

Item A. 1 08/00728/FULMAJ Permit (Subject to Legal Agreement)

Case Officer Mr David Stirzaker

Ward Eccleston And Mawdesley

Proposal Demolition of existing bungalow, workshop and garage and erection of 10 No. two bed apartments

Location Crow Nest Cottage Tarnbeck Drive Mawdesley L40 2RU

Applicant Mr Peter Schickhoff-Brown

Proposal Planning permission is sought for the demolition of a detached bungalow and outbuilding followed by the erection of two buildings containing 10 no. 2 bedroom apartments resulting in a net increase of 9 no. dwellings on the site. The application site is known as Crow Nest Cottage and is accessed from Tarnbeck Drive and is within the GN4 Mawdesley settlement area.

The apartments would be housed in two separate two-storey buildings with one building at the northern end of the site containing 6 no. apartments whilst the second building at the southern end of the site containing 4 no. apartments. A total of 20 parking spaces are proposed made up of two car parks containing 10 spaces at the northern and southern ends of the site whilst two areas of bin storage are to be provided next to the buildings. Access to the site will be via the existing driveway from Tarnbeck Drive, which is proposed to be widened to 5m. There are also 3 no. trees on the site that are the subject of a Tree Preservation Order.

Background Some Members may recall that on 28th September 2004, planning permission was refused on this site by the Development Control Committee for essentially the same development as is now proposed. The applicant subsequently appealed against this decision and a Public Inquiry was held in January/February of 2006. The Inspector in his decision refused planning permission for the development, which at the time was due to the proposal being contrary to the Council's Windfall Housing SPG whilst it was also considered that the development would cause detrimental harm to the living conditions of the occupiers of 45 Tarnbeck Drive by way of overlooking. In terms of highways, the Inspector concluded that the development was acceptable and that a visibility splay to the east of the junction with Tarnbeck Drive could be secured through the use of a Grampian type condition whilst the design and massing of the development was also deemed acceptable by the Inspector.

An application was submitted in 2007 (07/01304/FULMAJ) which is essentially the same as is proposed now but following objections from LCC (Ecology), the application was withdrawn as

a Great Crested Newt survey was required which could only be carried during the requisite time period in 2008.

Applicants Case

The design and access statement submitted with the application states that this application is a resubmission of application no. 07/01304/FULMAJ with the addition of bin stores and an ecological survey. The applicant states that the site comprises of an area of land extending to approx. 0.27hectares and is roughly rectangular in shape. The density of the development would be 37 dwellings per hectare, which the applicant state is in line with guidance in PPS3. The buildings will be two storeys in nature, which is considered to be in keeping with the scale of the adjoining residential development on Tarnbeck Drive. The buildings have also been sympathetically designed to provide interesting elevations whilst varying eaves and rooflines provide vertical articulation. The footprints of the buildings have also been designed to numerous gables and bays and chimneys finish off the traditional design.

The applicant also states that to ensure the buildings relate well to the properties on Tarnbeck Drive, the levels of the site are being reduced so that the floor levels are the same as those on Tarnbeck Drive. In terms of appearance, the apartment blocks will be constructed from a facing brick approved by the Council with some stone plinths whilst stone cills, heads and surrounds will feature to the doors and windows. Stone corbels will add features to the gables that will be finished with pointed verges and dummy chimneys clad in matching brick slips will punctuate the varying grey tile roofscape.

