

<b>No.1</b>	<b>APPLICATION NO.</b>	2019/1080/FUL
	<b>LOCATION</b>	9 Mere Brow Lane Tarleton Preston Lancashire PR4 6JP
	<b>PROPOSAL</b>	Proposed erection of 2no. detached dwelling houses (2 storey)
	<b>APPLICANT</b>	Mr David Tomlinson
	<b>WARD</b>	Tarleton
	<b>PARISH</b>	Tarleton
	<b>TARGET DATE</b>	2nd January 2020

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mee has requested it be referred to Committee to consider the loss of light to the adjacent Methodist Chapel and impact on highway safety.

## **2.0 SUMMARY**

- 2.1 The proposed development is for the erection of two detached residential dwellings following the demolition of the existing detached bungalow. Both dwellings would face onto Mere Brow Lane and be two storey in height. The houses would have four bedrooms and integral garages.
- 2.2 It is considered that the proposal is acceptable in design/appearance terms and will not have any significant impact on neighbouring land uses or highway safety. The proposed development is therefore considered compliant with the NPPF and Policies SP1, GN1, GN3, GN5, RS1, EN2, EN4, and IF2 of the West Lancashire Local Plan 2012-2027 DPD.

## **3.0 RECOMMENDATION - APPROVE with conditions**

## **4.0 SITE DESCRIPTION**

- 4.1 The application site is located to the north-eastern corner of the wider Mere Brow settlement, with the A565 to the rear of the application site. The site contains a detached single storey dwelling and a large late 20th century single-storey timber workshop to the rear. The site is located on the northern side of Mere Brow Lane, between the village's Methodist Chapel to the west and two modern detached houses under construction to the east. The surrounding street scene has a village character in which both traditional and modern buildings stand side-by-side.

## **5.0 PROPOSAL**

- 5.1 The application seeks planning permission for the erection of two detached dwellings following the demolition of the existing bungalow.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2019/0066/FUL Proposed relocation of drop kerb & associated crossover to existing residential bungalow GRANTED 05.04.2019.

## **7.0 OBSERVATION OF CONSULTEES**

- 7.1 MEAS has no objection in principle subject to clarification as to whether further bat surveys are required based on the ecologist's report (11.12.2019 and 14.02.2020)

- 7.2 Historic England has no objection (22.01.2020)
- 7.3 LCC Historic Environment Team has no objection (22.01.2020)
- 7.4 Council's Scientific Officer has no objection (05.12.2019)
- 7.5 Council's Drainage Officer has no objection (04.12.2019)
- 7.6 Council's Environmental Health Officer has no objection (04.12.2019)
- 7.7 United Utilities has no objection (03.12.2019)
- 7.8 Council's Arboricultural Officer has no objection (29.11.2019)
- 7.9 LCC Highway has no objection (19.11.2019)
- 7.10 Environment Agency has no objection (28.10.2019, 18.11.2019, 25.11.2019)

## **8.0 OTHER REPRESENTATIONS**

- 8.1 The Council has received nine letters objecting to the proposed development on the following grounds:

Increased traffic congestion;  
Influx of development in the village;  
Number of vehicles parked along the bend;  
Insufficient parking for new dwellings;  
Loss of privacy / light to the Chapel;  
Parking issues;  
Road safety;  
Noise / disturbance;  
Property deeds states that a right of light was granted when the land was transferred from the Lilford Estate to the Chapel Trustees; and  
Close proximity to the main river.

- 8.2 Tarleton Parish Council has objected (10.12.2019) and can be summarised as follows:

Over development of the site;  
Overshadowing; and  
Parking problems.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Site Specific Flood Risk Assessment, Design & Access Statement, Ecological Appraisal, Inspection & Assessment in relation to Bats, Heritage Assessment, Bat, Barn Owl & Nesting Bird Survey, Additional Ecological comments, and email from agent received by the Local Planning Authority on 28.10.2019, 20.12.2019, 13.01.2020, 29.01.2020, 20.02.2020, 05.03.2020.

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 The application site is located within the Rural Sustainable Village of Mere Brow as designated within the West Lancashire Local Plan 2012-2027.

