

## **West Craven Committee Update Report 10<sup>th</sup> May 2022**

### **21/0481/FUL - Land To Rear Of 8 Birch Hall Lane, Earby**

An amended plan has been received for plot 6 moving the utility room door in the rear elevation to the site of the garage and clarifying the proposed levels down to the boundary. This acceptably resolves the potential issue in relation to privacy impact of the door on the rear of Heather Brow.

The recommendation remains that the approval of the application is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the Environment Agency's objection being withdrawn

### **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: 041 Rev B, 042 Rev A, 043 Rev A, 044, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 070, 071, 072, 073, 074, 101 SK2.

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

- 3 Prior to the commencement of development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving together with samples of the colour and finish of windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

- 4 The dwellings hereby approved shall not be occupied unless and until the parking for a minimum of three cars per dwelling has been laid out and surfaced in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The parking spaces, including those in garages, shall remain available free from obstruction and available for parking purposes at all times thereafter.

Reason: In the interests of highway safety and to provide suitable off-street parking provision.

- 5 Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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 and in order to ensure the trees retained on the site are not adversely affected.

- 6 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. (The road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980, or a private management and maintenance company has been established.)

Reason: In the interest of highway safety.

- 7 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) Wheel washing facilities
- v) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- vi) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

- 8 No part of the development hereby approved shall commence until a scheme for the construction of the site access including visibility splays has been submitted to, approved by the Local Planning Authority and subsequently constructed.

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 and to enable all construction traffic to enter and leave the site in a safe

manner without causing a hazard to other road users

- 9 Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

- 10 No deliveries shall be made before 9.00 am and after 3.00pm to avoid conflict with traffic (vehicular or pedestrian) entering or leaving the estate.

Reason: In the interest of highway safety.

- 11 The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to ancillary accommodation/offices or used for storage without the prior written approval of the Local Planning Authority

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 1m 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 access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane.

Reason: To ensure adequate visibility at the site access.

- 14 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 prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

- 15 Before a dwelling unit is occupied waste containers shall be provided in the designated storage areas on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

- 16 The recommendations detailed in Part 3 of Extended Phase 2 Habitat Survey undertaken by Pennine Ecological dated May 2014 shall be carried prior to any building work at the site. Any further, necessary mitigation measures identified should be submitted to and approved in writing by the local planning authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect species and their habitats.

- 17 No vegetation or tree clearance work shall take place during the bird breeding season. Such activities shall be confined between the months of October (start) to February (end) unless a bird breeding assessment and is undertaken by a suitably qualified ornithologist along with a report of the findings to identify if any breeding birds would be affected. Any clearance outside of the period between October to February (inclusive) must be agreed in writing by the Local Planning Authority and clearance thereafter shall be undertaken in strict accordance with the approved details.

Reason: To ensure that suitable habitats for breeding birds are not harmed.

- 18 No development shall commence unless and until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) the drainage strategy should demonstrate that the surface water run-off must not exceed 5 litres per second. The scheme shall subsequently be

implemented in accordance with the approved details before the development is completed.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

- 19 No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
  - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

20. The upper floor window in the north elevation of Plot 1 and all windows in the west elevation of Plot 6 of the development hereby approved shall at all times be fitted with obscure glazing to at 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 windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening. Notwithstanding any indication in the approved plans no doorway shall be installed in the in the west elevation of Plot 6.

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