

Application Number 07/2018/4782/FUL

Address Land At
Butlers Farm Court
Leyland
Lancashire

Applicant Mr Paul Rhodes

Agent Mr Chris Weetman
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Ecclestone
Chorley
PR7 5RS

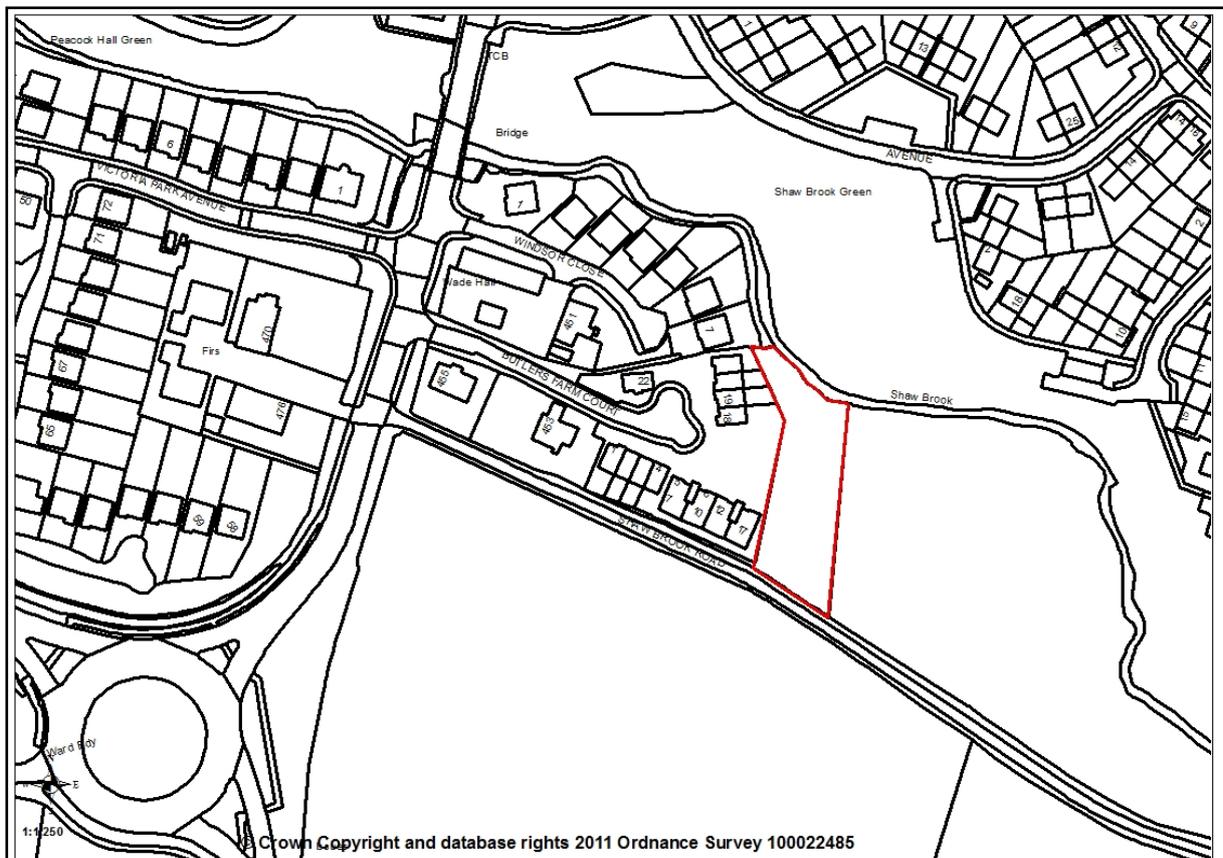
Development Erection of 6 apartments with associated car parking (Amended Plan)

Officer Recommendation Approval with Conditions

Officer Name Mrs Janice Crook

Date application valid 12.07.2018
Target Determination Date 06.09.2018
Extension of Time 12.10.2018

Location Plan



1.0 Report Summary

1.1 The application would normally fall for determination under delegated powers but the ward councillor has called it to planning committee for determination following contact by a local resident who has concerns over the development.

