

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Planning (Listed Buildings & Conservation Areas) Act 1990
Planning (Hazardous Substances) Act 1990
Planning & Compensation Act 1991

Approval Notice

Approval has been granted for the development referred to below providing it is carried out in accordance with the application and plans submitted. The approval is subject to the conditions set out on the attached sheet.

Application Details

Reference No: DC/2016/01922

Location of Development: Brooklands Farm Brewery Lane Melling

Description of Development: Erection of 11 detached two storey dwellinghouses after demolition of existing buildings

Date Notice Issued: 31st March 2017

Signed: *Stuart Barnes*
Chief Planning Officer

Notice Issued to:

Agent

NJSR Chartered Architects LLP
Mr David Bailey
57-59 Hoghton Street
Southport
PR9 0PG

Applicant

PMGP Ltd
Mr Grayson
Brooklands Farm
Brewery Lane
Melling
L31 1EZ

Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2) The development permitted by this planning permission shall not be started by the undertaking of a material operation as defined in Section 56(4) (a-e) of the Town and Country Planning Act 1990 until a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and the Local Planning Authority has given its approval in writing. The planning obligation will provide that a commuted sum payment as required by emerging Local Plan policy EQ9 will be paid to the Local Planning Authority for enhancing access from the site to the Melling No. 8 footpath, which links to the canal towpath, improving the Melling No. 8 footpath that runs adjacent to the site and providing signage from the site and at appropriate points along the footpath to indicate the direction of the canal.

Reason: To ensure that the development provides appropriate open space enhancements and complies with Policy EQ9 of the emerging Local Plan.

- 3) Prior to commencement of development other than the demolition of existing buildings a preliminary investigation must be prepared in accordance with best practice and current guidance. The report must include:

- Desk study
- Site reconnaissance
- Data assessment and reporting
- Formulation of initial conceptual model
- Preliminary risk assessment

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the DCLG National Planning Policy Framework, March 2012). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 4) Prior to commencement of development other than the demolition of existing buildings the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings must be produced. The report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 5) Prior to commencement of development other than the demolition of existing buildings a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, must be prepared and is subject to the approval in writing of the Local Planning Authority.

a) The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development and commencement of its use.

b) In the event that the proposed remediation scheme involves the provision of a ground cover system a plan indicating the existing and proposed external ground levels on the application site shall be submitted for approval to the Local Planning Authority.

c) The development shall proceed in accordance with the external ground levels approved under (b) unless the Local Planning Authority gives its prior written approval to any variation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 6) a) The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation and other than the demolition of existing buildings.

b) Following completion of the remedial works identified in the approved remediation strategy, a verification report that demonstrates compliance with the agreed remediation objectives and criteria must be produced, and is subject to the approval in writing of the Local Planning Authority, prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 7) a) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation

scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

b) Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by Condition 6

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

8) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9) 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. This condition is imposed in light of policies within the NPPF and NPPG.

10) Prior to occupation 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. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system 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 ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

11) Before the development other than demolition of existing buildings is commenced, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:

- i) Existing and proposed levels or contours
- ii) Proposed and existing services above and below ground
- iii) Details of boundary treatments and hard surfaces
- iv) The location, size and species of all trees to be planted
- v) The location, size, species and density of all shrub and ground cover planting
- vi) A schedule of implementation.

Reason: In the interests of visual amenity and to comply with policies CS3, DQ1 and DQ3 of the Sefton Unitary Development Plan.

- 12) a) The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

b) Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

- 13) a) Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan.

b) The barrier/fencing approved under (a) above shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

- 14) No part of the development shall be brought into use until the existing vehicular accesses on to Brewery Lane have been permanently closed off and the footway reinstated (outside of the extent of any new vehicular access).

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

- 15) No part of the development shall be brought into use until means of vehicular access to the development has been constructed.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 of the Sefton Unitary Development Plan.

- 16) (a) Before any development commences other than the demolition of existing buildings, a detailed landscaping schemes shall be submitted for approval to the Local Planning Authority showing the siting, species, size, timetable for implementation and maintenance of a new hedge to replace the existing hedge that will be lost to provide the visibility splay for the new access.

(b) The hedge shall be implemented according to the agreed landscaping scheme and either prior to the first occupation of any of the dwellings or to a timetable for implementation, whichever is the earlier, and shall be retained as such thereafter.

Reason: In the interest of visual amenity and in order to comply with policy DQ1.

- 17) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 in the Sefton Unitary Development Plan 2006

- 18) No part of the development shall be brought into use until visibility splays of 2 metres by 120 metres at the proposed junction with Brewery Lane have been provided clear of obstruction to visibility at or above a height of 1 metres above the carriageway level of Brewery Lane. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 of the in the Sefton Unitary Development Plan.