Planning Policy

National Planning Policy

PPS1 - Sustainable Development

PPS3 - Housing

Manual for Streets - Department of Transport Guidance

Regional Planning Policy

Regional Spatial Strategy (RSS)

Joint Lancashire Structure Plan

Policy 7 (JLSP) - Accessibility & Transport

Policy 12 (JLSP) - Housing Provision

SPG (To Policy 7) - Access & Parking

Chorley Borough Local Plan Review & SPG Documents

GN4 - Settlement Policy – Other Rural Settlements

GN5 - Building Design & Retaining Existing Landscape Features

EP16 - Contaminated Land

EP18 - Surface Water Run Off

EP19 - Development & Flood Risk

HS4 - Design & Layout of Residential Developments

HS6 - Housing Windfall Sites

- HS21 - Playing Space Requirements
- TR4 - Highway Development Control Criteria
- SPG - Design Guidance

Planning History

This site planning history is detailed as follows: -

07/01304/FULMAJ - Demolition of existing bungalow and garage/workshop and erection of 10 two bedroom apartments (Withdrawn). This application was withdrawn due to objections from LCC (Ecology) regarding impact on Great Crested Newts.

04/00779/FULMAJ - Demolition of existing bungalow and garage/workshop and erection of 10 apartments (Refused). The applicant appealed against this decision and the ensuing Public Inquiry resulted in the appeal being dismissed on the grounds of neighbour amenity impact and non-compliance with the now withdrawn Windfall Housing SPG. The plans now proposed are essentially the same as considered during this appeal save for the changes to the window, pediment and gable position to the apartment at first floor level closest to 44 and 45 Tarnbeck Drive.

04/00609/TPO - Works to Oak (T3) covered by TPO 5 (Mawdesley) 2003 (Consent granted for tree works).

03/01098/FUL - Demolition of existing bungalow and erection of detached house and garage (Permitted).

03/00823/TPO - Consent to prune three trees covered by Tree Preservation Order No.5 (Mawdesley) 2003 (Consent granted for tree works).

02/00528/FUL - Erection of 5 detached houses (Refused). The applicant appealed and the Planning Inspectorate dismissed the appeal.

Consultations

LCC (Ecology) initially objected to the application but these objections have now been overcome by virtue of the amended Ecological Report, mitigation measures and the proposed hibernacula area for Great Crested Newts at the southern end of the site.

Mawdesley Parish Council object to the application on Green Belt grounds, on the basis that it does not fulfil the standards set out in the Village Design Statement and Chorley Council guidelines.

The **Corporate Director (Neighbourhoods)** confirms that the bin storage areas are suitable as is the access for a refuse vehicle. It is also advised that the standard condition is imposed requiring a ground survey to be undertaken prior to works commencing on site.

The **Architectural Liaison Officer** advises that the amended bin store between the apartment blocks should be constructed from

brick to reduce the risk of fires and that the development is constructed in accordance with Secured by Design guidance. Amended plans detailing a brick bin store have now been received.

LCC (Highways) do not raise any objections to the development proposed subject to the imposition of a Grampian planning condition to secure the provision of the visibility splay to the east of the junction with Tarnbeck Drive and the imposition of conditions suggested in comments on the previous withdrawn application (Ref No. 07/01304/FULMAJ).

The **Environment Agency** does not raise any objections to the principle of the development proposed subject to the imposition of a condition requiring surface water run off to be attenuated to existing levels.

United Utilities raise no objection to the proposed development.

The Council's **Arboricultural Officer** raises no objections to the proposed development.

Representations

To date, 24 letters of objection have been received in relation to the originally submitted and amended plans. Out of the 24 letters received, some are multiple letters from the same household. The contents of the objections letter received can be summarised as follows: -

- Development will not be in keeping with the local area
- The increased traffic associated with the development will heighten the risk of accidents
- Development will lead to the occupiers of Tarnbeck Drive experiencing a loss of light and privacy
- The apartments will harm the rural and picturesque characteristics of the village
- There will be a detrimental impact on wildlife
- The provision of 1.5 parking spaces per dwelling is not realistic for the apartments given the rural location of the site
- The entrance to Crow Nest Cottage is still too narrow
- The application process should be closed for a minimum of 5 to 10 years and consideration should be given to the current state of the housing market
- The proposals represent an over development of the site which will not be in keeping with the local village
- The development is not in line with the Village Design Statement
- The Great Crested Newt survey does not take into account newts that breed in the pond of 43 Tarnbeck Drive and the survey was conducted too late in the year to assess the impact of newt breeding
- The development is not suitable in this area as there is no local infrastructure as defined in PPG3
- There is an oversupply of flats in local towns and it is

