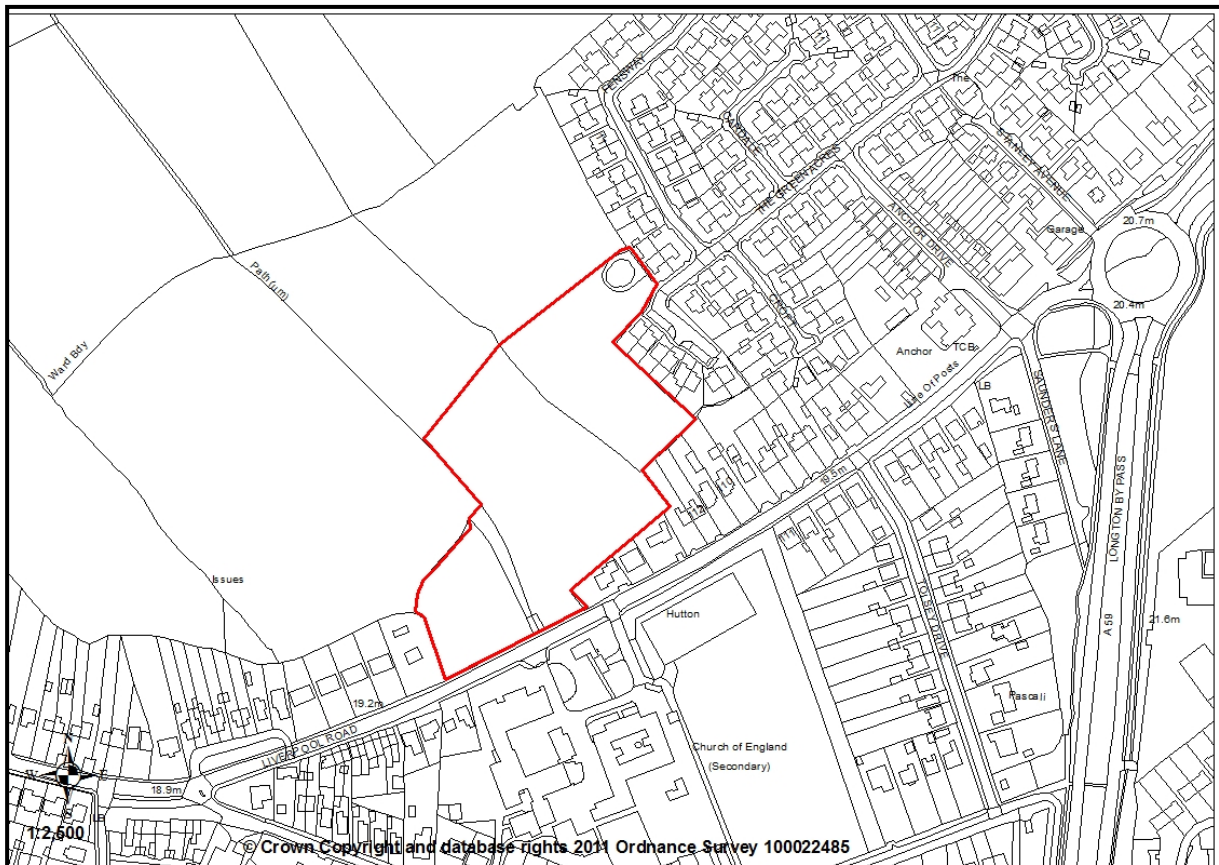


Application Number	07/2016/0509/VAR
Address	Land To The Rear Of 110 - 120 and Adjacent To 136 Liverpool Road Hutton Lancashire
Applicant	Lancashire County Council
Development	Application for the variation of condition 2 (Approved plans) of planning permission 07/2015/1845/FUL - modification of south west boundary between POS and 136 Liverpool Road
Officer Recommendation	Approval with Conditions
Date application valid	04.07.2016
Target Determination Date	03.10.2016
Extension of Time	



1. Report Summary

1.1 The application relates to a parcel of green field land on the northern side of Liverpool Road in Hutton. The site was allocated for residential development in the South Ribble Local Plan 2012-2026 and planning permission was granted in April 2016 for erection of 46 dwellinghouses with associated parking and landscaping, new access and public open space with 16 space car park. The permission was subject to a number of planning conditions. Condition 2 related to the development being carried out in accordance with the approved plans.

