



St. Helens Council

Construction Industry
Mr Luke Cowing
15 School Lane
Skelmersdale
WN88EH
United Kingdom

Town Planning
Town Hall
Victoria Square
St. Helens
Merseyside
WA10 1HP

TOWN AND COUNTRY PLANNING ACT 1990

Notice of Decision on Full Planning Application P/2023/0183/FUL

Proposal: Erection of a 2no bed detached dwelling.
Location: Land To The Rear Of 111 Carr Mill Road, Billinge

DECISION: GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS

CONDITIONS:

1. The works hereby permitted must be begun within 3 years of the date of this decision notice.
2. The development shall be carried out in accordance with the following application drawings unless otherwise required by another condition:

Drg P.268.12.03 (Landscape, Boundary Treatment and Ecological Mitigation Plan)
Drg 035/ 03 B (Proposed: PLANS/ ELEV/ SECT)
Drg 035/ 01 (Location Plan)
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the commencement of development;
 - a) A Phase 1 site investigation and risk assessment shall be carried out to investigate the potential contamination issues associated with the site and the proposed development. The Phase 1 site investigation shall include a desk study, site walkover, human health and environmental risk assessment and an initial conceptual site model. A written report on the Phase 1 investigation shall be submitted to and approved in writing by the local planning authority.

Signed: D Parsonage

Dated: 18.05.23

On behalf of St. Helens Council

- b) Unless otherwise agreed in writing with the local planning authority a Phase 2 site investigation and risk assessment methodology, to assess the nature and extent of any contamination on the site, whether or not it originates on the site, shall be submitted to and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing with the Local Planning Authority a phase 2 site investigation and risk assessment shall be completed in accordance with the approved methodology. A written report, including a remedial options appraisal, shall be submitted to and approved in writing by the Local Planning Authority.
- d) Unless otherwise agreed in writing with the Local Planning Authority a de-tailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of remedial works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

All such reports shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

5. Prior to the first occupation of each phase of the development (if phased) or prior to completion of the development;

Unless otherwise agreed in writing with the Local Planning Authority a remediation verification report prepared in accordance with the agreed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The remediation verification report shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

6. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
7. Temporary measures to provide physical protection of all trees shall be in accordance with the Ascerta AIA Ref P.1795.23, January 2023 submitted with the application. The tree protection areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of demolition, site and building works. The St. Helens Trees and Woodlands Officer must be notified, prior to any development taking place on site so that the tree protection measures can be inspected and approved in writing, prior to any work taking place on site.
8. The following reasonable avoidance measures should be undertaken and remain in place during the development to ensure that there are no adverse effects on hedgehogs and common toads:
- o All trenches and excavations should have a means of escape (e.g. a ramp or plank of wood);
 - o Any exposed open pipe systems should be capped to prevent mammals and common amphibians gaining access; and
 - o Appropriate storage of materials to ensure that areas are not left in which animals could seek refuge.
9. Landscaping should be delivered in accordance with the submitted plan entitled Ascerta Landscape, Boundary Treatment & Ecological Mitigation Plan P268.12.03 supplied. Any landscaping delivered must be completed prior to occupation of any properties on site and any

losses replaced within 5 years of them either dying or failing.

10. Invasive species on the site shall be treated in accordance with the details contained within the Invasive Species Method Statement 'Invasive Species Method Statement, Ascerta, February 2023, ref: P.1795.23.' A validation report confirming the remediation treatment approved has been carried out and the site (including the adjacent brook) has been free of invasive species for 12 consecutive months shall be submitted for approval to the Local Planning Authority.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that order, no further development shall take place within the curtilage of the dwellinghouses hereby permitted unless planning permission is sought from and granted by the Council as Local Planning Authority.
12. Construction works which are audible outside the site boundary shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturday and at no time on Sundays or Bank Holidays.
13. No work shall commence on site until details of a dust mitigation scheme has been submitted to and agreed in writing by the Council as Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
14. No development shall take place until details of existing and finished site levels relative to an agreed off-site datum have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
15. Prior to the commencement of development an environmental management plan shall be submitted to and approved in writing by the Council as Local Planning Authority. The plan shall set out best practicable means to minimise the impact of construction and demolition activities on the site. The development shall be constructed in accordance with the details contained within the agreed plan.
16. No part of the development shall be brought into use until visibility splays of 2 metres by 2 metres have been provided on each side of the access. The depth shall be measured from the back of the highway; and the width measured outward from the edges of the access. The splays shall be created clear of obstructions to visibility at or above a height of 0.6 metres above carriageway level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.
17. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
 - (i) separate systems for the disposal of foul and surface water;
 - (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including an appropriate allowance for climate change), which shall not exceed the predevelopment rate;
 - (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
 - (iv) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - (v) details of flood exceedance routes (both on and off site);
 - (vi) details of how surface water will be managed and pollution prevented during the construction phase;
 - (vii) a timetable for implementation, including details of any phased delivery; and

(viii) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the dwelling hereby approved is first occupied and maintained as such thereafter.