considered that there is no real demand for flats in a village location

- Parked vehicles on the driveway will obstruct access for large vehicles, particularly refuse and emergency vehicles
- If planning permission is granted, the planning conditions agreed at the time of the Public Inquiry should be imposed
- There is a difference in height between the hardstanding where the northern car park will be provided and properties on Tarnbeck Drive – the developer should be made to mitigate this problem
- The proposed Finished Floor Levels (FFL's) should be secured through condition
- Are letters sent to Chorley Council asking for planning permission to be refused really taken into consideration
- The development could cause flooding problems

Assessment

Principle of development

The site lies within the Mawdesley settlement area and is currently occupied by a detached bungalow and its associated residential curtilage, which includes an industrial looking garage/storage building that appears to be a remnant from when the site was originally occupied by Counce's steel fabrication plant which also included the site of the adjacent Tarnbeck Drive estate prior to its residential redevelopment in the early 1990's. Therefore, in accordance with Planning Policy Statement 3: Housing, the site is considered to be previously developed land and as such, previously developed land is that which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. In this case, the land is currently occupied by a dwelling and an outbuilding with the rest given over to residential curtilage and prior to this was part of the Counce's steel fabrication plant. PPS3 encourages the redevelopment of such previously developed land as opposed to developing Greenfield land hence it is considered that the development accords with Government guidance in PPS3.

Policy 12 of the Joint Lancashire Structure Plan provides housing provision figures for the period 2001 to 2016. However, this policy will be superseded in the very near future by Policy L4 of the Regional Spatial Strategy (RSS), the publication of which is imminent following a period of public consultation on the proposed changes to the draft document. Policy L4 will provide a significantly higher level of housing provision levels in Chorley than those set out in Policy 12 of the Joint Lancashire Structure Plan. Given the publication of the Regional Spatial Strategy is imminent, this document should be afforded substantial weight and it is considered that the net increase of 9 dwellings on this site will be in accordance with Policy L4 of the RSS.

At the local level, criterion (e) of Policy GN4 of the Local Plan Review allows for the residential redevelopment of land in the rural settlements provided it is previously developed land and it should also be noted that a net increase of 9 dwellings on this site

falls under the threshold for requiring an element of affordable housing as part of the scheme.

It should be noted that at the time of the Public Inquiry, the Council's Windfall Housing SPG document was adopted guidance and the Inspector dismissed the appeal citing non-accordance with this document. Obviously, this document has now been withdrawn and PPG3 has also been superseded by PPS3.

In summary, the principle of the development proposed on this site is considered to be acceptable in that it accords with and meets the objectives of the requisite planning policies contained within the Development Plan.

Design & Scale of Development

The two apartment blocks proposed comprise of two storey buildings with average eaves heights of 5.1m and average ridge heights of 8.5m. These dimensions represent a very slight increase over the eaves and ridge heights of the properties on Tarnbeck Drive development, which as stated, comprises of a modern residential development made up of a typical mix of property types.

The design and scale of the development was evaluated at length during the Public Inquiry wherein the Inspector concluded that the development was of a suitable design and scale in relation to Mawdesley in general and the adjacent residential development (Tarnbeck Drive).

In terms of some of the objections stating that the development is not in accordance with the Mawdesley Village Design Statement, this document has recently been prepared and adopted by Mawdesley Parish Council but is not a document adopted by Chorley Council hence has no statutory weight in relation to the determination of this application.

