

Item 3a	15/01246/FUL
Case Officer	Caron Taylor
Ward	Eccleston And Mawdesley
Proposal	Proposed erection of 7 no. residential dwellings and associated works
Location	Land Adjacent To 75 Towngate Eccleston
Applicant	Westchurch Homes
Consultation expiry:	15th March 2016
Decision due by:	25th March 2016

Recommendation

That the application is approved.

Members will recall this application was deferred at the committee on 5th April to allow Members to undertake a site visit.

This report has been updated with the items that were on the previous committee addendum.

Representations

<p>Eccleston Parish Council - has no objections to the application however a metal gate has been installed which has resulted in the creation of an unauthorised access over land owned by the Parish Council, at the entrance to The Hawthorns. The Parish Council would request a condition be imposed to remove this access and reinstate the boundary hedge to the rear of property no.2 (as described on the proposed site layout - document no. AL-001).</p>

<p>In total 14 representation has been received which is summarised below</p>
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<p>Objections</p>

<p>Total No. received: 14</p>

<p>Eleven objections were received to the initial notification of the application:</p>
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| <ul style="list-style-type: none"> • The proposed access would have very limited visibility on a bad bend and be a road safety hazard, no provision has been made for a footpath for pedestrians. A better access would be from The Hawthorns; • The bend is already a hazard to the current properties along the land and would be made a greater risk with the added obstacle of an entrance on the opposite side of the road. The stopping distance from the bend to the entrance is surely unsafe and should be investigated in more detail. There have been numerous near misses on the road. The visibility splays are not sufficient; • The site should be monitored by real people over a period of time before any sensible decision based on pedestrian and vehicles use of Tincklers Lane is made; • There is a double driveway to Plot 7 that leads directly onto the roadway- traffic safety concerns; • Tincklers Lane is a fast rural road with dangerous bends. The volume of traffic is bad enough already including by tractors during the summer to transport hundreds of tonnes of hay and other crops; • The volume of traffic on Tincklers Lane seems to have increased in recent times since traffic calming measures were introduced on Doctors Lane; • Tincklers Lane is one of the last remaining country lane in Eccleston and the new development |
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- would take this away, making it just another road in an increasingly overcrowded village;
- The trees and hedgerow on Tincklers Lane should not be removed. They are a defining feature and an important habitat for wildlife;
- Overlooking
- The parking is insufficient – it isn't clear from the plans as to whether there is enough parking to accommodate such large family homes;
- The development will take away the little greenery left in the village;
- It is not necessary to build any more houses in the village. There are existing new developments with properties still for sale. Over 120 new homes have been built in Eccleston over the last five years, with no improvements made to the existing infrastructure;
- Flood risk – there is flooding in gardens and on the bend during heavy rain. The loss of a green field will only exacerbate this problem. United Utilities should be liaised with;
- Plot 1 should be re-orientated so that only one window is overlooking the rear of 75 Towngate;
- There has been water stood at the back door of no. 75 in the past few weeks and therefore need to know that the builder will put in a holding tank or similar to remedy this situation;
- There are several trees and shrubs along the border of 75 Towngate and in their garden and they do not want them removed or trimming;
- Prefer hedges instead of wooden fencing to the boundaries of the proposed houses;
- Extra pressure on the poor drainage on Tincklers Lane;
- It doesn't look like Plot 1 and the access will fit on the site in reality;

A further three objections have been received following a notification of amended plans:

- Maintain original objection;
- Concerns regarding the landscaping at the southern edge of Plot 1 to the front. Details new planting outside of the red edge this potentially could obstruct pedestrians;
- Although there have been some improvements it still does not address the most important issue of road safety. The access is still dangerously placed on a blind, busy bend. If the access cannot be moved to The Hawthorns the houses on plots 1, 6 and 7 should be moved away from the road in order to create the land necessary to make the access point safer;
- The change from a fence to a hedgerow on Tincklers Lane is welcomed but could this be improved by retaining or replacing the trees on the boundary of Plot 1 and Tincklers Lane.

