

**REPORT FROM:** ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL  
AND REGULATORY SERVICES

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 06<sup>TH</sup> JULY 2023

**Report Author:** Neil Watson  
**Tel. No:** 01282 661706  
**E-mail:** neil.watson@pendle.gov.uk

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## **REPORT TO COMMITTEE**

**Application Ref:** 22/0176/FUL

**Proposal:** Full: Erection of two detached dwellings.

**At:** Land To The West Of Garfield, Keighley Road, Colne

**On behalf of:** DVL Properties Ltd

**Date Registered:** 23/03/2023

**Expiry Date:** 16/05/2023

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a field located within the Green Belt to the south of the settlement boundary of Laneshawbridge. To the north is the former Hartley Hospital site including the Grade 2 Listed almshouses, gate and gardens. To the west are dwellings on Spring Grove, to the east is a pair of semi detached dwellings and a new residential development under construction, to the south is a wooded area with Colne Water beyond and the boundary of the Trawden Forest Conservation Area.

Planning permission was granted in 2022 for two detached dwelling on the site. This application relates to the western half of the previous site replacing the dwelling approved there with three detached dwellings.

The proposed dwellings would be split level, two storeys to the front and three storeys to the rear, plus rooms in the roof space. They would be of a vernacular design as opposed to the approved contemporary dwellings and finished in natural stone with blue slate roofs and dark grey uPVC fenestration.

### **Relevant Planning History**

13/03/0667P - Erect 3 detached dwellings. Refused

22/0333/FUL - Full: Erection of two detached dwellings. Approved

### **Consultee Response**

LCC Highways – No objection subject to conditions for off-site highway works, construction management plan, visibility splays and access construction.

United Utilities – No objection subject to drainage condition.

PBC Environmental Health – Please attach a construction method statement condition and contamination note.

Colne Town Council -

### **Public Response**

Press and site notices posted and neighbours notified – Responses received objecting on the following grounds:

- Impact on the landscape
- Impact on heritage assets
- Impact on the Green Belt, the development can't be classed as limited infilling
- The development would extend beyond the exiting fence line of Spring Grove and reduce the width of the access to the properties at Spring Grove affecting parking and access to the detriment of highway safety

## **Officer Comments**

### **Policy**

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability. Developments should maintain the openness of the Green Belt.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

### **Replacement Pendle Local Plan**

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

### **National Planning Policy Framework**

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages.

### **Principle of the Development**

The proposed dwelling is located in a sustainable location with nearby access to services facilities and public transport and therefore is acceptable in principle in accordance with policy LIV1.

### **Green Belt**

The Framework allows limited infilling within villages as development that is not inappropriate in the Green Belt.

In assessing this application the settlement limits are governed by the Local Plan, the settlement boundary of Laneshawbridge runs along the full length of the frontage of the site, within Policy SDP2 this location would be categorised as part of the rural village of Laneshawbridge.

The proposed development, together with the dwelling approved by the previous permission, would infill an area between the dwellings at Spring Grove and Garfield. The scale of this proposed development is similar to that of the three dwellings approved to the east of Garfield which was also determined to be limited infilling.

The development would therefore meets the exception for limited infilling within villages and therefore is not inappropriate development.

Taking these factors into account the development in not inappropriate development and would not result in an unacceptable impact on the Green Belt.

### **Visual Amenity**

be unlikely to be prominently visible from Keighley Road, being set down and back behind the existing line of trees that would be largely retained other than to allow for the formation of the vehicular accesses. They would be visible from across the valley but would be set into the hillside between exiting development and would appear similar to the other new development to the east of Garfield. The development would not result in unacceptable landscape and visual impacts.

### **Heritage Impact**

The site is located opposite the Hartley Hospital almshouses and gate which are Grade 2 Listed buildings. The development is set down on lower land below that site, due to this physical separation and the landscaping between the development would have a negligible impact upon the setting of the Listed Buildings and result in no harm to their significance.

The site is also adjacent to Trawden Forest Conservation Area approximately 60m to the south. Although the site would be visible in views out of the Conservation Area, for the reasons set out in the visual amenity section it would not result in harm to the significance of that or the nearby Lidgett and Bents Conservation Area.

The proposed development is therefore acceptable in terms of heritage impact in accordance with policies ENV1 and ENV2.

### **Impact on Amenity**

The proposed dwellings would be a sufficient distance from adjacent dwellings to ensure that they would not result in any unacceptable loss of privacy, light or overbearing impact.

Each of the proposed dwellings have side facing windows in both sides including habitable room windows, to ensure acceptable levels of privacy an obscure glazing condition is necessary for the side facing windows.