1.2 The application proposes the erection of six apartments in a three storey block located adjacent an existing apartment block. Access would be through the existing car park serving the apartments, extending the road and creating additional car parking spaces. No objections have been received from County Highways.

1.3 The site is located close to Shaw Brook in an area designated as Flood Zone 2 and 3; Bank Top Buffer Zone and contaminated Land. The Environment Agency initially objected as some development was within the buffer zone but following the submission of amended site layout plan, they withdrew their objection. Consequently there are no statutory objections to the proposal.

1.4 There have been a number of objections from neighbouring residents but the proposal is considered to be policy compliant and has no undue impact on the residential amenity of existing dwellings. The application is recommended for approval subject to the imposition of conditions.

2.0 Site and Surrounding Area

2.1 The application relates to a parcel of land to the end of a small cul de sac, Butlers Farm Court, off Leyland Lane in Leyland. To the north is Shaw Brook with an area of open space beyond associated with the Wade Hall housing estate. To the west are existing properties on Butlers Farm Court and Windsor Close to the east is an area of Green Infrastructure known as Shaw Brook Green and to the south is Shaw Brook Road with the Altcar Lane residential development site beyond.

3.0 Planning History

3.1 Planning permission 07/2002/1061/FUL for a residential development of 21 dwellings comprising one, two-storey detached house, 8, two and three-storey terraced houses and a three-storey block of 12 apartments with associated garaging, parking and access road was approved on 30 May 2003.

4.0 Proposal

4.1 The application proposes the erection of 6 apartments with associated car parking. The apartments are within a three storey height block measuring 9.1m by 16.7 with a pitched roof over to a height of 10.3m and with two front facing gables. It would be constructed in brick with concrete roof tiles and include features such as a contrasting band course and reconstituted stone heads and cills. Each apartment would have two bedrooms, a living/kitchen/dining area, bathroom, hallway and store. Externally 11 parking spaces would be provided and the existing bin storage area extended. This is constructed of hit and miss timber fencing. The gates at the end of the existing car parking area will be removed and the access road upgraded and extended.

4.2 The existing boundary treatments are to remain which consist of a mix of hedgerow, 1.8m high concrete post and wooden fencing and iron railing adjacent to Shaw Brook.

5.0 Summary of Publicity

5.1 36 neighbouring properties were notified and a site notice posted with 15 letters of representation being received, objecting to the proposal on the following grounds:

- Access to site is through existing car park which is not suitable for through traffic
- Dangers to cars manoeuvring between existing parking spaces and the proposed highway
- Access road currently contains meter points. Future access to these would place meter readers at risk
- No pedestrian access to proposed site other than the roadway – danger for occupiers and postal workers, milkmen, newspaper deliveries etc
- Promote active use of cars over any other form of transport
- Proposal contrary to some of the planning conditions for the existing development at Butlers Farm Court
- Proposal not in keeping with current small quiet residential cul de sac of 22 dwellings
- Overlooking of existing property and rear garden
- Building will loom over the rear of existing property resulting in closed in feeling
- Water voles residing in the area
- Hedgehogs in the area
- Bats in the area
- Loss of considerable amount of Green belt with this and 400 dwellings off Shaw Brook Road have an impact on local wildlife
- Drainage in the area – Butlers Farm Court was building with only 22 dwellings in mind
- Reduction in natural drainage and increase in risk of flooding
- Objection from Environment Agency
- Proposal will almost double the traffic on this small residential street
- Current issues with visibility to end of the street which will only increase

6.0 Summary of Consultations

6.1 **County Highways** are of the opinion that the additional level of traffic generated by a development of this size and nature should have a negligible impact on safety and capacity on Butlers Farm Court.

