



**PLANNING COMMITTEE: Thursday,
25 July 2024**

Report of: Assistant Director Planning & Regulatory Services

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SUBJECT: PLANNING APPLICATION REF: 2023/0975/FUL

PROPOSAL: Erection of 6 two storey properties situated along Egerton. Properties to be 3 bedrooms with in-curtilage car parking and private rear gardens

APPLICANT: Tawd Valley Development

ADDRESS: 201 Egerton, Tanhouse, Skelmersdale, Lancashire, WN8 6AB

REASON FOR COMMITTEE DECISION: As a council led scheme the planning application requires determination at Planning Committee

Wards affected: Tanhouse & Skelmersdale Town Centre;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks the erection of 6 affordable residential units.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be GRANTED subject to conditions and a S106 Legal Agreement.

3.0 THE SITE

3.1 The 0.17ha site is located to the west of Egerton, Skelmersdale and has recently been made vacant following the demolition of four garages and a detached two storey property. The L-shaped site contains an area of low quality green space and a footpath which leads to a footbridge over Grimshaw Road to the south. The land slopes from circa 88m AOD to 86m AOD rising south to north. Access from the north is via Egerton whilst to the south access is via a public footpath.

3.2 The surrounding area is characterised by a 'Radburn' style layout of close-knit properties, shared on street parking areas and footways. Immediately to the west

is an existing skate park and further north is Hillside Community Primary School and to the east is a block of 4 storey flats.

4.0 PROPOSAL

4.1 The application proposes the erection of a terraced block of 6 affordable properties, each with 3 bedrooms. The properties will be 2 storey and 'bookended' by two gables fronted dwellings. The rest of the properties will have dual pitched roof and are slightly staggered due to the site topography. Each will have frontage parking for two cars and a rear garden.

4.2 Access will be from the north through Egerton leading firstly to a small car park for seven cars (to offset the removal of existing garages) before connecting to the dwellings.

4.3 A Stopping Up Order has been submitted for the closure of the public footpath through the site.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2023/0616/PND - Application for determination as to whether prior approval is required for the demolition of existing house and 4 garages – Prior Approval Granted

6.0 OBSERVATION OF CONSULTEES (SUMMARIES)

6.1 Arboricultural Officer – No comments received.

6.2 Cadent Gas – No objection subject to informative.

6.3 Contaminated Land Officer – Watching brief is required during the course of the development.

6.4 Environmental Protection Team – Due to proximity of nearby properties, recommend the development is constructed in accordance with the noise assessment which includes a scheme for the mitigation of noise and vibration.

6.5 Lancashire County Council Highway Services – No objection subject to conditions and informatives

6.6 Merseyside Environmental Advisory Service (MEAS) – No objection subject to conditions and informatives.

6.7 Principal Engineer – No objection as the impact on flood risk will be negligible.

6.8 United Utilities – Object to the application proposals pending the applicant providing further information to demonstrate the proven location/line of all United Utilities assets which cross the site and that the proposed sewer diversion is acceptable.

7.0 OTHER REPRESENTATIONS

7.1 None received.

8.0 SUPPORTING INFORMATION

Air Quality Assessment
Arboricultural Impact Assessment
Combined Phase 1 and 2 Geo-environmental and Geo-technical Site Assessment
Design and Access Statement
Drainage Strategy Report
Noise and Vibration Impact Assessment
Preliminary Ecological Appraisal and Preliminary Roost Assessment
Transport Statement

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (Local Plan) provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the Regional Town of Skelmersdale as designated in the Local Plan.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space

Supplementary Planning Document

Design Guide SPD (2008)

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

- 10.1 The main considerations for this application are:

Principle of Development
Residential Mix and Affordable Housing
Design
Impact on Neighbouring Amenity
Highways Impacts
Drainage Impacts
Biodiversity
Ground Conditions

Principle of Development

- 10.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, the principle of residential development on the site within the Regional Town of Skelmersdale is acceptable subject to the proposal conforming with all other relevant planning policies.

