

Application Number 07/2017/0118/VAR

Address Land Off Higher Walton Road
Walton-Le-Dale
Lancashire

Applicant Wainhomes North West Limited

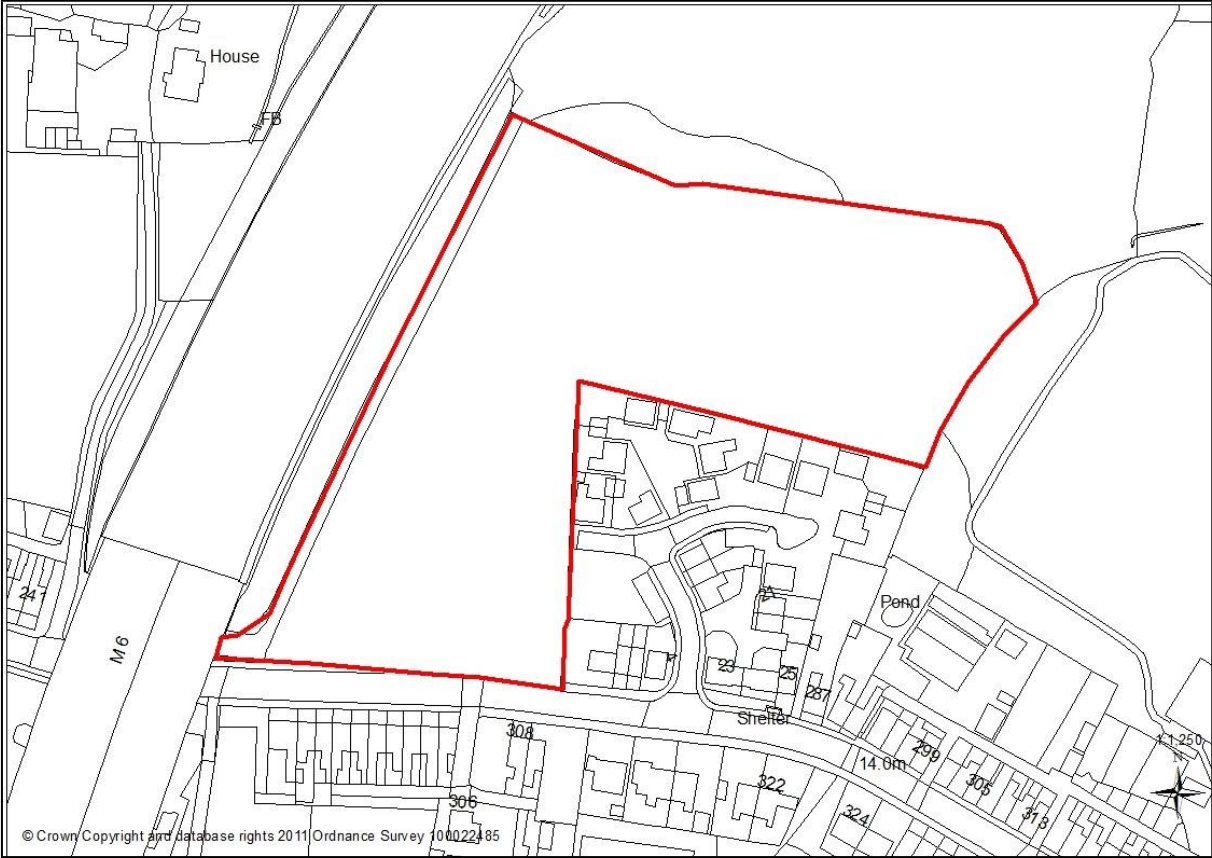
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Development Removal of Condition Nos. 14, 15 and 16 (Code for Sustainable Homes) from planning permission 07/2013/0548/FUL and consolidation with new condition.