6.2 The proposed level of parking is in line with the recommended individual parking provision. The car parking layout is acceptable in principle, however vehicle movements in and out of parking bay 6 will be restrictive due to the angled kerb line of the adjacent access road. This could be improved by reducing the disabled space to the recommended width of 3.6m and then moving spaces 4, 5 and 6. Therefore the site layout plan was amended to address this comment and County Highways confirmed the parking is now acceptable.

6.3 County Highways have also reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates there has been no recorded incidents within the vicinity of the site.

6.4 Taking all of the above into consideration, County Highways are of the opinion that the development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site and therefore has no objections to the application.

6.5 However, County Highways recommend conditions be imposed in respect of the car parking and manoeuvring areas to be marked on site out prior to first occupation and that a Traffic Management Plan (TMA) be submitted which includes the following:

- The parking of vehicles of site operatives and visitors;

- Loading and unloading of plant and materials used in the demolition / construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

6.6 **Environmental Health** have requested a number of conditions be imposed in respect of the hours machinery, plant or powered tools be operated; restriction in the hours deliveries may take place; restriction in hours any piling works may take place; that a contaminated land report be submitted; a restriction on the importation of subsoil and/or topsoil materials; that Electric Vehicle Recharge Points be provided; that a Travel Plan be submitted; and that secure cycle storage is provided

6.7 **The Arboriculturist** has no objections to the development, commenting that trees on site consist of low amenity willow and elder which should not pose any constraints on the development.

6.8 **Landscaping Officer** comments that the proposed site layout plan suggests a landscaped area of lawn and shrubs extending to the southern bank of the brook and an area of hard paving to provide access to the new neighbours' parking bays that would be within the recommended 8m buffer area. Therefore the Landscaping Officer considers the proposed layout should be amended and a method statement submitted to reflect the ecologist's recommendations of a buffer area. The landscaping of any areas beyond the 8m buffer area should make use of suitable native plant species to add value to the existing brook bank and ancient woodland habitat.

6.9 **Ecology** comment that the site falls within a number of SSSI impact risk zones. However the proposed development at the application site does not fall within the SSSI impact risk categories and will therefore not have any impact on the SSSIs. Ecology raise no objections to the scheme but make a number of comments relating to birds; water vole' ancient woodland; small mammals, amphibians, lighting, invasive species and biodiversity enhancements and require a number of conditions be imposed. These comments and condition requirements are reported fully in the body of this report under the Trees and Ecology section.

6.10 **Environment Agency** initially objected to the proposal and recommended refusal because it involves building within 8 metres of a Main River watercourse and within its floodplain and would be unlikely to receive Environment Agency permission for the works for the following reasons:

- The proposed development would restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous 8 metre wide unobstructed area is an essential requirement for future maintenance and / or improvement works.
- The proposed development could result in an unacceptable obstruction to flood flows thereby increasing the risk of flooding to adjacent properties.
- The new structures within the floodplain and adjacent to the river may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.

6.11 In order to remove the objection, The Environment Agency advised that plans should be submitted to clearly show the top of bank of Shaw Brook and a clear unobstructed 8

metre easement should be shown on such plan. Plans should also demonstrate no infilling of the channel of Shaw Brook.

6.12 The applicant was advised of the Environment Agency's comments and submitted an amended site layout plan. The Environment Agency were re-consulted and commented further that a sufficient easement from the top of Shaw Brook is now provide and they are able to remove their objection. However, they require that informative notes be attached to the decision notice.

6.13 **Waste Management** comment that the bin store is to the rear of the property, with inadequate access for a waste collection vehicle to collect. Ideally, the bin store should be positioned in such a way that the physical movement of bins is kept to a minimum, with the wagon being able to park as closely as possible.

6.14 Therefore the site layout plan was amended in respect of the location of the bin store and Waste Management confirmed the storage was much better accessibility wise and looks acceptable for waste vehicles to be able to collect from.

7.0 Policy Background

7.1 Central Lancashire Core Strategy

(i) **Policy 17: Design of New Buildings** is expected to take account of the character and appearance of the local area, including the following:

(a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.