Residential Mix and Affordable Housing

- 10.3 Policy RS2 sets out the requirement for the provision of 10% of units to be affordable in Skelmersdale town centre. Elsewhere in Skelmersdale, no affordable housing will be required for developments of fewer than 15 units, whilst on sites of 15 or more dwellings, 20% of units will be required to be affordable, with up to 30% on greenfield sites on the edge of the built-up area. The development proposal is for 100% affordable housing to be socially rented, which is more than all of these minimum requirements and will be secured by a S106 Legal Agreement.

Design

- 10.4 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance the attractive attributes through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 10.5 In addition, the 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 building(s) height, scale and form, including the roofline, do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.
- 10.6 The surrounding area is a series of tight knit properties of varying scales up to 4 storey immediately to the east. The high density of the area lends itself to support the proposed layout and scale of the dwellings. In terms of the architecture, the simple brickwork is broken up by framing around the ground floor entrance with raised flower beds to soften the fenestration. The gable fronted bookended properties will also have protruding frames around an upper floor window, providing interest to the overall appearance of the building.
- 10.7 Overall the scale, layout and design of the development is well suited to this location in accordance with Policy GN3 of the Local Plan.

Impact on Neighbouring Amenity

- 10.8 Policy GN3 of the Local Plan requires that development retains or creates reasonable levels of privacy, amenity and sufficient garden or outdoor space for occupiers of the neighbouring and proposed properties. An acceptable level of amenity space is provided with each dwelling.

- 10.9 The Design Guide SPD requires a minimum of 21m for principal elevation to principal elevation (front and rear) and 12m from side elevations to principal elevations. Whilst the Design Guide SPD sets out the minimum required distances between properties, it also recognises that in areas of high density, this distance may be impracticable or inappropriate to the character of the area. In such instances, the minimum required distances can be reduced. At circa 100 dwellings per hectare, the area is high density, and in the case of the proposed development, this density coupled with the orientation of surrounding properties means that interface distances of 17m to the rear (window to window) and 9m to the east (blank gable to window) is deemed acceptable. The separation distances are consistent, if not better, than the interface distances experienced by other nearby properties.
- 10.10 The Environmental Protection Team has reviewed the submitted Noise and Vibration Impact Assessment and agree with the mitigation scheme including glazing and ventilation scheme necessary to ensure residential amenity is protected and has recommended a number of conditions on that basis. Subject to conditions and informatives, the development accords with Policy GN3 of the Local Plan.

Highways Impacts

- 10.11 Policy GN3 of the Local Plan states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with Policy IF2.
- 10.12 The site is located within easy walking distance of local shops and services and has good access to sustainable modes of transport, including a bus stop 450m to the north east along Tanhouse Road, providing connections to the wider Skelmersdale area, Appley Bridge, Burscough, Dignumoor and Gathurst.
- 10.13 Site access will be via the existing cul-de-sac at the bottom of Egerton. A new private vehicular access carriageway measuring 4.5m wide will provide connection to the proposed dwelling. Two car parking spaces per dwelling will be provided to the front of each property, one of which will have connection for electric vehicles according with Local Plan Policy IF2. A further parking court will be provided to the site entrance with seven parking space to re-provide those lost by the demolition of the garages. The trip generation assessments carried out by the Applicant confirm that there will not be a severe impact to either the existing or the future forecasted capacity on the local highway network.
- 10.14 After LCC Highways raised concerns on the lack of new/replacement direct footways through the site, the plans were amended to install a 2m wide footway to the east of the internal access road providing connection to the existing pedestrian route to the south. Tactile paving ensure accessibility for all. LCC Highways have confirmed acceptance of the plans and recommended conditions and informatives.
- 10.15 Overall, proposed level of car parking, access arrangements and new and replacement footways are acceptable and in accordance with Policies GN3 and IF2 of the Local Plan.