## 10.2 **National Planning Policy Framework (NPPF)**

Delivering a sufficient supply of homes  
Achieving well-designed places  
Conserving and enhancing the natural environment  
Conserving and enhancing the historic environment  
Meeting the challenge of climate change, flooding and coastal change

## 10.3 **West Lancashire Local Plan 2012-2027 (DPD)**

SP1 - A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
GN5 - Sequential Tests  
RS1 - Residential Development  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets  
IF2 - Enhancing Sustainable Transport Choice

## 10.4 **Supplementary Planning Document (SPD)**

Design Guide (January 2008)

## 11.0 **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### ***Assessment***

#### 11.1 The main considerations for this application are:

Principle of development  
Design and external appearance  
Heritage Value  
Impact upon neighbouring properties  
Highway Impacts / Parking  
Ecology (Protected species)  
Drainage / Flood Risk  
Impact on trees

### ***Principle of development***

11.2 At the core of the National Planning Policy Framework is the presumption in favour of sustainable development and this is reflected in Policy SP1 of the Local Plan. This policy advises that developments in rural settlements will be focused on Key and Rural Sustainable Villages.

11.3 Policy GN1 in the Local Plan goes on to confirm that within settlement boundaries, development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied.

11.4 On the basis of the above, I can confirm that the principle of residential development is acceptable on this site subject to its compliance with all other relevant planning policy, as discussed below.

### ***Design and external appearance***

- 11.5 Policy GN3 of the Local Plan states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 11.6 Guidance DP5 within the Council's SPD Design Guide states that new development should be of an overall scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that a building's height, scale and form including roofline do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views. Policy GN3 allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of neighbouring and proposed properties.
- 11.7 The Council's SPD Design Guide states that the minimum garden depth will be 10 metres, I note that both dwellings will each have a garden length which will meet this minimum requirement.
- 11.8 The external appearance, layout, scale and design of the proposed dwellings is acceptable and will harmonise with the recently approved dwellings to the east of the application site. There is a mix of differing styles and types of properties on Mere Brow Lane, and the addition of a pair of two storey detached dwellings constructed from red brick with a gable feature to the front would appear acceptable in the street scene. I consider that the proposed development will be in accordance with Policy GN3 of the Local Plan and the Council's SPD Design Guide as referred to above.

### ***Heritage Value***

- 11.9 The existing building can be seen on historic maps from as far back as 1848 and given the history of the site is considered to be a non-designated asset. The submission has been accompanied by a Heritage Statement which assesses the significance of the building.
- 11.10 Where heritage assets are undesignated, Paragraph 197 of the NPPF requires a balanced judgment which has regard to the scale of harm or loss and the significance of the asset. In this case, the proposal would result in the total loss of the application building. The submitted Heritage Statement demonstrates that although the property may have earlier origins, its appearance and character now derives overwhelmingly from alterations undertaken in the 1980s and consequently its significance is low. Given these circumstances, it is considered that the loss of the application building is not inappropriate. For these reasons, it is judged that the proposal meets the test established by national guidance.
- 11.11 LCC Historic Environment Team has assessed the submission and considers that the building has no historical interest and no further archaeological recording of the building is considered necessary. LCC Historic Environment Team has raised no objection to the proposal. I consider that the proposal is in accordance with Policy EN4 of the WLLP and the NPPF.

### ***Impact on neighbouring properties***

- 11.12 Policy GN3 of the Local Plan allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.

- 11.13 The nearest dwellings to the proposed development are to the east, and are under the same ownership as the application site. It is noted that the proposed dwellings are to be built to a similar design as the recently constructed dwellings along Mere Brow Lane under the approved scheme 2019/0409/FUL. It is noted that the adjacent dwelling has a ground floor window that serves the W/C. This being the case, I am of the opinion that the proposal would not have any significant detrimental impact upon future occupants of the recently constructed dwelling through the loss of light and poor outlook.
- 11.14 I note the letters of objections from local residents in relation to the impacts upon Mere Brow Methodist Church and surrounding area including increased traffic movement, loss of light / privacy to the Methodist Chapel, noise / disturbance, and road safety.
- 11.15 I am satisfied that the physical presence of the proposed dwellings would not result in a significant loss of light or privacy to the adjacent building (Mere Brow Methodist Church) owing to their scale, offset position, and existing vegetation along the common boundary. It should be noted that the Methodist Church is not a residential property and therefore is less sensitive to development in terms of amenity impacts. I am therefore satisfied that the proposal complies with Policy GN3 of the WLLP and the Council's SPD Design Guide, in respect of impact on neighbouring properties.