Consultees

Consultee	Summary of Comments received
Council's Ecology Advisor	<p>The application site is not designated for its nature conservation value and is considered to have only low potential to support any specially protected species, except for a single mature tree that has some limited potential to support roosting bats, and the hedgerows that will provide some useful bat foraging habitat.</p> <p>It cannot therefore be said to have <i>substantive</i> ecological value and they therefore have no overall objections to the scheme on nature conservation grounds. The hedgerows and broad-leaved trees on the site do however have some local wildlife value. They have some concerns that the hedgerow along Tincklers Lane will be lost to the scheme and replacement landscaping opportunities within the site are somewhat limited to provide compensation for the loss. They would ask whether consideration has been given to setting the hedgerow back from the roadside, which may allow for necessary highway visibility splays while retaining some of the value of the hedge.</p> <p>They also request conditions regarding inspection for bats before the tree along the boundary with Tincklers Lane is removed and that vegetation and tree felling should not be undertaken during the optimum bird breeding season.</p>
LCC Highways	State the amended plans are acceptable, however, to prevent an

	overrun of the individual driveways, the boundary between no. 1 and 7 should be extended up to the edge of carriageway to align with the proposed footway. Any feature such as a buildout, dwarf wall with planters, raised kerbs etc. will be acceptable. If dwarf wall is proposed, the walls together with the planters should not exceed 0.6m in height in order not to interfere with visibility.
United Utilities	Have no objection to the development subject to conditions on foul and surface water drainage.
Council's Contaminated Land Officer	Recommend a site investigation condition, which is proposed.

Assessment

Principle of the Development

1. The application site is an allocated housing site under Policy HS1.49 of the Local Plan 2012-2026. Housing on the site is therefore acceptable in principle.

Affordable Housing and Viability

2. Policy 7 of the adopted Core Strategy requires affordable housing to be provided on sites of 5 or more dwellings or 0.15 hectares in size at a level of 35% in rural area such as this, however it does state that this is subject to considerations such as financial viability.
3. A viability assessment has been submitted with the application on the basis that any affordable housing required by Policy 7 would make the scheme unviable (although the Public Open Space figure can still be paid).
4. Paragraph 173 of the National Planning Policy Framework (the Framework) states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
5. This has been considered by the Council's surveyors and they advise that the values and costs appear usual for the current market, type of build and type of location. The Council's surveyor has undertaken an exercise to see the impact of one of the units being low cost, however even if this was a small unit the developers return would be lower than usual market standards. They therefore concur with the developer's view that having regard to the sales and costs in the appraisal, the impact of affordable housing will make the scheme unviable to the developer and the funding requirements.
6. The site is an allocated housing site in the Local Plan which the Council wish to see come forward. Paragraph 205 of the Framework states that where obligations are being sought local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
7. It is considered that affordable housing requirements would make the development unviable and therefore only a public open space payment is proposed to be made (which is discussed later in this report).

Design and Layout

8. Policy BNE1 of the Local Plan 2012-2026 related to Design Criteria for New Development. In terms of design and layout criteria a) and c) of this policy state:

- a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
- c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
9. The application site is situated on the edge of the village of Ecclestone. To the northwest it bounds with Tincklers Lane (with existing properties opposite the site), to the north with no. 75 Towngate and its garden, to the west is the access road to The Hawthorns with an intervening grass verge between and to the south the site bounds with the rear gardens of the properties on The Hawthorns and no. 1 Tincklers Lane.
10. The proposal is for seven detached 4 and 5 bedroom two-storey properties set around a small cul-de-sac created from Tincklers Lane. Although plots 1, 6 and 7 would front Tincklers Lane only plot 7 would be accessed by vehicles directly from it as plots 1 and 6 would have garages to the rear accessed from the proposed cul-de-sac.
11. It is considered that the proposal would respond well to Tincklers Lane. As stated above plots 1, 6 and 7 would front Tincklers Lane with the house type on plots 1 and 6 being situated on the corner of the access point. The house types on these two plots would be dual-fronted in their design so that elevations facing both Tincklers Lane and into the site have visual interest in terms of two-storey gables.
12. The application site is also highly visible from The Hawthorns and is also from visible from Towngate. Originally the house types proposed on plots 2 and 3 were an 'L' shape, wrapping around the head of the cul-de-sac when viewed from Tincklers Lane. This resulted in the two-storey side elevations of these properties being highly visible from The Hawthorns and the development would have been viewed as 'turning its back' on The Hawthorns rather than responding to it. Amended plans have been received at the request of the case officer amending the house types on these two plots so that they are no longer 'L' shape but rather are flat fronted with front gables. This allows the front elevations of the properties to be viewed from The Hawthorns and also increases the visual gap at first floor level between these plots giving a more open feel to the layout when viewed from The Hawthorns. Although there will be a set of four garages between plots 2 and 3 these will only be single storey and will be separated from the properties themselves.
13. The density of the proposal is equivalent to 17.5 dwellings per hectare. There are a range of properties in the immediate and wider vicinity of the property, including bungalows, semi-detached houses and detached properties. The density of the scheme and the height of the proposed properties are considered acceptable in relation to its surroundings.
14. In terms of materials the proposed plans indicate the properties would be constructed of red brick with areas of render. There are a range of materials used on the surrounding properties and it is considered that acceptable materials can be secured via a planning condition.
15. In terms of boundary treatments there is a hedgerow along the site boundary with The Hawthorns which would be retained as part of the proposal. The existing gate in this hedge would be removed and replaced with hedging species to match the existing. There is an existing hedgerow along the site frontage with Tincklers Lane which gives it a semi-rural feel, however this would need to be removed to achieve the necessary visibility splays from the site access. Originally the application proposed to leave the site frontage open but at the request of the case officer a new hedgerow to be planted has been added to the site frontage between the driveway and pedestrian access points of the proposed properties. It is considered the specific details of the hedge (e.g. species mix) along with the internal landscaping of the site can be secured by a condition.
16. The proposal is therefore considered acceptable in relation to criteria a) and c) of Policy BNE1 of the Local Plan.

Neighbour Amenity

17. In terms of neighbour amenity criterion b) of policy BNE1 states that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or creating an overbearing impact.
18. Opposite the site on the other side of Tincklers Lane are semi-detached dormer bungalows and Hedgerow Cottage (6 Tincklers Lane a detached property with a large garden). The proposed layout complies with the Council's interface distances to these properties and their boundaries.
19. Number 1 Tincklers Lane is a detached property bounding with the application site to the southwest. This is a detached property with a rear conservatory and has a detached single garage in the corner of its rear garden that bounds with the application site. The main windows of this property face towards the front and rear of the property and comply with the interface distances in terms of the proposed properties.
20. Numbers 21 – 27 The Hawthorns back onto the application site. Numbers 25 and 27 are a pair of semi-detached bungalows with small dormer windows in the rear elevation of the roof. Numbers 21 and 23 are true bungalows. The proposal complies with the interface distances in relation to these properties.
21. Number 75 Towngate is a detached former farmhouse situated prominently on the corner of Towngate and Tincklers Lane with a detached outbuilding. It is on the Council's list of Locally Important Buildings and was extended under a 2007 planning permission. The main windows of this property are in the front and rear elevations facing east and west and comply with the Council's interface distances in terms of the distance to the boundary with the proposed property on Plot 1. The main windows of Plot 1 do not look directly over the garden of 75 Towngate, however this proposed property is positioned so that part of the garden of 75 Towngate is at an angle to it. There is however, a detached pitched roof brick outbuilding in the garden of no. 75 on the boundary with the garden of Plot 1 which will act as a partial screen and therefore the relationship between these properties is considered acceptable.
22. Plot 2 would back onto the garden of no. 75 Towngate and its rear elevation would face towards the side elevation of this property. The property on Plot 2 would meet the interface distance from the first floor windows to the boundary with no. 75. Although there would only be approximately 18m from the rear first floor windows in Plot 2 to the first floor window in the side elevation of no. 74, less than the 21m guideline, this is considered an acceptable relationship as this is a secondary window to this room, the main window facing the front of the property.
23. Within the site the proposals comply with the interface distances apart from between the first floor facing windows of plots 2 and 3 which is approximately 16.5m. This is considered acceptable as it is weighed against the need to have house types on these plots whose front elevations are viewed from The Hawthorns. In addition these house types are at the end of the cul-de-sac and therefore the properties together with their garages provide a 'rounding off' of the development when viewed from Tincklers Lane.
24. The proposal is therefore considered acceptable in terms of neighbour amenity.

Highways

25. Criterion d) of Policy BNE1 states that planning permission will be granted for new development provided that: *'the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.'*
26. Lancashire County Council Highways do not object to the application and find the amended plans acceptable. Amendments they requested have been secured through the amended plans received, in the form of the footway in front of the site being extended to the south boundary with no. 1 Tincklers Lane.