Drainage Impacts

- 10.16 The site is within Flood Zone 1 and therefore has a low probability of flooding from rivers and sea. The existing site is predominately greenfield with no active drainage systems positively connecting to the sewer system. There are existing 300mm and 600mm surface water public sewers located within the site, with two separate lines arising from west and east and then exiting to the south of the site, across Grimshaw Road.
- 10.17 Discharge via infiltration or to a watercourse are not viable options and therefore in accordance with the hierarchy promoted by NPPG, the surface water drainage network will connect to the existing sewer via a sewer diversion and the construction of a new manhole. Foul water will be discharged to the existing United Utilities sewer within the site.
- 10.18 United Utilities have reviewed the drainage proposals but objected on the grounds that a CCTV survey has not been undertaken to identify the exact location of all water mains across the site and also commented that the public sewer diversion may not be acceptable. Since United Utilities' response, the Applicant has submitted CCTV surveys confirming the location of the pipes. They have also developed the technical review of the Section 185 with United Utilities to a stage where the sewer diversion is agreed, including its proximity to the water main and the development dwellings. In doing so, the Applicant has addressed United Utilities' comments and therefore a pre-commencement condition will be attached requiring the detailed drainage scheme to be submitted. Subject to this condition, the drainage proposals are acceptable and in accordance with Policy GN3 of the Local Plan.

Ecology and Trees

- 10.19 A Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEAPRA) has been submitted with the planning application. This report confirms the site comprises amenity and neutral grassland with hardstanding and scattered shrubs and trees. There are no notable habitats on the site or immediately adjacent. The site holds negligible potential to support roosting bats but vegetation on the site may provide nesting opportunities for breeding birds. MEAS has reviewed the PEAPRA and confirmed no objection. Conditions have been recommended by MEAS in terms of protecting hedgehogs and avoiding certain works during bird nesting season, however these will instead be covered in informative notes as they are covered by different legislation. A condition will be attached requiring the installation of bird and bat boxes as per the recommendations of the PEAPRA.
- 10.20 An Arboricultural Impact Assessment (AIA) submitted with the application records 7 individual trees and 2 groups of trees within influencing distance of the application site. The bulk of tree cover comprises small ornamental trees planted within the gardens and green space or self-set trees that have become established since the site has been left vacant (T1 to T6, all of which are Category C trees). They comprise ornamental Lawson cypress, hawthorn, goat willow and common ash. The largest tree recorded is a mature white willow in the neighbouring garden to the east (T7 – Category B tree). Groups G1 and G2 each comprise 2 hawthorn trees forming one larger canopy, both Category C. None of the trees are subject

to a Tree Preservation Order nor are they protected by virtue of being within a conservation area.

- 10.21 The scheme will see all but T1 and G1 removed to facilitate the new access, dwellings and gardens. To mitigate for the tree loss, nine new mature trees will be planted with areas of ornamental and shrub planting through the site. Hedgerows will also be provided along the boundary edge facing Grimshaw Road and the parking court along the site entrance.
- 10.22 Overall, subject to bird and bat boxes being installed and the Detailed Planting Plan being adhered to, it is anticipated that the proposed development will not result in a negative impact on ecology and trees. The development is therefore in accordance with Local Plan Policies GN3 and EN2.

Ground Conditions

- 10.23 Policy GN3 requires that development seeks to remediate and restore contaminated land and minimise the risk from all types of pollution and contamination. The application has been supported by a Phase 1 and Phase 2 Geo-environmental Assessment which has investigated potential contamination sources and receptors, in addition to the geology and geo-technical characteristics of the site.
- 10.24 The site is not affected by any underground coal mining and there are no recorded mine entries.
- 10.25 The preliminary environmental site assessment indicates that the site can be classified as moderate risk in terms of contamination and the risks to the identified receptors (e.g., human health and buildings) following redevelopment is considered to be moderate. This classification is due to previous site development and the presence of lock up garages within the site. Additionally, there is the potential for Made Ground to be present within the shallow soils beneath the areas of hardstanding. Potential contaminants include heavy metals, hydrocarbons, asbestos and polyaromatic hydrocarbons (PAHs).
- 10.26 The Council's Contamination Officer has reviewed the documents and recommended that whilst the site is relatively free from contamination, a watching brief shall be carried out during the course of the development. This will be secured by condition ensuring compliance with Policy GN3 of the Local Plan.