Plots 2 and 3 have terraces to the rear, it is necessary to require that privacy screens are erected to the sides facing other plots. Although the east side of plot 3 would face the site of the approved dwelling as a similar distance to the boundary, the spacious nature of that site would ensure that this would not result in an unacceptable privacy impact.

Concerns have been raised in relation to the potential impact of boundary fencing, landscaping and alterations to levels on the residential amenity of dwellings on Spring Grove facing the site. Whilst landscaping and boundary treatments would be controlled by the recommended conditions this is for reason of visual amenity. Permitted fencing of up to 2m in height would not result in any unacceptable impacts upon the residential amenity of occupants of properties on Spring Grove. It would also not be reasonable or necessary to restrict the future planting of trees within the gardens of the proposed properties, the planning system does not protect private views such as those from Spring Grove across the site.

The plans do not indicate any proposed change in levels adjacent to the eastern boundary with Spring Grove, final details of levels and any retaining walls would be controlled by the recommended conditions.

The proposed dwellings would raise no unacceptable residential amenity impacts in accordance with policy ENV2.

## **Trees & Ecology**

There is one protected tree within the site, a Lombardy Poplar on the northern boundary of the site protected under TPO No1. 1963 there is also a dense hedge running along the north boundary of the site. The Lombardy Poplar has been identified as being in poor condition and recommended for removal irrespective of the development.

The hedge has been identified as being a species rich hedgerow. An approximately 6m sections of the hedge would be removed to make way for the access, the rest of the hedging within the site is proposed to be retained. The proposed access is identical to that previously approved and it has been established that the loss of the section of hedgerow can be acceptably mitigated by planting a new area of hedgerow along the western boundary of the site, however the additional screening this would provide would not address the issues identified in the sections above. With replacement trees, additional landscaping and control of final levels the proposed development would not result in an unacceptable impact upon trees.

The site has been identified as having the potential for amphibian species to be present on and adjacent to the site, it advises that a condition for suitable a mitigation plan can ensure that there are no unacceptable impacts.

The ecology report with the previous application also identified potential for the site to provide habitat for protected reptiles, A reptile survey report was submitted which acceptably concluded that the site does not currently support reptiles. The survey did identify the presence of common toads on the site and recommend additional mitigation measures should they be encountered on site during construction.

## Highways and Access

The proposed access and car parking provision are acceptable.

Concerns have been raised regarding the impact of the development on the access to Spring Grove and the loss of an area used for parking and manoeuvring. Although not necessary to make the development acceptable the applicant has submitted amended plans retaining the strip of land for access / parking for Spring Grove.

The development is acceptable in terms of highway safety.

### **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. 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: 23/11/2, 23/11/3, 23/11/4 – received 01/06/2022, 23/11/5, 23/11/6, 23/11/7, 23/11/8, 23/11/9, 23/11/10, 23/11/11, 23/11/12

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of the external materials to be used in the elevations and boundary walls of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried in strict accordance with the approved materials.

**Reason:** To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The dwelling hereby approved shall not be occupied unless and until the car parking spaces shown on the approved plans have been surfaced in a bound material and made available for car parking purposes. The spaces shall thereafter at all times be maintained free from obstruction and available for car parking purposes.

**Reason:** to ensure adequate car parking provision in the interest of highway safety.

5. Prior to first occupation of the first dwelling hereby approved that part of the internal access road extending from the entrance gates for a minimum distance of 5m into the site shall be hard surfaced in bound porous material.

**Reason:** In the interest of highway safety to prevent loose surface material from being carried on to the public highway, where it could pose a hazard to road users.

6. The development shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local planning Authority. The Method statement must cover the topics detailed below:
- 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
  - 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.
  - Construction site noise and vibration
  - Control of burning onsite

The development shall be carried out only in strict accordance with the approved Construction Method Statement.

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

7. The development shall be carried out in strict accordance with the mitigation recommendations of the previously submitted Preliminary Ecological Appraisal.

**Reason:** To ensure that the development preserves and enhances the ecology of the site.

8. 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 & E of Part 1 and Class A or Part 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 preserve the openness of the Green Belt

9. The development hereby approved 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:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;

- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) 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 agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

**Reason:** In the interest of visual amenity and to preserve the setting of the adjacent Listed Buildings.

10. There shall be no alterations to the levels of the site unless and until additional level or section plans detailing any alterations to land levels within the site, including details of any retaining walls proposed, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the approved details.

**Reason:** In the interest of visual amenity and to ensure that trees to be preserved on site are not harmed.

11. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, 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 service runs, 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 ensure that the trees are suitably protected throughout the construction process.