However, it is still a useful document that can be referred to when determining planning applications due to its local focus and Recommendation 5 is probably the most pertinent in that it stipulates infill housing should reflect the style and spatial disposition of those buildings in their immediate vicinity to avoid architectural disharmony. Recommendation 8 states that new housing developments should reach high standards of design, housing mix and arrangement and be of a scale commensurate with the village. Tarnbeck Drive is cited as a good example of this and on page 12 of the document, a photograph shows the linked properties on this development, and as already stated, the Inspector concluded that the design and scale of the apartment blocks would be in keeping with the Tarnbeck Drive development to the east of the application site and the wider context of Mawdesley hence it can only be concluded that the development is not discordant with the objectives of the Mawdesley Village Design Statement.

In particular, the apartment blocks include projecting gables and pediments over first floor windows, which pick up on the detailing found on the Tarnbeck Drive development and whilst the apartment blocks are wider than the detached dwellings on Tarnbeck Drive, they are comparable to the linked properties on the same estate. Also, the use of varying ridge heights, projecting gables and different building lines would effectively and acceptably break up the massing of the apartment blocks. In terms of materials, a condition will require samples of these to be submitted for approval prior to works commencing on site.

In terms of wider impact, to the west of the site is an area of undeveloped and somewhat overgrown open land that provides a substantial buffer between the development site and New Street hence the development will not be prominent within the village itself. Any of the views of the site from New Street will be limited to vistas of the apartments from between buildings whilst views from Tarnbeck Drive from the north just off New Road will encompass the buildings and the existing Tarnbeck Drive development. Moreover, the reduced levels will further limit the outward impact of the development to a level that is considered acceptable.

On this basis, it is considered that the design, scale and massing of the proposed development is acceptable and will not cause detrimental harm to the character and appearance of the Mawdesley locality and therefore meets the objectives of Policy Nos. GN5 and HS6 of the Local Plan Review.

Impact on Neighbour Amenity

The proximity of the development to the properties on Tarnbeck Drive accords with the Council's Spacing Standards and in places actually exceeds them and to counter concerns with the level of the application site, the slab level of the apartment blocks will be similar to that of the properties to the east on Tarnbeck Drive by utilising a FFL (Finished Floor Level) of 21.50 facilitated by the level of the site being reduced. Retaining walls will be constructed close to the eastern and western site boundaries and adjacent to the Great Crested Newt hibernacula at the southern end of the site as a consequence of the reduction in the level of the site.

The relationship between the development and the properties on Tarnbeck Drive was afforded in depth analysis at the Public Inquiry and the only reason the appeal was dismissed on this ground was due to a north facing lounge window in a second floor apartment in the northern block closest to the eastern site boundary overlooking the garden area and conservatory of 45 Tarnbeck Drive. On all other matters, the Inspector considered that the development was acceptable as it met and exceeded the Council's Spacing Standards and the FFL's of the apartment blocks was to match closely that of the facing properties on Tarnbeck Drive to the east thus matters such as outlook and light would not be detrimentally harmed by the apartment blocks nor

would they appear over dominant.

In terms of the impact of the said north facing lounge window serving the apartment on the second floor of the northern block, the position of this has now been amended and the window is now set 5.7m in from the east end elevation of this apartment block. This means the window is set 19.5m from the conservatory at the rear of 45 Tarnbeck Drive and 9.2m from the garden boundary as opposed to the 16.4m and 5m distances proposed by the plans considered at the Public Inquiry. The view from the window is also oblique in terms of views of the garden and the north facing elevation of this apartment has also been amended whereby a pediment above the lounge window has been removed thus reducing the level of prominence this elevation is afforded which coupled with the new position of the lounge window will reduce the perception of being overlooking as well as mitigating the Inspectors concerns expressed in his decision. To facilitate this change, the said pediment is being switched to the opposite side of the apartment and the position of the gable end when seen from 44 and 45 Tarnbeck Drive has been shifted south approx. 40cm. However, this will not change the overall impact of this elevation when seen from these properties given the overall width of the gable remains the same at 11.6m.