### ***Impact on parking and highway safety***

- 11.16 There have been several local resident representations made against the application in relation to parking, road safety and increased levels of traffic movement. Both dwellings would be served by their own driveway from Mere Brow Lane, and have an integral garage. Policy IF2 of the WLLP recommends properties with four bedrooms should have three off-street parking spaces per dwelling. I am satisfied that both dwellings can accommodate the required parking spaces. On consultation with LCC Highways, no objections to the scheme on highway grounds have been raised. The proposed sight lines at the access points are acceptable and the proposed parking provision is also acceptable. It is considered overall that the proposed development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.
- 11.17 I consider that the proposed development is acceptable in terms of parking and highway, impact and that the proposal is in accordance with Policy IF2 of the WLLP.

### ***Ecology (Protected species)***

- 11.18 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 11.19 Since the original submission, the applicant has submitted a bat survey as MEAS raised concerns over the existing buildings and trees on-site having the potential to support roosting bats.
- 11.20 The applicant has confirmed there was no evidence of bats roosting in the building but there remains the possibility of opportunistic use by low numbers of bats at some times of the year. The applicant indicates that the level of use is not considered likely to be significant and with the creation of new bat roosting opportunities in the new buildings and precautionary mitigation, a significant disturbance and / or the loss of roost sites is unlikely to occur.

- 11.21 MEAS have advised that ideally an assessment of low bat roost potential would require a single emergence / re-entry survey which has not been undertaken. However the applicant has subsequently provided further information on the condition of the bungalow and due to the sealed condition of the walls and eaves and the lack of an ingress of egress points within the roof void, I am satisfied that the scheme is unlikely to have a detrimental impact on bats subject to conditions requiring appropriate mitigation.
- 11.22 There is no evidence of past use of the buildings by barn owls for roosting or nesting. There was also no evidence of birds currently nesting. I consider that the proposed development is acceptable in terms of biodiversity provided that appropriate planning conditions are attached to any approval granted, in accordance with Policy EN2 of the WLLP.

### ***Drainage / Flood Risk***

- 11.23 The application site lies within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) on the Environment Agency Flood Map for Planning and the proposal is for residential development, which is a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG): Flood Risk and Coastal Change.
- 11.24 Part 3 of Policy GN3 addresses how the Council will ensure that development will not result in unacceptable flood risk or drainage problems, with criterion ii) and iii) being of most relevance in this instance. Criterion ii) requires development to be located away from Flood Zones 2 and 3 wherever possible (with certain exceptions) and criterion iii) requires development in Flood Zones 2 and 3 on non-allocated sites in the Local Plan to satisfy the sequential, and if necessary the exception test.
- 11.25 Paragraphs 155 – 165 of the NPPF deal with flood risk. Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 158 confirms the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
- 11.26 It is for the LPA to determine whether or not the proposals satisfy the Sequential Test as defined in Paragraph 158 of the NPPF and, where necessary, the requirements of the Exception Test as set out in Paragraph 160. The Environment Agency will consider whether or not the proposals satisfy the requirements of the second part of the exception test.
- 11.27 The sequential search submitted is the same as the search that was undertaken during the assessment of planning application 2018/0646/OUT, and I am satisfied that it is comprehensive in its search and covers sites from the SHELAA. From the information that has been provided I am satisfied that the sequential test has been met overall, and that at the present time, there are no suitable or available sites in the area of search that are at a lower risk of flooding.
- 11.28 In addition to the sequential test, an exception test, is required because the proposal is for a more vulnerable use which is predominantly located in flood zone 3. This requirement is

established in Policy GN3 Part 3 (iii) and paragraphs 159 to 161 of the NPPF, with paragraph 160 requiring demonstration that:

- A. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- B. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

11.29 In October 2018 the Council published a Preliminary Strategic Flood Risk Assessment Level 2 which contains a framework for undertaking an assessment in relation to criterion a) of the exception test. Although the applicant has not specifically used this framework in this instance, the applicant does identify wider sustainability benefits from the development including:

- To protect 'water assets' and ensure an adequate supply of water and means of disposing of wastewater;
- To preserve and enhance the Borough's land resources;
- To contribute towards an efficient, equitable, and environmentally 'sustainable' transport system / network;
- To encourage sustainable economic growth; and
- To seek to meet the housing needs of all sections of society.

11.30 It is considered that the proposal would have the potential to meet some of the objectives identified by the West Lancashire Sustainability Appraisal. On that basis, I consider that criterion a) of the exception test has been satisfied.

11.31 In relation to criterion b) the Environment Agency (EA) have responded to the planning application and raise no objections. They are satisfied the FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The EA advise that the proposed development must proceed in strict accordance with the submitted FRA and the mitigation measures identified, in particular the mitigation measures included in the FRA which requires finished floor levels to be set no lower than 4.9m above Ordnance Datum. This will be subject to a planning condition on any approval. On this basis I consider the development to also meet criterion b).

11.32 The applicant has stated on their application form that foul water will drain to the public sewer and surface water will drain in the most sustainable way according to the hierarchical approach. The Council's Drainage Officer has no objections subject to a condition for a formal drainage strategy. Subject to a condition requiring details of foul and surface water drainage, the proposals are considered to be acceptable and compliant with Policy GN3 of the WLLP and the NPPF.

### ***Impact on trees***

11.33 The Council's Arboricultural Officer has reviewed the submitted information and inspected the site. It is mentioned on the submitted supporting statement that the trees located along the northern and western boundaries of the application site would be retained. The Council's Arboricultural Officer has raised no objection to the proposal subject to an appropriate landscaping scheme, I consider that the proposal complies with Policies GN3 and EN2 of the WLLP.

### ***Summary***

11.34 Given the above I consider that the proposal satisfactorily meets the requirements of Policies SP1, GN1, GN3, GN5, RS1, EN2 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

## **12.0 RECOMMENDATION**

12.1 That the application should be GRANTED subject to the following conditions:

### **Condition(s)**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of 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 materials to be used on the external surfaces of the development (brickwork, lintel / cills and roofing materials along with materials used in any hard surface) shall be as outlined on the following plan: HTA001 rev.A;  
Reason: To ensure that the external appearance of the buildings are satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference: 001; and 002.  
received by the Local Planning Authority on: 28.10.2019.  
Plan reference: HTA001 rev.A.  
received by the Local Planning Authority on: 07.11.2019.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The garages hereby permitted shall not be converted into living accommodation (either in whole or part) and shall be retained for use by the dwellings hereby approved at all times, unless the written permission of the Local Planning Authority has been sought and obtained beforehand.  
Reason: To ensure adequate garaging / off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking and to comply with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The parking provision and any hardstanding shown within the curtilage of the dwellings on the approved plans shall be made of porous materials, or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling houses in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The parking spaces shall be provided in accordance with the approved details prior to first occupation of the dwellings. The parking provision shall be retained as such thereafter.  
Reason: In the interests of highway and pedestrian safety, to reduce surface water run off in accordance with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.