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;



- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. No development hereby approved shall commence until a scheme for the construction of the site access, including any off-site works of highway improvement, has been submitted to, and approved by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site.

14. Prior to first occupation of the first dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction thereafter for the lifetime of the development.

**Reason:** In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

15. Prior to first occupation of each individual plot the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material.

**Reason:** In the interest of highway safety to ensure adequate vehicular access to the plot and to prevent loose surface material from being carried on to the public highway.

16. All windows and balconies in the south elevation shall be fitted with anti-reflective glazing the specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of approved anti-reflective specification.

**Reason:** In the interest of visual amenity.

16. All windows in the east gable side elevations of Plot 1, both gable side elevations of Plots 2 and the west gable side elevation of Plot 3 shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of

obscurity to that which was first approved. The window(s) shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To ensure and acceptable level of privacy for the occupants of the dwellings.

- 17.** Privacy screens of at least 1.8m in height from the floor level of the terraces shall be erected to both sides of the terrace of plot 2 and the west side of the terrace of plot 3 prior to the occupation of each dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The screens shall thereafter be maintained in strict accordance with the approved details.

Reason: To ensure and acceptable level of privacy for the occupants of the dwellings.

Note: Informative Note The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278 short form), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to: • the construction of the access to an appropriate standard, including the re-location of any highway gullies necessary, • the existing dropped kerbs within the bus box carriageway markings adjacent to the access shall be reinstated to full height. The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

**Application Ref:** 22/0176/FUL

**Proposal:** Full: Erection of two detached dwellings.

**At:** Land To The West Of Garfield, Keighley Road, Colne

**On behalf of:** DVL Properties Ltd

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 06 JULY 2023

**Application Ref:** 23/0345/VAR

**Proposal:** Variation of Condition: Vary Condition 2 (Plans for Plot 3 and Plot 4) of Planning Permission 21/0358/REM.

**At:** Land To The North West Of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge

**On behalf of:** Beck Homes Ltd

**Date Registered:** 25/05/2023

**Expiry Date:** 20/07/2023

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is an approved development of 4 dwellinghouses on land to the north west of the Methodist Church in Colne. The site is located within the settlement boundary and of no special designation.

This application is to vary condition 2 (plans) of the reserved matters permission to amend the approved plans. The following alterations to the plans are proposed:

Minor alterations to the design of Plot 3 altering the position of the single story element to the rear, reducing its projection and altering internal layout and window positions.

Alterations to the orientation and design of plot 4 and altering the detached garage to an attached garage to the front, alterations to windows and doors and internal layout.

### **Relevant Planning History**

13/93/0097P – Extend premises - Refused 21st June, 1993.

13/93/0299P – Erect 5 dwellings – Refused 9th August, 1993.

17/0726/FUL – Full: formation of new access from Keighley Road and parking area to serve existing Church – Approved 24th January, 2018.

18/0199/OUT - Outline: Major: Residential development of land 0.25ha for ten dwellinghouses (Access only). Approved

20/0485/REM - Reserved Matters: Major: Erection of 10 dwellings and associated roads, infrastructure and parking (Appearance, landscaping, layout and scale) of Outline Planning Permission 18/0199/OUT.

21/0358/REM - Reserved Matters: Erection of 4 detached dwellings and associated roads, infrastructure and detached garages (appearance, landscaping, layout and scale) of Outline Planning Permission 18/0199/OUT (resubmission). Approved

22/0099/VAR - Full: Variation of Condition: Variation of Condition 2 (Plans) for the Erection of 4

detached dwellings and associated roads, infrastructure and detached garages (appearance, landscaping, layout and scale) of outline planning permission 18/0199/OUT (resubmission)  
Application Reference Number: 21/0358/REM. Refused

### **Consultee Response**

LCC Highways – The proposed variations raise no highway concerns. An adequate level of off-road parking for the type and size of development proposed will be provided.

Therefore, the Highway Development Control Section would raise no objection to the proposal on highway grounds.

### **Public Response**

Nearest neighbours notified – responses received objecting on the following grounds:

- Loss of green space due to an increase in the size of the driveway
- Noise and light pollution from the revised location of the driveway and garage
- Loss of light
- Privacy impact of garage and driveway
- The approval of this application would set a precedent for future changes
- Previous grounds for refusal in terms of proximity to adjacent properties still apply
- Removal of trees from the scheme
- Bushes could impact on light to adjacent properties
- The amendment could affect the restriction on adding new openings
- Due to land levels and distances the plots would result in unacceptable impacts on 1-4 Keighley Road.

### **Officer Comments**

#### **Design**

The proposed amendments to the design of the development would not result in any unacceptable visual amenity impacts.