1.2 This application seeks to vary condition 2 of the approved scheme in order to modify the south-west boundary between the Public Open Space and 136 Liverpool Road.

1.3 The proposal is a relatively minor amendment and is not considered to compromise the overall scheme. It is therefore recommended for approval subject to the re-imposition of the conditions originally imposed, with Condition 2 being updated to reflect the plan revisions.

2. Site and Surrounding Area

2.1 The application relates to a parcel of land on the northern side of Liverpool Road in Hutton. The site forms part of a larger parcel of agricultural land owned by Lancashire County Council. The site is greenfield in nature with hedgerow boundaries. To the southern boundary are residential properties on Liverpool Road; to the east are residential properties on Meadow View Close, Fensway and Greenacres. A Public Right of Way runs northwards through the site and along its western boundary. The site is allocated in the South Ribble Local Plan 2012-2026 for residential development and planning permission was granted for a development of 46 dwellings in April 2016.

3. Planning History

3.1 Planning permission 07/2015/1845/FUL for the erection of 46 dwellinghouses with associated parking and landscaping, new access and public open space with 16 space car park was approved on 21 April 2016.

4. Proposal

4.1 The application proposes an amendment to the development site boundary. A modification of the south-west boundary between the Public Open Space and 136 Liverpool Road amounts to a 'levelling off' of the boundary in this location. Essentially the boundary will be relocated 4.53m further to the west where it fronts Liverpool Road, reducing to 1.71m for a length of 38m. The proposal will regularise the shape of the retained land adjacent to 136 Liverpool Road to the benefit of Lancashire County Council who may market the plot in the future.

6. Summary of Publicity

6.1 Neighbouring properties were consulted, a site notice posted and a press notice published. No letters of representation were received.

7. Summary of Consultations

7.1 **County Highways** raise no objections to the proposed change to the site boundary

7.2 **Ecology** comment that the amended plans will not make any significant difference to the ecological impacts of the proposed development.

7.3 **The Arboriculturist** has no objections to the proposal.

8. Policy Considerations

8.1 Central Lancashire Core Strategy

8.1.1 Consideration of the following policies was given in determination of the original application for the erection of 46 dwellinghouses with associated parking and landscaping, new access and public open space with 16 space car park:

Policy 1: Locating Growth
Policy 4: Housing Delivery
Policy 5: Housing Density
Policy 6: Housing Quality
Policy 7: Affordable and Special Needs Housing
Policy 17: Design of New Buildings
Policy 22: Biodiversity and Geodiversity
Policy 27: Sustainable Resources and New Developments
Policy 29: Water Management

8.2 Central Lancashire Supplementary Planning Documents

Affordable Housing SPD
Design Guide SPD.
Open Space and Playing Pitch SPD

8.3 South Ribble Local Plan 2012-2026

Policy A1: Developer Contributions
Policy D1: Allocation of Housing Land
Policy G10: Green Infrastructure Provision in Residential Developments
Policy G13: Trees, Woodlands and Development
Policy G16: Biodiversity and Nature Conservation
Policy G17: Design Criteria for New Development

9. Material Considerations

9.1 Site Background

The application site and adjacent land is within the ownership of Lancashire County Council and the land is agricultural in nature. The application site was allocated in the South Ribble Local Plan 2000 as Safeguarded Land under Policy D8 Site J in order to provide for the longer term development requirements of Hutton. The site was brought forward and allocated for housing development in the 2012-2026 Local Plan under Policy D1 Site N. The remainder of the land within LCC's ownership is allocated under Policy G4: Protected Open Land. Land to the site's western boundary between the site and 136 Liverpool Road is also owned by LCC and is within the Existing Built-up Area of Hutton

9.2 Highway/Parking Implications

County Highways have no objections to the proposed amendment to the site boundary. It is of sufficient distance from the site access and does not compromise this access in any way. In terms of parking, the area of open space includes a car parking area for 16 vehicles. The proposal does not affect the level of parking provision.