7. 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 tarmacadam, concrete, block pavements, or other approved materials.  
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.
8. No development shall commence until details of wheel cleaning facilities within the site have been submitted to, and approved in writing by, the local planning authority. The approved facility shall be provided at all times during the site clearance and construction of the development hereby approved, and shall ensure that the wheels of vehicles are cleaned before exiting the site.  
Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.
9. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance management proposals and phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this Council's Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The pass forward flow rate to the receiving surface water drainage system must not exceed 3 l/s and no surface water shall be permitted to drain directly or indirectly to the existing public sewer. Finished Floor Levels shall be no lower than 4.9 metres above Ordnance Datum (AOD). Adjacent and surrounding land levels are not to be raised. To aid the checking of calculations the mdx file for the surface water drainage design should be submitted. The drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.  
Reason: To ensure that:  
The site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.  
There is no increase in flood risk on or off the site resulting from the proposed development including the construction period.  
Appropriate and sufficient maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance.  
Water quality is not detrimentally impacted by the development proposal.  
For further guidance the applicant is strongly advised to use the following link for WLBC guidance notes relating to drainage, flood risk and sustainability:  
<http://www.westlancs.gov.uk/planning.....registrationand-validation.aspx>
10. The foul water drainage system for the development shall be constructed, and retained thereafter for the lifetime of the development, in accordance with the foul water drainage details shown on the Proposed Drainage Layout Ref CFC 19029 001 A1 rev A dated Jan 2020.  
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.
11. The development shall be carried out in accordance with the submitted flood risk assessment entitled "Full Plans Application for two detached dwellings - Land at No. 9 Mere Brow Lane, Mere Brow, Tarleton, Preston" and the following mitigation measures it details:  
Finished floor levels shall be set no lower than 4.9 metres above Ordnance Datum (mAOD)  
These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

12. No building shall be occupied / brought into use until details of bird nesting boxes (number, type and location on an appropriately scaled plan) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The development shall be implemented in accordance with Section 9 of the Recommendations and Mitigation described in Bat, Barn, Owl & Nesting Bird Survey; prepared by Envirotech; and deposited with the Local Planning Authority on 29.01.2020;

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks

- hard surfaced areas and materials,

- planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.

- existing plants / trees to be retained

- A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The existing trees shall be retained and before site works commence they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

Reason: To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure shall be erected within the approved site location boundary, as delineated on the 'Site Layout' drawing (referenced AJ37/001; dated 15 October 2019), without the prior approval, in writing, of the local planning authority.

Reason: To ensure that flood risk is not increased, and to ensure that full access to Tarleton Runner (main river watercourse) is retained

### **Note(s)**

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council's Highway Services for further information.

This can be done either by:

Visiting [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and following the links after searching 'Vehicle Crossings' telephoning Lancashire County Council on 0300 123 6780 writing to the Area Manager South, Lancashire County Council, Cuerden Way, Bamber Bridge, Preston PR5 6BS quoting the planning application number.

2. The applicant should be made aware that in addition to planning permission an Environmental Permit will be required for flood risk activities (this includes any structures, fencing, tree planting, new surface water outfalls) within 8 metres of Tarleton Runner watercourse. Advice to the applicant is provided further below.

Flood warning and emergency response - advice to applicant

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The national PPG states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Flood warning scheme - advice to applicant

The applicant/future occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It should be noted that registration to receive flood warnings is not sufficient on its own to act as an evacuation plan.

Flood resistance and resilience measures - advice to applicant

We recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the PPG.

The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

Environmental permit (flood risk activities) - advice to applicant

The watercourse, Tarleton Runner, adjacent to the application site is a designated main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

On or within 8 metres of a main river (16 metres if tidal)

On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

On or within 16 metres of a sea defence

Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should contact [CMBLNC-PSO@environment-agency.gov.uk](mailto:CMBLNC-PSO@environment-agency.gov.uk) to discuss permitting requirements for the proposed site. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Where a Flood Risk Activity Permit is required, it is unlikely that our consent will be granted for works that do not allow access for maintenance / repair purposes or that have an unacceptable impact on flood risk or the natural environment.

The following guidance on the rights and responsibilities of riverside ownership is available on the GOV.UK website:

<https://www.gov.uk/government/publications/riverside-ownership-rights-andresponsibilities>

3. No tree felling, scrub clearance, hedgerow removal, vegetation management, or building works to the shed is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
4. Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 - 18:00 on Monday to Friday inclusive, 08:00 - 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days' notice of the occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate 'bleeping' type warning devices that are audible at the boundary of any noise sensitive property unless otherwise approved in writing by the local planning authority.
5. The developer shall have in place control measures to ensure that dust does not travel beyond the site boundary. All identified measures shall be implemented and maintained at all times.