27. They do however request, to prevent an overrun of the individual driveways, that the boundary between no. 1 Ticklers Lane and Plot 7 is extended up to the edge of carriageway to align with the proposed footway using any feature such as a buildout, dwarf wall with planters, raised kerbs etc. though it should not exceed 0.6m in height in order not to interfere with visibility.
28. These comments regarding creating a boundary between the driveways of Plot 7 and no. 1 Tincklers Lane are noted. Although this area is located outside the red edge of the application, it is within the adopted highway according to the County Council's adoption maps. LCC Highways request that there is a boundary built out to the carriageway, however it is considered that this would result in pedestrians exiting no. 1 Tincklers Lane having to walk in the road to get around it before they came to the new footway across the frontage of the site, as it noted by one of the objectors. It is not considered this would be acceptable and therefore it is not considered necessary to secure this through a planning condition.
29. Policy ST4 of the Local Plan 2012-2026 and its associated appendix sets out the Council's parking standards. The proposed properties all have four or five bedrooms and therefore in line with the standards require three off road parking spaces. House types B and C all have detached double garages, of a size that would be classed as two parking spaces. House type D has an integral double garage, also of a size that would be classed as two parking spaces. Properties on Plots 1, 4, 6 and 7 also have two parking spaces available to them as well as a double garage. Conversion of the garages or use for non-parking purposes would result in only two spaces being available to these properties, although conversion on one half of the garage would be acceptable. A condition is therefore proposed that one half of the garages must be retained for parking to ensure they meet the parking standards. Plots 2, 3 and 5 have a double garage and at least three other parking spaces available to them, therefore no condition is required controlling the use/conversion of these garages as the parking standards are met on these plots.
30. Subject to conditions the application is considered acceptable in terms of highways and parking and meets criterion d) of Policy BNE1.

Locally Important Building

31. 75 Towngate is on the Council's list of Locally Important Buildings. Criterion e) of Policy BNE1 requires that proposals must not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas. The main and most important view of 75 Towngate are considered to be from Towngate and its junction with Tincklers Lane. It is not considered that the proposal would not adversely affect the character or setting of this property in line with BNE1 as the development would be positioned behind the building from Towngate and it is considered would retain its prominence on the main road through the village.

Landscaping and Ecology

32. Criterion f) of Policy BNE1 requires that the proposal '*would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site*'.
33. The Council's Ecology Advisor stated they had some concerns that the hedgerow along Tincklers Lane would be lost to the scheme and asked if it could be set back from the roadside outside the visibility splays. As discussed above, amended plans have been received which show a hedgerow to be replanted along the frontage of Tincklers Lane between the accesses and driveway as requested by the ecologist.
34. The Ecologist also requests a condition regarding inspection for bats before the tree along the boundary with Tincklers Lane is removed and that vegetation and tree felling should not be undertaken during the optimum bird breeding season. These conditions are proposed.
35. The existing hedgerow to The Hawthorns is to be retained which is looked upon favourably and shrub planting is proposed within the site.

36. There is currently a metal field gate in the hedgerow facing The Hawthorns at the side of the property proposed on Plot 2. The Parish Council advise this has resulted in the creation of an unauthorised access over land owned by the Parish Council, at the entrance to The Hawthorns and they request a condition be imposed to remove this access and reinstate the boundary hedge. The agent has requested that such a condition not be imposed and the reinstatement of the hedge is shown on the proposed plan. It is however considered necessary to impose a condition securing that the hedge is reinstated prior to the occupation of Plot 2 as otherwise there would be no timeframe for the reinstatement works and to leave the gate as exists would not provide an acceptable level of privacy to the side garden of Plot 2.

37. A tree survey accompanies the application. In terms of trees there are a number on the site that are to be removed. The main tree to be removed is a large sycamore on the boundary with Tincklers Lane, however this tree has been categorised as 'U' – it has significant internal decay and there is a high probability that it will fail and fall into the road. The arborist who inspected the tree advised that the tree owner should be notified and arrangements should be made for the tree to be removed as soon as possible due to the high likelihood of whole stem failure. Tree T9 is a Silver Birch that is a Category B tree. The loss of this tree, though regrettable is unavoidable due to its location on the site and is considered to be outweighed by bringing forward an allocated housing site. The other trees to be removed are smaller and either category 'C' (trees of low quality and value) or category 'U'. To protect trees the Council would need to make a Tree Preservation Order, however it would not be expedient of the Council to protect trees in these categories.