18. Noise Insulation against external and internal noise for new residential units condition

None of the approved residential units shall be occupied unless they have first been constructed to ensure that they are adequately protected against external noise sources and external noise without specific character likely to enhance its impact such as tones, impulsive elements or dominant low frequency content, and that:

- a) The construction accords with BS8233 'Sound Insulation and Noise Reduction for Buildings'.
- b) Internal ambient noise levels in habitable rooms except bedrooms does not exceed 35dB LAeq,16 hour, between the hours 07:00 - 23:00, and within bedrooms does not exceed both 30 dB LAeq, 8 hour and LAm_{ax} 45 dB more than 10 times between the hours 23:00 - 07:00.
- c) Protection should also be provided to private open space/ garden areas such that noise exposure does not exceed 55dBLAeq 16 hour.
- d) Exposure to vibration is no higher than of the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'.
- e) At any junction between adjoining residential and non-residential uses, the internal noise insulation level is designed to take account of the noise levels generated in the noise source so that in habitable rooms the typical worst case (i.e. 90th percentile LAeq,15 min level of intruding noise) is at least 10 dBA below the equivalent prevailing LAeq,15 min in the receptor

REASONS:

1. Section 91 (as amended) of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure that the external appearance of the building is satisfactory and that the development therefore complies with the provisions of policy LDP01 of the St Helens Local Plan.
4. To ensure that any contamination is treated to the satisfaction of the Local Planning Authority in accordance with the National Planning Policy Framework which states that after remediation, as a minimum, land should not be capable of being deter-mined as contaminated land under Part IIA of the Environmental Protection Act 1990. Also in accordance with policy CP1 of the St. Helens Core Strategy (2012) and retained policy ENV26 of the St Helens Unitary Development Plan (1998).
5. To ensure that any contamination is treated to the satisfaction of the Local Planning Authority in accordance with the National Planning Policy Framework which states that after remediation, as a minimum, land should not be capable of being deter-mined as contaminated land under Part IIA of the Environmental Protection Act 1990. Also in accordance with policy CP1 of the St. Helens Core Strategy (2012) and retained policy ENV26 of the St Helens Unitary Development Plan (1998).
6. To protect ground breeding bird habitat, in accordance with policy LPC06 of the adopted St Helens Local Plan.
7. To ensure that sufficient protection is in place on the site to retain important landscape features

in accordance with policy LPC10 of the St Helens Local Plan.

8. To ensure the proposed development makes appropriate provision for mammals that this development may effect in accordance with policy LPC06 of the adopted St Helens Local Plan.
9. To ensure that an appropriate landscaping scheme is implemented and maintained, in accordance with the requirements of policies LPC09, and LPC10 of the St Helens Local Plan, and the National Planning Policy Framework.
10. To prevent the spread of an invasive species in accordance with the requirements of Policy LPC06 of the Core Strategy.
11. The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity to comply with the provisions of policy LPA01 of the St Helens Local Plan
12. To ensure that the development does not detrimentally affect the amenity of neighbouring resident by causing disturbance in accordance with Policy LPD01 of the St Helens Local Plan.
13. To ensure that the development does not detrimentally affect the amenity of neighbouring resident by causing disturbance in accordance with Policy LPD01 of the St Helens Local Plan.
14. In the interest of land stability and the protection and management of the watercourse, in accordance with Policy LPD01 of the Local Plan.
15. In the interest of highway safety and residential amenity, in accordance with Policies LPD01 and LPA06 of the St Helens Local Plan.
16. To provide the driver of a vehicle using the access and other users of the public highway with adequate inter-visibility in the interest of road safety; in accordance with Policy LPA06 of the St Helens Local Plan.
17. These details are required prior to the commencement of development in order to comply with the provisions of policy LPC12 of the St Helens Local Plan.
18. To protect the amenity of the future occupiers from undue noise and vibration disturbance in accordance with requirements.

POSITIVE AND PROACTIVE WORKING:

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development, such that the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

INFORMATIVES:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

If a pipe/structure is to be added to the watercourse then a Land Drainage Consent will need to be requested from the LLFA, either by the email flood@sthelens.gov.uk or by the Council website.

Where planning permission is granted subject to conditions, it is the responsibility of the applicant, or any subsequent developer, to ensure that the terms of all conditions are met in full at the appropriate time. For each request to discharge one or more conditions, the fee payable is currently £116.00 per request. It should be noted that any number of conditions, relating to the same planning application, can be discharged at one time and therefore will only incur the one applicable fee. If conditions are discharged individually, a fee will be payable for each request made. Should you wish to discuss or seek advice in advance of the submission, you should contact the planning case officer who dealt with the application.

NOTES

1. This decision grants permission under the Town and Country Planning Act 1990. It does not grant approval for anything else, such as the display of advertisements, works to a Listed Building, works under the Building Regulations or works in an adopted highway, which would require separate approval. If you are unsure whether any additional approval is required, please contact the Council on 01744 676789.
2. If a site notice has been placed on or around the application site, can you please ensure it is removed and disposed of properly.
3. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you want to appeal against your local planning authority's decision, you must do so within 6 months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.
5. If you require any further assistance or clarification please contact:

Head of Planning	Kieran Birch	kieranbirch@sthelens.gov.uk	01744 676177
Development Control Manager	Joe Nanson	joenanson@sthelens.gov.uk	01744 676122
Case Officer	Mr Aqib Saghir	aqibsaghir@sthelens.gov.uk	