11.0 CONCLUSION

- 11.1 The principle of the proposed development is considered to be acceptable and compliant with Local Plan policies and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts on design matters, neighbouring amenity, highways, drainage, ecology, trees and ground issues. It is therefore considered that the proposal complies with the NPPF, the relevant policies of the Local Plan and the guidance within the Design Guide SPD.

12.0 RECOMMENDATION

12.1 That the decision to grant planning permission be delegated to the Assistant Director of Planning and Regulatory Services in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into planning obligations under S106 of the Town and Country Planning Act 1990 to require:

- The terms, conditions and phased delivery of the affordable housing

12.2 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Director of Transformation, Housing and Resources be given delegated authority to REFUSE the application.

12.3 That any planning permission granted by the Director of Transformation, Housing and Resources pursuant to recommendation 12.1 above be subject to the following conditions:

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 development hereby approved shall be carried out in accordance with details shown on the following plans:

Location Plan dwg no 1319-100 Rev A
Existing Site Plan dwg no 1319-101 Rev B
Proposed Site Plan dwg no 1319-102 Rev G
Proposed Roof Plan dwg no 1319-103 Rev G
Proposed Boundary Treatments dwg no 1319-104 Rev F
Proposed External Works dwg no 1319-105 Rev F
Proposed Street Scene dwg no 1319-106 Rev F
GA Floor Plans dwg no 1319-110 Rev B
Proposed Elevations dwg no 1319-112 Rev D
Proposed Elevations dwg no 1319-113 Rev D
Detailed Planting Plan dwg no D10103.001C

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.

3. 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.

4. No development shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

5. No above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out using only the agreed materials and shall be retained at all times thereafter.

Reason: To ensure that the external appearance of the building is 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.

6. No above ground construction works shall take place until samples and / or full specification of materials to be used externally on all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out using only the agreed materials.

Reason: To ensure that the external appearance of the site is 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.

7. The boundary treatment as shown on the Proposed Boundary Treatments (dwg no 1319-104 Rev F) shall be installed prior to occupation and retained thereafter. This shall include acoustically screening gardens to at least 1.8m in height with close boarded fencing with a minimum surface density of 10kg/m² and with no perforations.

Reason: To safeguard local residents from noise and disturbance and to safeguard and enhance the character of the area in accordance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. During the course of the development a watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered, reported immediately to the Local Planning Authority. Development must be halted on that part of the site until a remediation strategy to deal with the unexpected contamination has been submitted, together with a timetable for its implementation and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. The findings of the watching brief, including a validation report shall be reported in writing and submitted to the Local Planning Authority for approval, prior to occupation of the development.

Reason: To prevent harm to public health, to prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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

10. The development shall not proceed except in accordance with the noise assessment submitted by Hydrock Consultants Limited dated 16th June 2023 reference 28396-HYD-XX-XX-RP-Y-001 which included the scheme documented

for the mitigation of noise and vibration from the demolition and construction phases of the works. All approved control measures shall be implemented prior to the use of the building and shall be retained as such thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

11. The development shall not proceed except in accordance with the noise assessment submitted by Hydrock Consultants Limited dated 16th June 2023 reference 28396-HYD-XX-XX-RP-Y-001 which includes the specification for the suitable glazing and ventilation scheme that is required for achieving internal noise conditions. All approved control measures shall be implemented prior to the use of the building and shall be retained as such thereafter.