9.3 Public Open Space

The application proposes a reduction in one of the proposed two areas of Public Open Space for the site. The amount of POS provided originally exceeded the requirements for amenity greenspace as set out in the Open Space and Playing Pitch SPD. Therefore the loss of approximately 102 sq m of open space will not have a detrimental impact on the open space provision which remains commensurate with the requirements for amenity greenspace.

9.4 Trees

The POS contains a number of mature trees which were to be largely retained for the residential development. Amendments to the site boundary will not alter the situation. The Arboriculturist has no objections to the proposal.

9.5 Residential Amenity

The only existing residential property that potentially could be affected by the proposal is 136 Liverpool Road which is immediately adjacent to LCC's parcel of land between it and the site.

There are no proposals for the plot of land at present but it may be marketed for sale in the future. This has no bearing of this current application which seeks to amend the development site boundary. Therefore there will be no undue impact on residential amenity as a result of this proposal.

9.6 Biodiversity and Nature Conservation

The Council's Ecological Advisors comment that the amended plans will not make any significant difference to the ecological impacts of the proposed development and previous comment of the 28th January 2016 still apply. These comments related to Great Crested Newts; Bats; Nesting Birds; Ecological Mitigation and Brown Hares. All conditions imposed on the original application will be re-imposed. Therefore there will be no biodiversity/nature conservation issues arising from the proposed amendment to the site boundary.

10. Conclusion

10.1 The proposed amendment to the site boundary is not considered to unduly impact on residential amenity, biodiversity, the provision of open space, parking provision or the site access. The proposal is considered to be in accordance with the relevant planning policies and is therefore recommended for approval subject to the re-imposition of conditions originally imposed together with the amended wording to condition 2.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the approved plans Dwg EST/GAJH Ref v1.13a(p) Area of Variation: 14-071 Rev B Proposed Layout: 151105/01C Proposed Access Arrangements; 14-071-SS01 Street Scene; House type plans 1B510; 1B527; 2B698; 3B794; 3B1120b; 4B1197; 4B1270; 4B1342; 4B1430; 4B1565: 14-071 9000 Proposed Cycle Store: or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. None of the dwellings hereby approved shall be first occupied until a management and maintenance scheme for the public open space and public car parking area within the site, including provisions to ensure the car parking area is for short stay only. has been submitted to and approved in writing by the Local Planning Authority. The public open space and car parking area shall be provided and maintained within the site wholly in accordance with details agreed and thereafter the public shall have access to the area of open space and parking area at any time, unless agreed otherwise in writing by the Local Planning Authority.
REASON: To ensure the open space and car parking provision are made and maintained for public use as required by Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
4. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) 26 November 2015, B1808 Hutton FRA Version02, Michael

Lambert. Prior to commencement of the development, mitigation measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with the lead local flood authority. The mitigation measures shall include the following details:

1. Limit the surface water run-off generated by the 1 in 1 year, 1 in 30 and 1 in 100 year plus 30% for climate change critical storms so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of storage of 400m³ of water, as stated in the FRA
3. Details of any improvements, protection and/or maintenance of any existing flood defences.
4. Where appropriate, identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
5. Confirmation of the opening up of any culverts across the site.
6. Details of finished floor levels, set no lower than 300mm above the proposed highway level.

The mitigation measures shall include detail of timing/phasing arrangements and shall be fully implemented prior to first occupation of any of the dwellings.

REASON: To improve water management and reduce the risk of flooding in accordance with Policy 29 in the Central Lancashire Core Strategy

5. Foul and surface water shall be drained on separate systems.
REASON: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy 29 in the Central Lancashire Core Strategy

6. Prior to the commencement of any development, 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 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 in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 29 in the Central Lancashire Core Strategy

7. Prior to the commencement 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:

a) The arrangements for adoption by an appropriate public body or statutory undertaker; or

b) Arrangements concerning appropriate funding mechanisms by a Resident's Management Company including a Management Plan for the ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements 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 manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance

mechanism for the lifetime of the development in accordance with Policy 29 in the Central Lancashire Core Strategy

8. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site, as required by condition 7 above, has been completed in accordance with the agreed details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system in accordance with Policy 29 in the Central Lancashire Core Strategy

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development of the type described in Classes A to E Part 1 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority to plots 2 to 8 inclusive.

