

## **West Craven Committee Update Report 30<sup>th</sup> November 2021**

### **21/0676/REM – Land opposite The Barn, Ben Lane, Barnoldswick**

#### **Officer Comments**

Concerns have been raised regarding distances from the proposed dwellings to the existing properties on Skipton Road. The submitted plans accurately reflect the distances to properties rear elevations, however, there are two single storey extensions at 19.6m approx. These are at ground floor and with the correct boundary treatment there would be no ground floor to ground floor indivisibility. The relationship with the proposed dwellings is acceptable.

A landscaping scheme has been submitted which is acceptable subject to details of the maintenance and management being submitted and appropriate boundary treatments.

A condition relating to the finished floor levels (fall) and flood exceedance rates is also recommended in order to control this element of the scheme with details to be submitted and agreed.

### **21/0792/FUL - Covered Reservoir to the South East of Park Hill, Barnoldswick**

An error has been identified with the ownership certificate in that Barnoldswick Town Council had not been served notice as owners of part of the site. The Town Council have now been notified but 21 days, ending 20<sup>th</sup> December, must be given for any further comments to be received and taken into account.

Following further discussion the applicant is unable to relocate the proposed fence on the boundary with Park Road as stated in the report, however, amended plans have been received reducing that fence to 2m in height along the boundary with Park Road.

The plans also show revision to the levels of the site, these would lower the level of the tank by approximately 1m and would not result in any unacceptable visual or residential amenity impacts.

The proposed 2m fence would be equivalent to fencing that could be erected under permitted development rights without the need for an application would not result in any unacceptable impacts.

Amended plans have been received in which there are height differences shown between the amended and originally submitted plans. The applicants have been asked to explain the differences. No decision should be issued until that is satisfactorily addressed.

It is recommended that the approval of the application is delegated to the Planning, Economic Development and Regulatory Services manager subject to the expiry of the notice period and to the differences between the plans having been addressed.

### **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: Delegate Grant Consent**

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: BAR44-STA-SRE-SRE-DR-Z-0012-S3-P02, BAR44-STA-SRE-SRE-DR-Z-0015-S3-P01, BAR44-STA-SRE-SRE-DR-Z-0016-S3-P03, BAR44-STA-SRE-SRE-DR-Z-0017-S3-P01, BAR44-STA-SRE-SRE-DR-Z-0018-S3-P04, BAR44-STA-SRE-SRE-DR-Z-0020-S3-P01.

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

3. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal ref: 081\_21\_RE01. Prior to the commencement of the development a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the use of the development or in accordance with an alternative timescale detailed in the approved scheme and shall be maintained in accordance with the approved scheme at all times thereafter.

Reason: To ensure the protection and enhancement of the ecology of the site.

4. No development, including any demolition works, shall commence unless and 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:

- The parking of vehicles of site operatives and visitors.

- The loading and unloading of plant and materials.
- The storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding.
- Wheel washing facilities/mechanical road sweeping.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from clearance and construction works.
- Details of working hours.
- Timing of deliveries.
- Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- Routing of vehicles to and from the north along Manchester Road. No construction vehicles to access the site from the Standing Stone Lane/High Lane/Higher Lane. Construction vehicles turning warning signage and directional signage on Manchester Road and no left turn sign on exit on Letcliffe Lane.
- Use of qualified banksmen on Manchester Road and Letcliffe Lane.
- Construction site noise and vibration controls.
- Control of dust.
- Control of on-site burning.

Reason: In the interest of highway safety and residential amenity.

5. No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

6. No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays. No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

7. No development shall commence unless and until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Note:

1. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.
3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

8. No development shall commence unless and until details of measures for the suppression of dust from the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.
2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To protect human health and the environment from adverse effects of air pollution.

9. The development shall not commence unless and until a scheme for the formation of construction traffic access, including visibility splays, has been submitted to and approved in writing by the Local Planning Authority. The use of the access shall not commence unless and until the works to the access have been completed in accordance with the approved scheme and the access shall be maintained as such thereafter while in use.
10. The development hereby approved shall not commence unless and until a scheme for the removal of the temporary access road and widening works and reinstatement of the land and walls, has been submitted to and approved in writing by the Local Planning Authority. The land and walls shall be reinstated in strict accordance with the approved scheme within 3 months of the substantial completion of the development or within an alternative timescale that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to preserve the character and appearance of the Conservation Area and visual amenity of the area.

11. Prior to the commencement of any other part of the development the site access improvement works shall have been fully constructed in accordance with the approved plans, the works shall be maintained for the duration of the construction phase.

Reason: In the interest of highway safety.

12. Prior to its construction details of the surface and drainage of the site access widening shall have been submitted to and approved in writing by the Local Planning Authority and it shall be surface and drained in accordance with the approved details.

Reason: In the interest of highway safety.

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and the outline sustainable drainage strategy September 2021 / BAR44 STA PWA AS Z 001 S3.P01 / Stantec UK Ltd.

The measures shall be fully implemented prior the commencement of the use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

14. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Local Planning Authority.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

15. The use of the development hereby approved shall not commence unless and until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor

variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained.

16. The development shall not commence unless and until a detailed landscaping scheme has 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, this shall include replacement of all trees not retained.
  - 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 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 and to preserve the character and appearance of the Conservation Area.

17. Unless otherwise 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.