#### **Residential Amenity**

A first floor bathroom window is proposed in the south side elevation of Plot 4, this would face a property to the rear separated by approximately 15m, an obscure glazing condition is necessary for that window.

With a condition to ensure that no glazing is installed in the garage door opening the garage would not result in an unacceptable privacy impact.

Windows in the front and rear elevations would be less than 21m from windows of properties on Keighley Road, taking into account that the views would be significantly angled rather than directly facing this would not result in an unacceptable impact on the privacy of those properties.

The proposed amendments would not result in any unacceptable overbearing impacts or loss of light to surrounding properties.

There would be no potentially unacceptable noise impacts resulting from the proposed amendments and in residential use for one property the driveway and garage will not result in unacceptable impacts from car headlights.

The proposed amendments are acceptable in terms of residential amenity.

## **Landscaping**

This application does not propose a revised landscaping scheme, although the revised layout would be likely to require minor alterations to the positions of trees and hedging there are no changes proposed to species in this application.

## **Highways**

The development would retain an acceptable level of car parking provision and the proposed amendments would have no unacceptable highway impacts.

## **Other issues**

Concerns have been raised that approval of this application would set a precedent for future unacceptable changes to this and other developments. Each application is determined on its own merits and these proposed amendments are acceptable.

## **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 amendments to the development are acceptable in all relevant regards. 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**

- 1 This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 18/0199/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.18/0199/OUT.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 1:1250, ADM21/08/02, ADM/21/008/03, ADM/21/08/06, 20362-DR-C0100 P4, 20362-DR-C0101 P2, 20362 DR-C102 P1, 20362-DR-C0103 P1, 20362-DR-C0104 P1, 212-21-1, CG230321/4B REV, 22-121-P06A, 22-121-P07A, 22-121-P08B, 22-121-P08B, 22-121-P01C.

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

- 3 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing DR-C-0100, Rev P4 - Dated 07.04.21. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 4 Unless otherwise agreed in writing by the Local Planning Authority the materials of the

development shall be in accordance with the details received 14/09/2022 and samples received 03/11/2022.

Reason: To ensure the external materials and finish of the development is appropriate for the setting and character of the area.

- 5 All window reveals shall be set back by a minimum of 75mm from the external wall.

Reason: In the interests of good design.

- 6 Prior to first occupation of each dwelling, the parking area associated with that dwelling, shall be constructed, laid out and surfaced in bound porous material, in accordance with the approved plans. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway.

- 7 Unless otherwise agreed in writing by the Local Planning Authority the estate road shall be maintained in accordance with the management and maintenance details received 14/09/2022 until such time as a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the estate road infrastructure serving the approved development; and to safeguard the users of the estate road and visual amenities of the locality

- 8 The development hereby permitted shall be carried out in accordance with the approved Landscaping Plan and Landscape Specification CG181021/4B REV.

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 appropriate landscape design and in the interests of the visual amenities of the area.

- 9 No additional openings shall be inserted into the southern side elevation or garage door openings of Plot 4 at any time without the prior consent of the Local Planning Authority as to the size, position and level of obscuring of any proposed windows or doors.

Reason: In order to prevent any impact on the privacy and amenity of adjacent dwellings.

- 10 The 2m high fence proposed to be sited between the track on the western boundary and the western rear elevation of Plot 4 shall at all times be retained and maintained in that position and at that height unless otherwise agreed in writing by the Local Planning Authority as to any alternative arrangement.

Reason: In order to prevent any impact on the privacy and amenity of adjacent dwellings

- 11 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, E (a) & (b), F of Part 1 and Class A 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

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings

E(b)) no containers for the storage of oil or gas for domestic heating purposes shall be installed within the curtilage of the buildings

F) no hard surface shall be provided within the curtilage of the buildings

**Part 2**

A) no gates, fence or wall structures shall be erected within the curtilage of the buildings

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 potential impacts on neighbouring properties.

- 12 Unless otherwise agreed in writing by the Local Planning Authority the landscaping of the site shall be managed and maintained in accordance with the Landscaped Area Management & Maintenance Details received 14/09/2022.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

13. The window in the south side elevation of Plot 4 shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The window(s) shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To ensure an acceptable level of privacy for the occupants of the dwellings.

**Application Ref: 23/0345/VAR**

**Proposal:** Variation of Condition: Vary Condition 2 (Plans for Plot 3 and Plot 4) of Planning Permission 21/0358/REM.

**At:** Land To The North West Of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge

**On behalf of:** Beck Homes Ltd

**LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 01<sup>st</sup> June 2023**