In terms of concerns expressed in relation to the level of the northern car parking area, the level of this is proposed at 21.25m, which will be approx. 30cm below the current level of the hardstanding in this position. Boundary landscaping is also proposed and a condition can require a substantial belt of planting adjacent to the car park to be submitted and thereafter implemented to specifically mitigate the impact of the car park and its use. Also, the parking space nearest to 46 Tarnbeck Drive has been moved thus taking the car park further away from the boundary in this position.

It is therefore considered that the development will not detrimentally impinge upon the living conditions of the occupiers of the properties adjacent to the site on Tarnbeck Drive and therefore meets with the objectives of Policy No. HS4 of the Local Plan Review and accords with the Council's Spacing Standards.

Highways

As with other matters, the highways implications of the development were the subject of in depth scrutiny during the course of the public inquiry involving cross examination of both the Council's expert witness from LCC (Highways) and the appellant's expert witness. In summary, the Inspector did not dismiss the appeal on this ground as it was considered that the development would not prejudice highway safety and that use of a Grampian planning condition was an appropriate means of securing a suitable visibility splay at the junction with Tarnbeck Drive to the east. The visibility splay includes land within the front garden of 49 Tarnbeck Drive so the Grampian condition would require the

applicant to secure this land and provide the visibility splay prior to any works commencing on site. Accordingly, if the land across which the visibility splay is proposed cannot be secured by the applicant, then the development itself cannot be commenced and the permission would then lapse after 3 years had expired.

In all other respects, the impact of the development on the local road network and Tarnbeck Drive was deemed acceptable whilst the internal layout and parking provision levels were also deemed acceptable hence there is no reason to take a different view in light of the comments received from LCC (Highways).

However, an additional 5 parking spaces have now been sought in response to concerns with the level of parking. Suitable bin storage areas are also to be provided. The additional parking spaces will mean there is adequate parking available for the occupiers of the apartments along with some visitor parking and in terms of the bin storage; the Corporate Director (Neighbourhoods) has confirmed this to be suitable to serve the apartments.

The proposed development is therefore considered to accord with Policy No. TR4 of the Local Plan Review and Policy No. 7 of the Joint Lancashire Structure Plan.

Drainage, Surface Water & Flooding

The comments of some objections are noted in relation to flooding and to this end, the Environment Agency have advised that a condition be attached to the planning permission requiring the surface water run off rates to be attenuated to existing levels so as the development will not lead to an increased risk of flooding. United Utilities do not raise any objections to the development proposed.

It is therefore considered that the development accords with Policy Nos. EP18 and EP19 of the Local Plan Review.

Ecological Issues

The applicant has undertaken an Ecological Survey in respect of Bats and Great Crested Newts. With regards to Bats, LCC (Ecology) advise that it seems relatively unlikely that the development will impact upon populations of bats locally and that the recommendations in section 4.1.1 of the report be made the subject of a condition.

This survey has also been amended at the request of LCC (Ecology) in respect of Great Crested Newts and now includes mitigation measures to safeguard populations of them whilst a hibernacula is proposed to make up for the loss of/works to an existing mound running along the southern and western ends of the site boundary. LCC (Ecology) are also satisfied that a perimeter fence around the site prior to and during the course of construction works will exclude Great Crested Newts from the site

and also address concerns expressed by Tarnbeck Drive residents who state that some garden ponds contain Great Crested Newts by also excluding them from the site during the course of construction works. A raft of other measures set out in the ecological report also need to be carried out prior to work starting on site including, as stated, fencing off the perimeter of the site to prevent any further Great Crested Newts entering the site and setting up pitfall traps to catch Great Crested Newts still within the site so as they can then be relocated to a nearby pond prior to any work starting on site. The perimeter fence has to remain throughout the course of construction works to prevent Great Crested Newts entering the site and LCC (Ecology) are now satisfied that these measures along with the new hibernacula will safeguard populations of Great Crested Newts hence the initial objection has been withdrawn. The recommendations set out in the report are to therefore be made the subject of a condition. It is therefore considered that the development accords with the objectives of Policy EP4 of the Local Plan Review.

