

## Local Development Order

### Delf Clough, Skelmersdale, Lancashire

#### **1.1 Introduction**

The Government is promoting the use of Local Development Orders (LDO) to assist the relaxation of planning requirements, remove barriers to development and create the conditions for development through providing greater certainty for prospective developers.

#### **1.2 Purpose of the LDO**

This LDO relates to land associated with the site at Delf Clough, Skelmersdale. The site is a Greenfield site located to the east of Northway to the east of Skelmersdale town centre. The site consists of an open grassed areas with footpaths crossing it and stands of trees spread across it, with wooded cloughs to the north and south (both of which are designated nature conservation sites), a tree belt to the west (screening the site from Northway) and a residential care home to the east (Evenwood Court).

#### **1.3 Development Permitted by the LDO**

The Findon LDO grants planning permission for the erection of buildings for C3 residential dwellings use class only.

C3 Dwellinghouses – for use by a single person or family, not more than 6 people living together as a single household where care is provided for residents or not more than 6 residents living together as a single household where no care is provided for residents (other than a use categorised as a House in Multiple Occupation).

This Local Development Order is made by West Lancashire borough Council (“the Council”) under Section 61A(2) of the Town and Country Planning Act 1990.

#### **Conditions**

Development is granted planning permission by this LDO subject to the following conditions:

1. Application for the approval of reserved matters must be made not later than the expiration of five years beginning with the date of the adoption of this LDO and the development must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

*Reason*

*Required to imposed by S 92 of the Town and Country Planning Act 1990.*

2. The permission granted by this LDO is in outline only and no development shall commence until details of the reserved matters, namely details of access, layout, scale, appearance and landscaping have been submitted to and approved by the Local Planning Authority.

*Reason*

*The permission granted by this LDO is in outline form only and the information is necessary for consideration of the detailed proposal as required by S 92 of the Town and Country Planning Act 1990.*

3. The development shall be carried out in accordance with the following plans and documents which forms part of this LDO

- Plan 1- Delf Clough Site Location Plan, Appendix A
- Design Code for Findon, former Digmaor Sports centre and Delph Clough

*Reason*

*To ensure the site is developed in accordance with the LDO, for the avoidance of doubt and to ensure compliance with Policy GN3 in the West Lancashire Local Plan Development Plan Document.*

4. The development hereby approved by virtue of this LDO shall be carried out strictly in accordance with detailed plans which previously shall have been submitted and approved in writing by the Local Planning Authority. Such detailed plans shall show:

- a- Proposed layout of roads and footpaths including footpath links to Northway and Southway to a scale of not less than 1/500, including materials, gradients and sections
- b- Proposed arrangements for the separate disposal of foul and surface water including full details of SuDS features and their maintenance and management and any attenuation measures required
- c- Full details of the materials to be used in the construction of external walls, roofs and hard surfaced areas. For the avoidance of doubt vehicular parking and turning areas shall be surfaced in porous materials.
- d- Proposed means of access to buildings and parking for motor vehicles and bicycles
- e- Proposed walls and fences and other means of enclosure;
- f- The proposed location of all open spaces and amenity areas
- g- Location, type and design of all external lighting
- h- Finished levels of all parts of the site including floor levels of all buildings

*Reason*

*To ensure adequate information is available for the proper consideration of the detailed proposals.*

5. The residential use hereby approved in this LDO shall fall within use Class C3 and shall provide for a maximum of 140 dwellings, as required by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

*Reason*

*To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and to accord with Policy SP2 Of the West Lancashire Local Plan 2012-2017.*

6. No development permitted by this LDO shall take place until a contaminated land investigation has been carried out in respect of the proposed development site. The purpose of the investigation is to identify the presence of substances in, on or under the land with potential to cause harm to human, ecological, environmental, structural or groundwater receptors and to assess the degree of risk posed by those substances to each relevant receptor. The investigation (Phase 1) shall begin with a desktop study that produces a characterisation of the site which shall then lead to a conceptual site model based on the proposed end use of the site. All potential pollutant linkages relevant to the site shall be identified. If potential pollutant linkages are identified on the site, an intrusive site survey shall be carried out in accordance with BS 10175:2001 (Phase 2). Where soil or groundwater contamination is identified that presents a risk to relevant receptors, a remediation scheme shall be devised that will render the site suitable for its intended end use.

The results of the desktop study and site survey, and details of the proposed remediation shall be submitted to the Local Planning Authority in a written report. The report shall be approved by the Local Planning Authority prior to commencement of the development hereby approved. Any remediation scheme so approved shall be implemented as part of the development of the site and shall be followed by a completion report containing appropriate validation certification, also to be approved by the Local Planning Authority.

*Reason*

*This information is required before development takes place to ensure the safe development of the site and protect the local environment and the pollution of controlled waters and thereby comply with Policies EN1 and GD3 in the West Lancashire Replacement Local Plan.*

7. No development permitted by this LDO shall take place until a Construction Management Plan including details of dust suppression techniques, noise reduction measures, hours of working, wheel cleaning facilities, and Construction Traffic Management to be employed during the course of construction has been submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The works shall thereafter be carried out in accordance with the approved details.