38. Full details of the landscaping can be secured by a planning condition and subject to this the scheme is considered acceptable in terms of landscaping and ecology in accordance with criterion f) of Policy BNE1.

Contaminated Land

39. The Council's Contaminated Land Officer has reviewed the application and states the development requires a minimum of a Phase 1 desk study report, which has been submitted (Desk Study Report, Land off Tincklers Lane, Ecclestone, Chorley December 2015 REPORT NO: 15RSA012/DS). They have reviewed this report and agree with the recommendations made in section 7 for basic ground investigation work to determine if any remedial works are required to render the site suitable for development. They therefore recommend a site investigation condition, which is proposed.

Flooding and Drainage

40. The site is not in Flood Zone 2 or 3 and is not over 1 hectare in size. A Flood Risk Assessment is not therefore required.

41. United Utilities have no objection to the application subject to conditions. Conditions are proposed requiring details of the foul and surface water drainage to be submitted and approved.

Sustainable Resources

42. The Ministerial Statement on the 25th March 2015 announced that the Code for Sustainable Homes had been withdrawn, however, it also sets out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their development plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act (from then onwards energy performance requirements will be set in Building Regulations).

43. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. This will be secured via a condition.

Open Space

44. Planning Policy advise that there is a requirement for a contribution towards Public Open Space in the form of natural/semi-natural green space and playing pitches in accordance with Local Plan Policy HS4A and HS4B.

45. The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace that is identified as being low quality and/or low value in the Open Space Study (site 1669 – Rear of Larkfield), a contribution towards improving this site is therefore required. The amount required is £557 per dwelling.

46. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

47. The total financial contribution required from this development is therefore £15,092. The agent has confirmed their client is willing to make this via a direct payment prior to a decision notice being issued. Therefore a legal agreement or condition would not be required.

Community Infrastructure Levy (CIL)

48. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Other Issues

49. The surrounding uses are residential properties and it is not considered that the dwellings proposed would cause an unacceptable degree of noise disturbance to surrounding land uses.

50. The Police Architectural Liaison Officer has been consulted on the application but no response has been received. It is considered however that the layout will help to prevent crime and promote community safety as the properties all have their own secure gardens and private parking area. There are no alleyways required as the properties all have side access to their rear gardens to store bins in.

51. The application is therefore considered acceptable in relation to criteria g) and h) of Policy BNE1.

Overall Conclusion

52. The site is an allocated housing site in the Local Plan 2012-2026. The amended plans are considered to comply with all the criteria of Policy BNE1 which sets out the design criteria for new development. The application is therefore considered acceptable and is recommended for approval.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

There is no planning history relevant to the current application.

Suggested Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission.

	<i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
3.	<p>Prior to the construction of the superstructure of any of the dwellings or garages details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
4.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved plans. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
5.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be submitted to and agreed in writing with the Local Planning Authority before any dwelling is commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
6.	<p>A scheme for the landscaping of the development shall be submitted prior to the construction of the superstructure of any of the dwellings commencing. These details shall include details of any existing trees and hedgerows on the land; show any to be retained, together with measures for their protection in the course of development and show the types and numbers of trees, shrubs and hedges to be planted and their distribution on the site. The details shall also specifically include details of how the existing opening within the hedgerow adjacent to the east elevation of Plot 2 will be closed off with hedging species to match the existing hedge, which shall take place in the first planting season following the commencement of the development. All other soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any dwellings or the completion of the development, whichever is the sooner, and any trees, plants or hedges which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>