Impact on protected trees

The Councils Arboricultural Officer does not raise any objections to the application as the proposed hibernacula at the southern end of the site means there will now be less disturbance of the ground near to the trees on the boundary. With regards to the trees on the western boundary at the northern end of the site opposite the bin store, these are already next to the tarmac access that serves the site and all works under the canopy of these trees will be required by condition to be carried out by hand. This being the case, it is considered that the development will meet with the objectives of Policy No. EP9 of the Local Plan Review.

Conclusion

As will be evident from this report, Members will note that many of the issues with this application have already been evaluated in substantial detail during the Public Inquiry held in 2006 whereby the Council's expert witnesses and those of the appellant were the subject of cross examination. The two reasons why the Inspector dismissed the appeal at that time have now been overcome by reason of the Windfall Housing SPG being withdrawn whilst the overlooking issue has now been resolved in relation to 45 Tarnbeck Drive. In all other respects, the development is considered to be acceptable and the addition of extra car parking spaces and a reduction in the level of the northern car parking area addresses some of the concerns expressed by local residents.

Recommendation

On the basis of the above, it is recommended that planning permission should be granted subject to the signing of a Section 106 Legal Agreement on or before 7th October 2008 to secure a contribution of £22736 towards the provision and maintenance of off site play areas/space. If the Section 106 Agreement is not signed by this date, then planning permission should be refused, as the Section 106 Agreement is a material consideration to the determination of this application.

Conditions

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting the Order, there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to remain, upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device which will obstruct the view above a plane 1 metre above the crown level of the adjoining highway. The piece of land affected by this condition shall be the land north of the dotted line detailing the 2.4 x 33.0m Sight Line and the back of the footpath shown on the approved site plan (DRWG No. 07/170/P01 REV E).

Reason: To ensure adequate visibility, in the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

2. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences, walls (including the bin storage enclosures) and retaining walls to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences, walls and retaining walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

4. No part of the development hereby permitted shall be occupied or used until the upgraded means of vehicular access serving the site has widened to 5m and suitably hard surfaced in accordance with the approved site plan.

Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

5. The existing soil levels around the base of the trees to be retained shall not be altered.

Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.

6. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:1991 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.

7. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

8. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall not commence until control of the land upon which the visibility splay detailed on the approved site plan (DRWG No. 07/170/P01 REV E) is to be provided has been secured by the applicant, evidence to confirm this has been submitted to and approved in writing by the Local Planning Authority and the visibility splay has been provided in accordance with the said site plan.

Reasons: In the interests of highway safety and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.

10. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

11. The development hereby permitted shall only be carried out in full accordance with the mitigation proposals set out in the Bat & Great Crested Newt Survey & Assessment, received on 26th August 2008. In particular and in relation to Bats, the development shall only be carried out in accordance with the proposals contained within paragraph 4.1.1 of the report whereby the garage shall only be dismantled during the safe period of November to February inclusive otherwise the garage must only be dismantled once a Bat worker is satisfied that no Bats are present. In relation to Great Crested Newts, the Method Statement in the Appendix (Section 6) of the report shall be strictly adhered with prior to and throughout the course of the development hereby permitted and the Great Crested Newt Hibernacula (DRWG No. 07/150/P05 Rev) shall be created in accordance with the timing set out in the said Method Statement.

Reasons: To safeguard protected species (Bats & Great Crested Newts) and in accordance with Policy No. EP4 of the Chorley Borough Local Plan Review.

12. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans prior to the first occupation of the apartments hereby permitted.

Reasons: To reduce the increased risk of flooding downstream of the site and in accordance with Policy Nos. EP18 and EP19 of the Chorley Borough Local Plan Review.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees

or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

14. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with Policy NO. EP16 of the Adopted Chorley Borough Local Plan Review.

15. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

16. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.