(b) safeguarding and enhancing the built and historic environment.

(c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.

(d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

(e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.

(f) minimising opportunity for crime, and maximising natural surveillance.

(g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.

(h) including public art in appropriate circumstances.

(i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.

(j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.

(k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and

(l) achieving Building for Life rating of 'Silver' or 'Gold' for new residential developments.

(m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.

(ii) **Policy 22: Biodiversity and Geodiversity** seeks to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through a number of measures

(iii) **Policy 29: Water Management** seeks to improve water quality, water management and reduce the risk of flooding through a number of measures.

7.2 South Ribble Local Plan

(i) **Policy B1: Existing Built-Up Areas** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the

development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.

(ii) **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council.

(iii) **Policy G13: Trees, Woodlands and Development** has a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover on a site.

(iv) **Policy G14: Unstable or Contaminated Land** has a presumption in favour of the redevelopment of previously developed land. Previously developed land can be unstable and subject to contamination. However, development will be encouraged on unstable or contaminated brownfield land subject to the following:

- a) Applicants will be required to provide evidence of a satisfactory site investigation and show that any proposed remedial works are adequate to deal with any identified hazards;
- b) Development should not have an adverse impact on the stability of surrounding areas;
- c) Applicants should address the physical capability of the land, the adverse effects of instability on the development, or of adjoining development on unstable land, and the effects on (amongst other things) local amenities and conservation interests of the development and any remedial measures.

(v) **Policy G16: Biodiversity and Nature Conservation** seeks to protect, conserve and enhance the Boroughs Biological and Ecological Network resources. This policy requires that, where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, planning applications must be accompanied by a survey undertaken by an appropriate qualified professional. Where the benefits for development in social or economic terms is considered to outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation of an equal or greater area will be required through planning conditions and/or planning obligations.

(vi) **Policy G17: Design Criteria for New Development** permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; 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 will provide an interesting visual environment which respects the character of the site and local area; the development 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 Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; and the proposal would not have a detrimental impact on landscape features such as 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.

8.0 Material Considerations

8.1 The site is within the existing Built-Up Area of Leyland where Policy B1 permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the development complies with the Local Plan requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.

8.2 Access, parking and servicing

8.2.1 Policy G17 requires that new development does 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 Policy F1. Local Plan Policy F1 sets out the Parking Standards required for all development proposals. In general 2 off road parking spaces are required for 2/3 bed dwellings and 3 parking spaces for 4/5 bed dwellings, therefore the proposal for 6, 2-bed apartments would result in 12 parking spaces. The proposal provides for 11 spaces, below the standards set out in Policy F1. However, it must be acknowledged that the parking standards are set at a maximum and the policy provides for some flexibility. Additionally, the site is within a sustainable location within the Existing Built-up Area and the proposal brings a previously developed and contaminated site into residential use, with the benefits that brings to the area.

8.2.2 The access to the site would be via the existing parking court to Butler's Farm Court but does not alter the existing number of parking spaces. A number of objections have been received from neighbouring residents who are concerned over the danger to cars manoeuvring between existing parking spaces and the proposed access road. Additionally, they comment that there is no pedestrian access to proposed site other than the roadway which would be a danger for occupiers and visitors/delivery people

8.2.3 County Highways comment that the site will be accessed via an existing privately maintained car park which is served from Butlers Farm Court, an unclassified adopted road. A footway runs along the full length of the southern side of Butlers Farm Court.

8.2.4 Butlers Farm Court is approximately 5m wide at its junction with Leyland lane, it continues at this width for 20m then reduces down to a width of approximately 4.5m until it reaches the turning head. County Highways consider there is good forward visibility between the junction and the turning head. This layout facilitates two way vehicle movements without a negative impact on highway safety.

8.2.5 County Highways are therefore of the opinion that the additional level of traffic generated by a development of this size and nature should have a negligible impact on safety and capacity on Butlers Farm Court.