For the avoidance of any doubt the proposed scheme must achieve the internal noise levels set out below and include any transportation, industrial, commercial and entertainment noise and shall be based on findings from the submitted noise impact assessment that was submitted to support the application.

The following noise levels will need to be achieved in habitable rooms and outdoor areas as set out in BS8233:2014 and/or WHO Guidelines:

- Daytime Noise (07:00-23:00) Living Rooms & Bedrooms - 35 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Dining Areas - 40 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Outdoor Amenity Areas - 50 dB LAeq,16hr 55dB LAeq,16hr can be accepted in exceptional cases where normal mitigation cannot reach the 50dB level
- Night time Noise (23:00 – 07:00) Bedrooms - 30 dB LAeq,8hr
- Night time noise (23.00 – 07.00) Bedrooms - 45dBLAmax no more than 10-15 times per night (WHO guidelines)

These levels must be capable of being achieved with windows open (except for short term purge ventilation) or alternatively with passive ventilation systems in the open position. For the purposes of calculation noise reduction through a partially open window should be assumed to be 15dBA.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. Any piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs
Sunday and Public Holidays Not at all

In addition to the above, prior to the commencement of development the developer shall submit a method statement, to be approved by the Local Planning Authority.

The piling work shall be undertaken in accordance with the approved method statement and include the following details:

- i. Details of the method of piling
- ii. Days / hours of work
- iii. Duration of the pile driving operations (expected starting date and completion date)
- iv. Prior notification to the occupiers of potentially affected properties
- v. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

13. No construction vehicle movements nor any loading or unloading of vehicles shall take place on the site except between the hours of:

07:00 and 18:00 on Monday to Friday

08:00 and 12:00 on Saturdays

Not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. Prior to the occupation of the development, two bird boxes and two bat boxes shall be installed at the site in accordance with the recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessment and retained thereafter.

Reason: To mitigate for the loss of bird breeding habitat and to provide additional bat roosting habitat in compliance with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. No external lighting shall be installed at the site until full details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any approved lighting scheme and retained as such thereafter.

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

16. The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, The Environment Partnership, November 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

17. All soft landscaping works shall be carried out in accordance with the approved details shown on Detailed Planting Plan dwg no D10103.001C. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

The approved CMP or CMS shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

19. No development of the approved scheme as submitted shall commence until such time as the area of existing adopted highway (as indicated on Drawing No. 1319-107C – Highways Layout) has been stopped up under the appropriate legal process (Section 247 of the Town & Country Planning Act) in consultation with the local planning authority and the highway authority.

Reason: To prevent the adopted highway from being subsumed into the development.

20. The new estate road / access between the site and 'Egerton' shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

21. Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for a highway surface water drainage scheme. The development should be undertaken in accordance with the agreed details and the scheme shown on the approved drawing shall be constructed in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

22. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

23. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

24. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

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

25. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

INFORMATIVE – BIRD NESTING SEASON

No vegetation removal or management, ground clearance or building works are 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, 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.

INFORMATIVE – REASONABLE AVOIDANCE MEASURES

The habitats on site are suitable for hedgehog which is a Priority Species and Local Plan policy EN2 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for hedgehog mammals;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them

INFORMATIVE – CADENT GAS

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

INFORMATIVE – CONSTRUCTION SITE NOISE

Due to the proximity of existing noise sensitive premises and the potential for disturbance arising from contractor's operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

INFORMATIVE - WORKING HOURS FOR DEVELOPMENT SITES

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site. Works audible at or beyond the site boundary should not occur outside the following hours;

Monday to Friday – 08:00hrs to 18:00 hrs
Saturday – 08:30hrs to 13:30hrs

Sundays or Public/Bank Holidays - not at all

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

INFORMATIVE – HIGHWAYS

- a) The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the developer's expense.
- b) The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.
- c) The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.
- d) This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.