7.	<p>At least one of the garage car parking spaces (one half of the double garage) hereby approved on plots 1, 4, 6 and 7 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking, as one half of the double garage is required to ensure each dwelling has sufficient parking in accordance with the Council's parking standards.</i></p>
8.	<p>Due to the proposed sensitive end-use (housing with gardens), no development shall take place until: a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary; b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority; c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p><i>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use. This is required to be a pre-commencement condition to ensure that any contamination has been identified and any remediation proposal agreed prior to the development commencing as the investigation works may not be possible after development has commenced.</i></p>
9.	<p>Before felling, the mature sycamore tree along the boundary with Tincklers Lane should first be inspected by a suitably qualified person for its potential to support bats. Should bats be found then advice will need to be sought from a suitably qualified person about how best to proceed, and compensation for lost roosting potential shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure mitigation measures are secured if bats are found.</i></p>
10.	<p>No vegetation clearance or tree felling required to facilitate an approved scheme should be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.</p> <p><i>Reason: Breeding birds are protected under the Wildlife and Countryside Act 1981 (as amended).</i></p>
11.	<p>No dwelling hereby permitted shall be occupied until that part of the access road which provides access to it from the adopted highway has been constructed in accordance with the approved plans.</p> <p><i>Reason: In the interests of highway safety.</i></p>
12.	<p>The external parking for all the plots and at least one of the garage parking spaces on plots 1, 4, 5 and 7 and associated manoeuvring facilities shown on the plans</p>

	<p>hereby approved for each dwelling shall be surfaced or paved and made available in accordance with the approved plan prior to the occupation of that dwelling; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
13.	<p>Prior to the commencement of the development a scheme for the provision of a footway along the site frontage of Tinklers Lane up to its junction with Towngate shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any of the dwellings.</p> <p><i>Reason: To ensure a satisfactory footway is secured across the site frontage. This condition is required to be a pre-commencement conditions to ensure an acceptable scheme is agreed prior to the development commencing.</i></p>
14.	<p>Prior to the commencement of any development, other than site investigation and enabling works, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This is required to be pre-commencement condition to ensure a satisfactory scheme is incorporated into the development from the very start of the construction process.</i></p>
15.	<p>Before any development hereby permitted is first commenced, other than site investigation and enabling works, full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal for that dwelling have been completed in accordance with the approved details.</p> <p><i>Reason: To ensure a satisfactory means of drainage. This is required to be pre-commencement condition to ensure a satisfactory scheme is incorporated into the development from the very start of the construction process.</i></p>
16.	<p>Prior to the laying of any hard surfacing full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
17.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the</i></p>

	<p><i>Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>																											
18.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Proposed Site Layout</td> <td>AL-001 Rev H</td> <td>11th March 2016</td> </tr> <tr> <td>Quad Garage Block</td> <td>G-101</td> <td>11th March 2016</td> </tr> <tr> <td>Planning Elevations & Floor Plans House Type B Plot 5</td> <td>2005 Rev A</td> <td>19th December 2015</td> </tr> <tr> <td>Planning Elevations & Floor Plans House Type C Plot 6</td> <td>3005-1 Rev C</td> <td>19th December 2015</td> </tr> <tr> <td>Planning Elevations & Floor Plans House Type C Plot 1</td> <td>3005 Rev D</td> <td>19th December 2015</td> </tr> <tr> <td>Planning Elevations & Floor Plans House Type D Plot 4 & 7</td> <td>4005-1 Rev A</td> <td>19th December 2015</td> </tr> <tr> <td>Proposed Enclosure Details</td> <td>E-001</td> <td>19th December 2015</td> </tr> <tr> <td>Proposed Double Garage</td> <td>GAR-001</td> <td>19th December 2015</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Proposed Site Layout	AL-001 Rev H	11 th March 2016	Quad Garage Block	G-101	11 th March 2016	Planning Elevations & Floor Plans House Type B Plot 5	2005 Rev A	19 th December 2015	Planning Elevations & Floor Plans House Type C Plot 6	3005-1 Rev C	19 th December 2015	Planning Elevations & Floor Plans House Type C Plot 1	3005 Rev D	19 th December 2015	Planning Elevations & Floor Plans House Type D Plot 4 & 7	4005-1 Rev A	19 th December 2015	Proposed Enclosure Details	E-001	19 th December 2015	Proposed Double Garage	GAR-001	19 th December 2015
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19.	<p>No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p> <p><i>Reason: To ensure the streets are managed and maintained to a satisfactory standard for the occupants of the approved properties.</i></p>																											
20.	<p>The construction of any road, or part of a road that will be proposed for adoption shall not commence until full engineering, drainage, street lighting and constructional details of the road proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.</p> <p><i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>																											
21.	<p>For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p> <p><i>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road</i></p>																											

	<i>users.</i>
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