8.2.6 In respect of the parking, County Highways consider the proposed level of parking is in line with the recommended individual parking provision as set out in Appendix 4 of the South Ribble Local Plan. They consider the car parking layout is acceptable in principle but initially commented that vehicle movements in and out of parking bay 6 will be restrictive due to the angled kerb line of the adjacent access road. This could be improved by reducing the disabled space to the recommended width of 3.6m and then moving spaces 4, 5 and 6. As such the site layout plan was further amended in line with County Highways comments.

8.2.7 County Highways also reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates there has been no recorded incidents within the vicinity of the site.

8.2.8 Taking the above points into consideration, County Highways are of the opinion that the development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site and therefore has no objections to the application. However, they recommend conditions are imposed requiring the submission of a Traffic Management Plan (TMA) which should include and specify the provisions to be made for the following:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the demolition / construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

8.2.9 They also require a condition to ensure that the car parking and manoeuvring areas are marked out in accordance with the approved plan, before the first occupation of the development.

8.2.10 Additionally, Environmental Health require that Electric Vehicle Recharge points be provided to every property, prior to occupation and should also be secured by condition to enable and encourage the use of alternative fuel use for transport purposes

8.2.1 Environmental Health also require a Full Travel Plan be submitted for approval in order to promote and provide access to sustainable transport options and the provision of secure cycle storage for all dwellings. These can also be secured by condition.

8.3 Character and Appearance

8.3.1 In terms of design, character and appearance, Policy G17 requires that new development does not have a detrimental impact on neighbouring buildings or on the street scene with particular reference to its design, height, scale, massing, proximity or use of materials.

8.3.2 Adjacent to the proposed apartment block is a three storey block of 12 apartments with a terrace of three-storey mews houses beyond. The proposed apartments are of a design and scale that is similar in height and appearance. The windows have stone headers and are of a similar size. The apartment block has front gable features similar to those found on the existing apartments. The materials can be conditioned to ensure an acceptable comparison or contrast with those of the existing buildings on the site. Therefore the proposal is considered to be in accordance with the requirements of Policy G17 in terms of design, character and appearance.

8.4 Residential Amenity

8.4.1 Policy G17 requires that the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect. The rear facing windows of the proposed apartment block look out over agricultural land to the south. This is subject to planning approval for a residential development of 232 dwellings approved under planning permission 07/2018/1674/REM. On checking the planning approval, no proposed dwellings will be directly to the rear of the proposed apartments. The neighbouring apartment block to the west has no windows in the facing side elevation with none proposed in facing elevation of the new development, other than a bathroom window.

8.4.2 The main elevation windows face northwards, across the proposed car parking area to land within the buffer zone of the ancient woodland and Shaw Brook beyond.

8.4.3 Objections have been received from neighbouring residents who consider the proposal will result in overlooking of their existing property and rear garden and the building will loom over the rear of the existing property resulting in a closed in feeling. The closest property, 18 Butlers Farm Court, lies to the north-west with a 22m separation distance between the corner of the proposed apartments and the garden boundary of No 18 with the property itself being 32m from the corner of the proposed apartment block. This is well in

excess of the normally required spatial separation distances between facing windows and the two buildings are not directly facing with the rear windows of No 18 facing towards the north-east. Therefore it is considered there will be no undue impact on the residential amenity of existing properties.

8.5 Flood Risk

8.5.1 The site is within Flood Zone 2 as defined by the Environment Agency with the northern part of the site also being within Flood Zone 3 and within the Bank Top buffer zone of Shaw Brook, designated as a 'main river'. No development is permitted within the Bank Top buffer zone. Therefore a Flood Risk Assessment was submitted with the application and was considered by the Environment Agency. Initially they objected to the proposal because the development involved building within 8 metres of a Main River watercourse and within its floodplain and therefore would be unlikely to receive Environment Agency permission for the works for the following reasons:

- The proposed development would restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous 8 metre wide unobstructed area is an essential requirement for future maintenance and / or improvement works.
- The proposed development could result in an unacceptable obstruction to flood flows thereby increasing the risk of flooding to adjacent properties.
- The new structures within the floodplain and adjacent to the river may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.