*Reasons*

*This information is required before development takes place to ensure that the construction process is carried out in a safe manner, which will not impact adversely on the amenities of nearby residents, or on the safety of the adjacent highway network, in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.*

8. No development permitted by this LDO shall take place until a landscaping scheme and landscape management plan has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

*Reason*

*This information is required before development takes place to assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local plan 2012-2027 Development Plan Document.*

9. No development permitted by this LDO shall take place until a phase 1 ecological survey has been carried out and a report submitted to and approved in writing by the Local Planning Authority. Should the phase 1 survey show that any additional ecological surveys are required these shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Any mitigation or compensation measures proposed shall be carried out in full in a timescale to be agreed in writing with the Local Planning Authority.

*Reason*

*This information is required before development takes place to ensure that the scheme does not impact on any protected species or habitat, in accordance with the West Lancashire Local Plan 2012 -2027.*

10. No development permitted by this LDO shall take place until a site specific flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until any mitigation measures required as a result of the FRA are completed.

*Reason*

*This information is required before development takes place to ensure sustainable development and prevent flooding in accordance with of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

11. No dwelling shall be occupied until a detailed Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The measures identified in the Travel Plan shall be implemented in accordance with the agreed details and the timetable therein. The agreed Travel Plan shall be reviewed annually thereafter and any revisions agreed in writing with the Local Planning Authority. Records of implementation shall also be made available annually to the Local Planning Authority.

*Reason*

*To promote sustainable transport in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

12. No development permitted by this LDO shall take place until a scheme for the construction of the site access together with any off-site works of highway improvement which shall be informed by the submission of a Transport Impact Assessment, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. No dwelling on the site shall be occupied until the site access and off-site works have been completed in accordance with the approved scheme.

*Reason*

*This information is required before development takes place in order to secure an appropriate highway scheme and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

13. The Estate Road for the development shall be constructed in accordance with the Lancashire County Council Specification for the Construction of Estate Roads to at least base course level up to the entrance to the site compound before any development takes place within the site and shall be further extended before any development takes place fronting the new estate road.

*Reason*

*To ensure that satisfactory access is provided to the site before any development hereby permitted becomes operative in accordance with policy GN3 of the West Lancashire Local plan development Plan Document.*

14. No dwelling shall be occupied until the associated car parking and vehicle turning areas have been provided in accordance with the approved plans.

*Reason*

*To allow for the effective use of the parking areas in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

15. No development permitted by this LDO shall take place until an Energy Statement for the site has been submitted to and approved in writing by the Local Planning Authority. The statement

shall detail energy efficiency and sustainability measures that will be incorporated into the building design and construction. Thereafter the development shall be carried out in accordance with the approved Energy Statement.

*Reason*

*This information is required before development takes place in order to provide a sustainable and energy efficient development and to ensure that development therefore complies with the provisions of Policy EN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

16. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development ) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPA of the detailed siting and external appearance of the substations.

*Reason*

*To enable the Local Planning Authority to consider the appearance of substations or other such buildings given the high standard of public realm considerations for the overall layout of the site whereby non-sensitive infrastructure would undermine the achievement of quality public spaces and wider public realm and therefore to comply with the provisions of Policy EN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **LEGAL AGREEMENT**

**The developers' attention is drawn to the fact that permission granted by the LDO is subject to the signing of an Agreement under Section 106 of the Town and Country Planning Act 1990, prior to the commencement of development, for the provision of affordable housing and the adoption of/an/or maintenance of open space and sustainable urban drainage systems incorporated within the planning permission granted by this LDO.**

**Notes(s)**1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980, Section 184, Lancashire County Council must specify the works to be carried out. Only Lancashire County Council or a contractor approved by the County Council can carry out these works. Therefore, before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Surveyor South 01772 658560 or writing to the Area Surveyor South, Lancashire county Council, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

2.The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.

The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.

All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/> community-infrastructure-levy/the-cil-process.aspx and once completed, should be emailed to CIL@westlancs.gov.uk.

Further information on CIL can be found at [www.westlancs.gov.uk/CIL](http://www.westlancs.gov.uk/CIL) or by contacting the Council's CIL and S106 Officer on CIL@westlancs.gov.uk or tel: 01695 585171.

### **Informatives**

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.
2. It is the responsibility of the person(s) implementing this development to ensure that, where appropriate, Approval under the Building Regulations has been obtained for the building works involved, and that the plans thus approved under those Regulations are for the same works as approved under this permission and do not conflict with this permission or the conditions contained on it. Any amendments to the plans approved by this permission must be drawn to the attention of the Planning Officer.
3. Attention is drawn to Section 31 of the County of Lancashire Act 1984 where plans for the erection or extension of a building are deposited with a Borough Council in accordance with Building Regulations, the Council shall reject the plans, unless after consultation with the fire authority, they are satisfied that the plans show:-
  - a).that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
  - b).that the building or, as the case may be, the extension of the building will not render inadequate any existing means of access for the fire brigade to a neighbouring building.
4. Developers are advised to contact the necessary utility plant owners for guidance when excavating in proximity to buried plant and apparatus.
5. If, as a result of the development approved by this Notice, new street names, property numbers or changes to existing property names are required, you will need approval from the Council. The Council must be notified at the earliest opportunity of your proposals so that correct postal addresses can be allocated as soon as possible. Guidance on Street Naming & Numbering is available on the Council's website and applications can be made online at [www.westlancs.gov.uk/planning/street\\_naming\\_and\\_numbering.aspx](http://www.westlancs.gov.uk/planning/street_naming_and_numbering.aspx). Alternatively, you can contact the Street Naming and Numbering Officers for advice by telephoning 01695 585158 or 01695 585273.
6. Any demolition work should not commence without notice being given to the Local Authority Building Control Section in accordance with Section 80 of the Building Act 1984 (Tel: 01695 585136).