Officer Recommendation **Approval with Conditions**

Officer Name **Catherine Lewis**

Date application valid 19.01.2017
Target Determination Date 20.04.2017
Extension of Time N/A



1.0 Report Summary

1.1 Planning permission was granted in July 2014 for the erection of 46 No.two storey dwelling houses (30% being affordable units); with the formation of new access off Higher Walton Road and pedestrian/cycle link to King Georges Field with associated landscaping.

1.2 A number of conditions were attached and three conditions 14, 15, and 16 related specifically to sustainable measures being incorporated within the development. Following changes with Government legislation this application seeks to remove these three conditions and provide a composite scheme which would ensure sustainable measures but which reflects the changes in Government legislation.

2.0 Site and Surrounding Area

2.1 This application relates to a 1.9 hectare site which was historically used for horticultural use. The site is now un-used and vegetation on site is kept to a minimum.

2.2 The site is bounded to the west by the M6 motorway, which is elevated and sits above the proposal site. There is a tree belt which covers the embankment and runs down into the site, these trees are to remain and do not form part of the application site. A tree belt also runs to the north of the site, with an additional tree line to the east followed by King Georges Field. Immediately to the south is Higher Walton Road, with existing terraced houses and to the east is the Barn Flatt Close housing development, which was given permission in November 2002.

3.0 Planning History

3.1 Planning permission was granted 17 July 2014 for the erection of 46 no two storey dwelling houses, formation of new access off Higher Walton Road and pedestrian/cycle link to King Georges Field with associated landscaping (Amended).

3.2 A number of applications are currently being considered to discharge the conditions associated with 07/2013/0548/FUL.

4.0 Proposal

4.1 Planning permission is sought to remove conditions 14, 15 and 16 from planning permission 07/2013/0548/FUL which are set out below:

Condition 14

Each dwelling hereby permitted shall be constructed to achieve Level 4 in the Code for Sustainable Homes.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

Condition 15

No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

Condition 16

No dwelling shall be occupied until a letter of assurance detailing how that plot has met the necessary Code Level has been issued by an approved code assessor and approved in

writing by the Local Planning Authority. The Final Code Certificate for each dwelling shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the dwelling being occupied.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

4.2 The applicant has requested that the above removed and the following be imposed:
Prior to the commencement of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development can achieve energy efficiency standards to Level 4 of the Code of Sustainable Homes. The development shall thereafter be carried out in accordance with the approved scheme.

5.0 Summary of Publicity

5.1 A Site Notice has been posted but no letters of representation have been received.

6.0 Summary of Consultations

6.1 No consultations have been undertaken.

7.0 Policy Background

7.1 National Planning Policy Framework (NPPF).

7.2 Central Lancashire Core Strategy

- Policy 27 Sustainable Resources and New Developments
- Policy 28 Renewable and Low Carbon Energy Schemes.

8.0 Material Considerations

8.1 To address the issue of Climate Change an important part of the Governments Strategy is to reduce carbon emissions to the atmosphere. Initially, local authorities were encouraged to play a key role through the imposition of planning conditions encouraging new development to be designed in a sustainable way and to incorporate sustainable resources.

8.2 The Core Strategy, through Policy 27 required all new dwellings to meet Level 3 of the Code of Sustainable Homes with Level 4 required from January 2013 and Level 6 from January 2016. Such conditions were attached to this residential development in 2013.

8.3 However, the government reconsidered its position withdrew the Code for Sustainable Homes and in 2015 a Deregulation Act received Royal Assent which required local authorities not to set any additional technical standards.

8.4 To address the changes in legislation the applicant has requested that Conditions 14, 15, and 16 be removed and replaced with the composite condition:

Prior to the commencement of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development can achieve energy efficiency standards to Level 4 of the Code of Sustainable Homes. The development shall thereafter be carried out in accordance with the approved scheme.

8.5 The current government position is that there is a commitment to a review of the energy performance requirements under Building Regulations.

8.6 The composite condition provides for sustainable measures to be delivered to an energy efficiency of Level 4 but does not reflect the changes in legislation. Therefore, it is considered

that the applicant has demonstrated a commitment to sustainable development through the composite condition.