8.5.2 In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourse, or within its floodplain without our prior written permission. In this particular case it is essential that this 8 metre strip is preserved for access and flood flow purposes.

8.5.3 The Environment Agency provided advice to the applicant in order to remove their objection, commenting that plans should be submitted to clearly show the top of bank of Shaw Brook and a clear unobstructed 8 metre easement should be shown on such plan. Plans should also demonstrate no infilling of the channel of Shaw Brook.

8.5.4 As a result an amended site layout plan was submitted which clearly demonstrates the line of the buffer zone and remove the parking spaces and reference to shrub planting. The Environment Agency were re-consulted and further commented that the updated site layout plan shows a sufficient easement from the top of Shaw Brook to the proposed development and therefore are able to remove their objection. However, they require two informative notes be attached to the decision notice. One advising that Shaw Brook is designated a Main River and is therefore subject to the Environmental Permitting Regulations. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourse, or within its floodplain without their prior written permission. In this particular case it is essential that this 8 metre strip is preserved for access and flood flow purposes. A second informative note advising that The Environment Agency has a right of entry to Shaw Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

8.6 Trees and Ecology

8.6.1 There are a number of trees and landscape features to the site's boundaries, particularly the northern boundary. Additionally, part of the site is designated as Wildlife Corridor. Local Plan Policy G17 requires that development proposals do not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses and Policy G16 seeks to protect, conserve and enhance the Borough's Biological and Ecological Network resources. As this Wildlife Corridor area is also within the

Bank Top buffer zone and, as indicated above, no development would be permitted, this area will remain undeveloped.

8.6.2 The Council's Arboriculturist advises that the trees on site consist of low amenity willow and elder which should not pose any constraints on the development.

8.6.3 An Ecological Appraisal was submitted with the application which has been considered by the Council's Ecological Advisors. They make a number of comments, as follows:

- **Birds** - The trees and dense scrub on the site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). Ecology therefore recommend that all tree works and scrub clearance should not be undertaken in the main bird breeding season (March-July inclusive), unless nesting birds have found to be absent, by a suitably qualified person. A condition to this effect should therefore be imposed.
- **Water Vole/Ancient Woodland** - Water vole signs were observed along Shaw Brook directly outside the northern boundary of the site. Ancient Woodland is also present at the northern boundary. Ecology therefore recommend that a method statement is submitted in order to determine the establishment of a buffer zone; this should be at least 8 metres from the northern site boundary given the presence of water vole and the ancient woodland. An amended site layout plan was submitted to demonstrate the 8 metre buffer zone.
- **Small Mammals/Amphibians** - Shrub and debris across the site have the potential to provide cover for small mammals and amphibians. Ecology recommend that care should be taken throughout site clearance with the presence of these species borne in mind. If small mammals ie hedgehogs and/or amphibians such as toads are found they should be moved to a place of safety, outside of the works area. Therefore an informative to this effect should be placed on any permission.
- **Bats and Lighting** - Artificial lighting can affect the feeding and commuting behaviour of bats. Bats will use the ancient woodland to the north of the site for foraging and commuting. Ecology therefore recommend that any lighting (during construction and post development) be directed away from any of the retained trees. Prior to the commencement of the development a lighting plan should be submitted to and agreed by the council, once agreed the plan should be implemented in full. A condition to this effect should be imposed should permission be granted.
- **Invasive Species** - A large stand of Japanese knotweed was present on the site together with the invasive Himalayan balsam. It is an offence under the terms of the Wildlife and Countryside Act to allow these plants to grow in the wild. Japanese knotweed is also classified under the Environmental Protection Act 1990 as "controlled waste". The act states that controlled waste should be disposed of by qualified contractors within licensed disposal site.

