage of the building(s)

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.

4. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority. In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

5. Prior to the re-commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

6. The first floor window in the side (south) elevation of the development 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. 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.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 1995 (or any other order revoking or modifying that Order) the dwellinghouse extension hereby permitted shall not at any time have any additional windows, doors, dormers or other openings inserted in the south (side) or west (rear) elevations unless with the prior written consent of the Local Planning Authority as to the location, size, design and 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

8. Notwithstanding the submitted plans no approval is hereby given to the formation of the patio shown on Dwg B3 to the rear (west) elevation of the dwellinghouse. Prior to the first occupation of the dwellinghouse a scheme to access the two doorways serving the study and the kitchen on the rear elevation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an adequate level of privacy to adjacent residential properties and provide sufficient space for adequate provision of soft landscaping

9. 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.

10. 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:

- 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.

11. Before work commences on the site, facilities shall be provided and retained within the site, by which means the wheels of vehicles may be cleaned before leaving the land. All vehicles shall thereafter use the facilities.

Reason: In the interest of highway safety.

12. The proposed development shall not be brought into use unless and until four 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 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.

13. Before a dwelling unit is occupied waste containers and a vehicle charging point shall be provided in the curtilage of the plot.

Reason: To ensure adequate provision for the storage and disposal of waste and provide for sustainable methods of transport.