- 19) No part of the development shall be brought into use until visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 1 metres above the footway level of Brewery Lane. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 of the Sefton Unitary Development Plan.

- 20) A detailed scheme of highway improvement works for the provision of the following works together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.

- Closing off of the existing redundant accesses
- the reinstatement/reconstruction of the footway on the north-east side of Brewery Lane across the entire frontage of the site together with the provision of a new footway crossings to the three houses with direct vehicular access off Brewery Lane
- the formation of a junction with the new access road incorporating flush kerbs and tactile paving either side of the junction with Brewery Lane

No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details approved.

Reason: In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.

- 21) The development hereby granted shall be carried out strictly in accordance with the following details and plans :-

Reason: To ensure a satisfactory development.

- 22) No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme

Reason: The application site contains a non-designated heritage asset and the local authority wish to ensure that the building is recorded in line with guidance set out in paragraph 141, Section 12 of the National Planning Policy Framework and Managing Significance in Decision Taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2 (Historic England, 2015).

- 23) The demolition of the existing building shall be carried out in accordance with the reasonable avoidance measures (RAMs) as set out in paragraph 4.4 of the Ecological Assessment report (V.A. Sherrington, December 2015).

Reason: To safeguard conservation of species/ habitats and to comply with policy NC2 in the Sefton Unitary Development Plan.

- 24) Prior to occupation, details of bird nesting boxes (number, type, location on an appropriately scaled plan along with a timetable for implementation), shall be submitted and approved by the local planning authority. The boxes shall be implemented in accordance with the approved details.

Reason: Reason: To safeguard conservation of species/ habitats and to comply with policy NC2 in the Sefton Unitary Development Plan.

- 25) Details of all new boundary treatment shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation.

Reason: In the interest of visual amenity.

- 26) Prior to occupation, the first floor windows on the side elevation of house type 4 (identified on drawing number 210 Rev.1 as side elevation 1 and annotated as being obscure glazed windows) shall be fitted with obscure glazing and top hung, and shall be retained as such thereafter.

Reason: In the interest of residential amenity.

Informatives

- 1) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 3 to 7 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until Condition 7 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

- 2) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for new property numbers.
- 3) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 for further information.
- 4) The applicant is advised of the requirement for a "stopping up order" for the partial width of the public right of way. For further information please contact the Highways Development Control team on 0151 934 4175.
- 5) The applicant, their advisers and contractors should be made aware that if any bats are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
- 6) The applicant is advised that house sparrow terrace type boxes should be included amongst the bird breeding boxes that are proposed for erection upon the site

Important Notes

We expect strict compliance with all conditions. Failure to do so may result in the service of a Breach of Condition Notice and prosecution.

It is your responsibility to make sure that where necessary approval under Building Regulations has been obtained before you start work. The approved plans for both Building Regulations and Planning Permission must be for the same development. You must make sure that any changes made to meet Building Regulations are sent to Planning Services as well. In some cases you may need to make another planning application.

Details of how to appeal against the conditions on this decision are given below.

This informative is only intended as a summary of the reasons for approval of permission. For further details on the decision please see the application report on Sefton's website.

Confirmation of Compliance with Planning Conditions

It is possible to get written permission from Planning Services that you have fully complied with the planning conditions relating to your development. You should complete an application form and pay the relevant fee (available via www.sefton.gov.uk) to get written confirmation that conditions imposed on this permission are complied with. The Council will try to confirm whether conditions have been complied with within 8 weeks, if you have not received a formal written response within 12 weeks your fee will be refunded.

Appeals to the Planning Inspectorate

You can appeal against this decision within the time given below. Appeals should be made to the *Planning Inspectorate in all cases. In respect of applications for:

- Planning permission,
- Details pursuant to an outline planning permission,
- Removal or variation of a condition,
- Discharge of condition,
- Listed building consent,
- Conservation area consent, and
- Applications for the determination of prior approval of details,

You have 6 months from the date of the decision to appeal.

In respect of householder applications and minor commercial applications (shop fronts, ground floor security shutters or any other ground floor level external alterations) you have 12 weeks from the date of decision to lodge an appeal.

* Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Phone: 0303 444 5000
Email: enquiries.pins@gtnet.gov.uk
Website: www.planning-inspectorate.gov.uk

Compliance with Plans

You are reminded that the development must be carried out strictly in accordance with the details shown on the approved drawings. Failure to do so may result in enforcement proceedings

If you need to vary any details from those submitted with your application, we would be pleased to advise you whether or not a further planning application is required. Please send copies of any amended plans to both the Planning Services and Building Control.

Contact Details

Planning Services
Magdalen House
30 Trinity Road
Bootle
L20 3NJ

Phone : 0345 140 0845 (option 4)
Email: planning.department@sefton.gov.uk
Website: www.sefton.gov.uk/planning