8.6.4 Following these comments, a Knotweed Eradication report was submitted and considered by Ecology who confirm the methods outline in the report for eradication of the knotweed are acceptable and should be implemented in full.

8.6.5 However, the recommended condition should still be attached to any permission that prior to the commencement of any works on site (including vegetation clearance) a methodology for the control of invasive species be submitted to and agreed by the council and implemented in full as the Knotweed Eradication did not include measures for the management of Himalayan Balsam.

8.6.6 Biodiversity Enhancement - In line with Section 11 of the NPPF, Ecology recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bat boxes
- Bird boxes
- Native tree and shrub planting

8.6.7 In conclusion, Ecology are satisfied that the application can be determined providing the permission is supported by the conditions/Informative as outlined above.

8.7 Contaminated Land

8.7.1 The former use of the site was for a vehicle breakers yard and therefore the site is classed as Contaminated Land and is covered by Local Plan Policy G14: Unstable or Contaminated Land. Although development is encouraged on unstable or contaminated land, any planning application is required to provide evidence of a satisfactory site investigation and show that any proposed remedial works are adequate to deal with any identified hazards. The policy also requires that the development should not have an adverse impact on the stability of surrounding areas. Therefore a Phase 1 Desk Study report was submitted with the application which concluded that, on the basis of the available data, historical maps and a site walkover, the intrusive ground investigation, including windowless sample boreholes, should be undertaken prior to development so that geotechnical risks and ground contamination risks can be assessed/managed and to inform foundation design. The report also concluded that intrusive ground investigation will be required so soil and groundwater samples can be obtained for laboratory analysis of a range of metals, inorganics, hydrocarbons and asbestos to provide confidence in the preliminary assessment. The report also advises that ground gas standpipes should be installed for confirmatory monitoring and assessment. The report further advises that there is likely to be surplus spoil from ground works and foundations, requiring removal from site. This may require laboratory chemical analysis of the spoil to classify the soils for disposal. Finally the report indicates that, based on the information reviewed, the preliminary desk based assessment is that the risks to potential receptors should be considered low to medium with intrusive ground investigation and further assessment recommended.

8.7.2 The report was considered by Environmental Health who commented that the desk study has identified potential contamination and ground gases, and therefore a detailed site investigation should be carried out to address the nature, degree and distribution of contamination and/or ground gases and should include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation should also address the implications on the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

8.7.3 Following that, a remediation statement, detailing the recommendations and remedial measures to be implemented within the site be submitted and on completion of the development/remedial works, the developer should submit written confirmation, in the form of a verification report, that all works were completed in accordance with the agreed Remediation Statement.

8.7.4 Environmental Health also require a condition to ensure that, prior to the importation of any subsoil and/or topsoil material into the proposed development site, information supporting the suitability of the material shall be submitted for approval.

8.8 Listed Building

8.8.1 It is noted that the site is within close proximity of a Listed Building, 451 Leyland Lane. Local Plan Policy G17 requires development proposals to sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset and the surrounding historic environment. However, it is considered that the previous development at Butlers Farm Court acts as a buffer between the Listed Building and this current application site and therefore there will be no undue impact on the significance, appearance, character and setting of this Listed Building.

8.9 Community Infrastructure Levy

8.9.1 As the proposal is for an apartment block consisting of 6 apartments, it is not liable to CIL as apartments are not included on South Ribble Borough Council's charging schedule.

9.0 Conclusion

9.1 There are no outstanding objections from statutory consultees and it is considered that, with the imposition of conditions as outlined in the body of this report, there will be no adverse impacts from this development on the environment, ecology or highways. It will also have the added advantage of dealing with historic contamination on the site, to the benefit of the area. Although a number of objections have been received from neighbouring residents, it is considered the proposal relates well to the existing development and achieves the normally required spatial separation distances. It is therefore in compliance with relevant planning policies in the South Ribble Local Plan and is recommended for approval subject to the imposition of conditions.