9.0 Conclusion

9.1 The applicant has demonstrated a commitment to sustainable development through the composite condition and the request to remove the three conditions to provide for a composite condition is recommended for approval.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun no later than the expiry of planning permission 07/2013/0548/FUL (17 July 2017).
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act.
2. The development hereby permitted shall be carried out in accordance with the details of plan nums: 12/029/P01 Version D, the Site Location Plan, 12/029/OS01, 12029SS01, HWR/3.115/P/B/1, HWR/3.115/P/B/2, 4.204/P/B/L10300, 3.215/P/B/L, 2.310/P/B/L, 4.203/P/L10/300, 4.403/P/B/L10/300, 4.201/P/B/L10/300, 4.208/P/B/L10/300, 4.406/P/B/L10/300, PGL/2.0/1/B, SD/EW/05S12/175, 12025/05/1 as part of this planning application unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan
3. Any construction works or deliveries associated with the development shall not take place except between the hours of: 0800 to 1800 hours Monday to Friday
0800 to 1300 hours on Saturday
No construction shall take place on Sundays or nationally recognised public holidays.
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan.
4. Prior to the commencement of development, details of the foul drainage scheme for that phase including any necessary infrastructure shall be submitted to and be approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved foul drainage scheme has been completed in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing. The approved foul drainage shall only connect to the foul sewer network at the manhole on the existing 600mm combined sewer which is located on Higher Walton Road.
REASON: For the avoidance of doubt and to protect the living conditions of future occupants of the site in accordance with Policy 29 in the Central Lancashire Core Strategy.
5. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SUDS) and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: 1. provide information about the design storm

period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; 2.include a timetable for its implementation; and 3.provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

6. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A Report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development. Should no adverse ground conditions be encountered during site works and/or development, a Verification Statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building(s), which confirms that no adverse ground conditions were found.

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.

7. Prior to commencement of any development, a scheme and programme for the provision of onsite landscaping and its maintenance, as defined on the layout plan version D shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the agreed programme and timetable unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the provision of adequate landscaping in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan.

8. No development should take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall include details of a construction phasing plan. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the location of the site compound
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) 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: In order to maintain flow of traffic on local roads during site preparation and construction and to safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan

9. Prior to the commencement of development, a programme and scheme for the creation of the new cycle/pedestrian routes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the agreed scheme prior to first occupation of any dwelling hereby approved and shall be retained thereafter.
REASON: To ensure the site is accessible by walking and cycling in accordance with Core Strategy Policy 3.
10. Prior to commencement of development, a survey, (method to be agreed in writing with the Local Planning Authority), shall be carried out to determine whether badgers are present on the site. If they are present on the site, a translocation programme shall be submitted to and approved in writing by the Local Planning Authority. The approved translocation programme shall be completed prior to commencement of development unless otherwise agreed in writing by the Local Planning Authority
REASON: To ensure that adequate provision is made to safeguard local ecology in accordance with Policy 22 of the Central Lancashire Core Strategy.
11. Details of sensitive lighting proposals to minimise impacts on foraging bats should be submitted to and approved by the Local Planning Authority in consultation with its ecological advisors. The approved proposals should be implemented concurrently with the development and be retained thereafter. The proposal should follow the latest recognised guidance.
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2015
12. No works shall commence until a scheme and management plan for the retained, established and new habitats, including the landscaped areas, hedgerows, wild flower planting areas and the addition of bird nesting boxes on the site, has been submitted and approved in writing by the Local Planning Authority in consultation with specialist ecological advisors. The management plan will demonstrate how the habitats will be managed to maintain and enhance their biodiversity value in the development. The approved plan and proposal should be implemented concurrently with the development, unless otherwise agreed in writing by the LPA.
REASON: To protect habitats of wildlife, in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 of the South Ribble Local Plan.
13. No tree felling, clearance works, demolition work or other works that may affect nesting birds shall take place between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.
REASON: To protect habitats of wildlife, in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 of the South Ribble Local Plan.
14. Prior to the commencement of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development can achieve energy efficiency standards to Level 4 of the Code of Sustainable Homes. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To support the aims of Policy 27 of the Core Strategy to address climate change and sustainability
15. Prior to commencement of the development, all details including materials for all acoustic boundary treatments, both walls and fencing as detailed on Site Layout Plan Version D, shall be submitted to and approved by the Local Planning Authority and the occupation of any dwelling shall not occur until the fencing/walls have been erected in accordance with the approved details. The approved acoustic screen/fence shall be retained and maintained at all times thereafter.