REASON: To enable the Local Planning Authority to retain control over future development in the interest of residential amenity and the character and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

10. 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 improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to be in accordance with Policy G17 in the South Ribble Local Plan 2012-2026.

11. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 10 above has been constructed and completed in accordance with the agreed scheme details.

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.

12. The new estate road shall be constructed in accordance with the Lancashire County Council 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 as required Policy G17 in the South Ribble Local Plan 2012-2026

13. For the full period of construction, facilities shall be available on-site for the cleaning of the wheels of vehicles leaving the site. Such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: In the interests of highway safety and other highway users in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

14. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- I. the proposed times construction works will take place
 - II. the parking of vehicles of site operatives and visitors
 - III. loading and unloading of plant and materials
 - IV. storage of plant and materials used in constructing the development
 - V. the location of the site compound
 - VI. appropriate measures to control the emission of dust and dirt during construction
 - VII. appropriate measures to control the emission of noise during construction
 - VIII. details of all external lighting to be used during the construction
 - IX. a scheme for recycling/disposing of waste resulting from demolition and construction works
- REASON: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
15. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of invasive plants, as identified under the Wildlife and Countryside Act 1981 shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of invasive plants during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- REASON: The spread of invasive plants is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment recurs
16. During the construction phase of the development hereby approved, the mitigation measures outlined in the submitted document by Envirotech dated 9 February 2016 in respect of Brown Hare shall be implemented in full for the duration of the development.
- REASON: To ensure that adequate provision is made for these species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
17. Prior to commencement of the development hereby approved, a method statement shall be submitted to and approved in writing which identifies remedial pruning to be carried out. Once the agreed remedial pruning has taken place, and prior to any construction or demolition works being commenced, barrier fencing shall be erected around all trees to be retained on the site as detailed in the Tree Constraints Plan Dwg No: BTC708-TCP which has been agreed by the Local Planning Authority. The fencing shall be constructed and located in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil may take place. This includes ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.
- REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

18. No development shall commence until details of the landscaping of the site including, the provision of replacement tree and hedgerow planting, have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.
- The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.
- Details submitted shall be compliant with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.
- REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026
19. Prior to commencement of the development hereby approved, a scheme detailing the boundary treatments of the whole site be submitted to and approved in writing by the Local Planning Authority. Boundary treatments should include the provision of native hedgerow planting. The occupation of any of the dwellings shall not occur until the fencing/walling has been erected and the hedgerow planted in accordance with the approved details. Any fencing/walling erected or hedgerow planted pursuant to this condition shall be retained at all times thereafter.
- REASON: To ensure the provision and retention of adequate screening in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
20. Prior to the commencement of development hereby approved, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
- a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on & off-site contamination and ground gases.
 - b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.
- The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the start of the site investigation survey.
- c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.
- Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

21. Prior to first occupation of the dwellings hereby approved, one Electric Vehicle Recharge point shall be provided to all dwellings with one or more off-street parking space/garage space integral to the curtilage of the property.
REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy
22. Prior to the first occupation of the development hereby approved, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Where the Local Planning Authority agrees a timetable for implementation of the Full Travel Plan, the elements are to be implemented in accordance with that timetable unless otherwise agreed in writing with the Local Planning Authority.
REASON: To promote and provide access to sustainable transport options in accordance with Policy 3 in the Central Lancashire Core Strategy.
23. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the Nation Planning Policy Framework. The affordable housing shall remain affordable in perpetuity. The scheme shall include:
 - i. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
 - ii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iii. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.REASON: To ensure the provision of affordable housing on-site in accordance with Policy 7 of the Central Lancashire Core Strategy and the Affordable Housing Supplementary Planning Document.
24. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.
REASON: Policy 27 of the 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. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.
25. 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 meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.
REASON: Policy 27 of the 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. 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

26. 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.

REASON: Policy 27 of the 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. 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.

RELEVANT POLICY

- F1 Car Parking
 - G10 Green Infrastructure Provision in Residential Developments
 - G13 Trees, Woodlands and Development
 - G16 Biodiversity and Nature Conservation
 - G17 Design Criteria for New Development
-