10.0 Recommendation

10.1 Approval with Conditions.

11.0 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 submitted approved plans Dwg RP/18/100 'Proposed Six Apartments'; RP/18/101b 'Site Layout Plan' - Proposed three Storey Block'
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials used in the demolition / construction of the development;
 - Storage of such plant and materials;
 - Wheel washing facilities;
 - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.REASON: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

4. The car parking and manoeuvring areas to be marked out in accordance with the approved plan RP/18/101b 'Site Layout Plan', before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.
REASON: To allow for the effective use of the parking areas.
5. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. The Dust Management Plan shall consist of a suitable risk assessment in line with national guidance.
Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
6. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at anytime on Sundays or nationally recognised Bank Holidays.
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy
7. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.
8. Prior to the commencement of any works on site, details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken. Mitigation measures may include and are not limited to:
 - I. The use of low impact piling, auger piling
 - II. Boundary vibration and noise monitoring
 - III. Informing neighbouring properties on the times and duration of piling activitiesPiling activities shall be limited to 09:30-17:00.
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy
9. Prior to the commencement of any works on site, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
 - (a) The desk study has identified potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, 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 buildings, 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 be approved in writing by the LPA prior to the start of the site investigation survey.
 - (b) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.

(c) 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.

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.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with Policy 17 of the Central Lancashire Development Plan.

10. Prior to the importation of any subsoil and/or topsoil material into the proposed development site, information supporting the suitability of the material shall be submitted to the Local Planning Authority for approval in writing.
The information submitted shall include details of the material source, sampling methodologies and analysis results, which demonstrates the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.
REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 of the Central Lancashire Development Plan.
11. Prior to first occupation of the dwellings hereby approved, a minimum of 10% of the communal parking spaces be fitted with Electric Vehicle Recharge points, including adequate charging infrastructure and cabling, and specifically marked out for the use of Electric Vehicles
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
12. Prior to first occupation of the development hereby approved, details of secure cycle storage provision shall be submitted to and approved in writing by the local planning authority and shall be retained and maintained at all times thereafter.
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.
13. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, normally between March and August, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.
REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
14. Prior to any works affecting Shaw Brook, a mitigation method statement in relation to Water Voles, shall be submitted to, and approved in writing by the Local Planning Authority, in consultation with their ecological advisors. in order to determine the establishment of a buffer zone, at least 8 metres from the northern site boundary. The approved mitigation measures shall then be implemented in full.
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 G16 in the South Ribble Local Plan 2012-2026
15. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site or trees and hedgerows in the area. The principles of relevant guidance should be

followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

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 G16 in the South Ribble Local Plan 2012-2026

16. The development hereby approved shall be implemented fully in accordance with the Knotweed Eradication report 1998A dated 24th August 2018 for eradication of the Japanese knotweed.

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.

12.0 Relevant Policy

Central Lancashire Core Strategy

- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 29 Water Management

South Ribble Local Plan

- B1 Existing Built-Up Areas
- F1 Car Parking
- G13 Trees, Woodlands and Development
- G14 Unstable or Contaminated Land
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

13.0 Informative Notes

1. Shaw Brook watercourse adjoining the site is designated a Main River and is therefore subject to the Environmental Permitting Regulations. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourse, or within its floodplain without our prior written permission. In this particular case it is essential that this 8m strip is preserved for access and flood flow purposes.

2. The Environment Agency has a right of entry to Shaw Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact candlps@environment-agency.gov.uk to discuss our access requirements.

3. In line with Section 11 of the NPPF, we would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bat boxes
- Bird boxes
- Native tree and shrub planting

4. Shrub and debris across the site have the potential to provide cover for small mammals and amphibians. Care should be taken throughout site clearance with the presence of these species borne in mind. If small mammals ie hedgehogs and/or amphibians such as toads are found they should be moved to a place of safety, outside of the works area.

5. Currently accepted risk assessment methodology relating to dust includes that contained within the IAQM 'Guidance on the assessment of dust from demolition and construction' or the Mayor of London 'The control of dust and emissions from construction and demolition'