REASON: To ensure the provision and retention of adequate screening in the interest of amenity and to accord with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.

16. Acoustic glazing and the alternative ventilation (positive input ventilation) shall be fitted to all properties as identified on the submitted plans and as detailed within the Noise Report (Ref - R05177-REP07-SJW) dated 29 October 2013, pages 18 - 20, Table 2 and Figures 10 and 11. The approved acoustic glazing and alternative ventilation shall be retained and maintained at all times thereafter.

REASON: In the interests of the amenity of the residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan.

17. No work shall be commenced until satisfactory details of the colour and texture of the facing, roofing materials and boundary treatments that are to be used have been submitted to and approved by the Local Planning Authority.

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.

18. Trees protected by a Tree Preservation Order (TPO) on or adjacent to the site that will be influenced by the development (construction or demolition) as identified in Para 4.6 of BS5837 2012, shall be protected for the duration of the development, including the erection of protective fencing in accordance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. No tree shall be pruned, cut down, uprooted, topped, lopped or wilfully damaged or destroyed including the cutting of roots without the previous written consent of the local planning authority. Any tree subject to these actions or that are removed without such consent or are dying or are being significantly damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as will be agreed with the local planning authority.

REASON: To safeguard the character and appearance of the area and to accord with Policy G13 in the South Ribble Local Plan.

19. No tree within the site shall be pruned, cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, without the prior written approval of the local planning authority.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G13 in the South Ribble Local Plan.

20. That all planting, seeding or turfing comprised in the approved details of a Landscaping Plan shall be carried out in accordance with BS4428 1989. With stock complying to the specification of BS3936-1 1992. The planting shall be implemented in the first planting and seeding seasons following the commencement of the development or such extension of this time as may be agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, or are removed or become significantly 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 interests of the amenity and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G13 in the South Ribble Local Plan.

21. Prior to commencement of the development (construction or demolition), a Tree Protection Management and Method Plan shall be submitted and be approved by the Local Planning Authority to ensure that the trees located near to the footpath into King

Georges Field, plots 1 - 3, 27 and 35-39, including all trees located near the highway work are not damaged. The Tree Protection Plan shall be in accordance with Para 5.5 of BS5837: 2012 ' Trees in Relation to Design, Demolition and Construction - Recommendations' and implemented concurrently with the development.

REASON: To prevent damage to trees during construction works in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G13 in the South Ribble Local Plan.

22. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by (figure to be agreed when the sight lines requirement is proved) metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Higher Walton Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
REASON: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policy 3 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.
23. Prior to the use of the premises hereby permitted becoming operative, the car parking area shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan and permanently maintained thereafter.
REASON: To allow for the effective use of the parking areas in accordance with Policy 3 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.
24. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.
REASON: To allow for the effective use of the parking areas in accordance with Policy 3 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.
25. 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. All highway works shall be fully implemented in accordance with the approved scheme before commencement on site.
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 in the interest of highway safety in accordance with Policy 3 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.

RELEVANT POLICY

NPPF National Planning Policy Framework

- 27 Sustainable Resources and New Developments (Core Strategy Policy)**
- 28 Renewable and Low Carbon Energy Schemes (Core Strategy Policy)**