

<b>No.1</b>	<b>APPLICATION NO.</b>	2018/0790/ARM
	<b>LOCATION</b>	Land To The North Of Whalleys Road Skelmersdale Lancashire
	<b>PROPOSAL</b>	Approval of Reserved Matters - Residential development of 129 dwellings including affordable housing. Details of access, appearance, landscaping, layout and scale.
	<b>APPLICANT</b>	Kier Living Ltd
	<b>WARD</b>	Ashurst
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	23rd October 2018

---

## **1.0** **SUMMARY**

1.1 It is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees, flood risk or highway implications. The development is considered to be compliant with relevant planning policies and the application is therefore recommended for approval.

## **2.0** **RECOMMENDATION: APPROVE subject to planning obligation and conditions.**

## **3.0** **THE SITE**

3.1 The application site relates to a parcel of undeveloped greenfield land in north Skelmersdale, adjacent to Ashurst and approximately 2km north of the town centre. The site forms one of four parcels of land located in Whalleys and within the Skelmersdale settlement boundary that are allocated for residential development (it is known as Whalleys North or Site 5). The site lies to the north of Whalleys Road on a triangular parcel of land between Whalleys Road, Beacon Lane and Cobbs Brow Lane. The site is approximately 6 hectares and is currently grassed with trees and hedges to all boundaries and within the site. The eastern half of the site was last used for agriculture.

3.2 The topography of the site has a level difference of approximately 15m with the lowest point to the west where the land leads to a grassed subway under Whalleys Road. The highest point is to the east at the roundabout where Whalleys Road, Beacon Lane and Dalton Park meet. There are a number of residential properties to the south-east on Dalton Park as well as a small play area. Whalleys Farm lies to the east with new residential development under construction at The Woodlands (Whalleys site 4). To the north-east is Beacon Lane with Prescotts Farm and open countryside beyond. Immediately adjacent to the central northern boundary lies Lucas Cottage, a detached dwelling with associated small paddock and stable building. To the north-west is the Maharishi Free School and Ashtons Farm with open countryside beyond and to the west is Cobbs Clough Lane and Cobbs Clough Road with interspersed dwellings and open countryside. To the south-west and south is the remaining undeveloped parcel of the Whalleys development land.

3.3 Many of the trees along the northern, eastern and southern boundaries and running north-south through the centre of the site are subject to Tree Preservation Orders.

3.4 The site is located on an allocated housing site under Policy RS1 of the Local Plan and within the settlement of Skelmersdale with Up Holland.

## **4.0 THE PROPOSAL**

- 4.1 This is a Reserved Matters application for the erection of 129 dwellings. The application includes details of access, site layout, scale, appearance and landscaping. Two access points are proposed off Whalleys Road, the principle of which has previously been approved under the outline permission for the site. The layout is separated into two distinct parcels of land, between which is an existing mature line of trees and hedges. Each parcel includes a mix of two-storey detached, semi-detached and terraced properties along with some bungalows. The proposed dwellings comprise:
- 1 x 1 bed apartment
  - 24 x 2 bed bungalows
  - 14 x 2 bed houses
  - 57 x 3 bed houses
  - 24 x 4 bed houses
  - 9 x 5 bed houses
- Of these, 38 units (12 x bungalows, 14 x 2 bed houses and 11 x 3 bed houses) will be provided as affordable shared ownership tenure dwellings. This equates to 29.5% of the total number of dwellings proposed.
- 4.2 On the larger eastern parcel of land, the layout is formed by a circular estate road with houses fronting and smaller cul-de-sacs branching off. Dwellings also face outwards along the Whalleys Road frontage. The smaller western parcel is laid out along one main estate road leading to a cul-de-sac before the land falls towards a grassed subway under Whalleys Road. All the dwellings have private gardens and the majority have private driveways, although parking for the smaller units is also provided within shared courts. The dwellings are presented in a variety of heights, styles and materials to cater for different occupants and drawing upon the prevailing character of other dwellings in the area.
- 4.3 Trees and hedgerows are maintained around the boundaries of the site, although these will be trimmed back in places. The central line of trees is also retained, except for a section that is to be removed to create an informal path linking the two sites. Two small attenuation ponds are to be created in the north-west and north-east corners of the site.
- 4.4 Areas of ecological constraint around bat roosting sites have informed much of the layout and buffer areas have been created that result in informal areas of grass that serve to create a sense of openness within the overall layout.

## **5.0 RELEVANT APPLICATIONS**

- 5.1 2018/1090/ARM – Approval of Reserved Matters – (access, appearance, landscaping, layout and scale) in respect of residential development of 120 dwellings, open space and associated infrastructure. PENDING CONSIDERATION (Whalleys South – Seddon Homes and Trafford Housing Trust)
- 5.2 2018/0796/FUL - Residential development of 35 dwellings including affordable housing, access, appearance, landscaping, layout and scale. PENDING CONSIDERATION (Whalleys North – Kier)
- 5.3 2018/0690/NMA - Non-material amendment to planning permission 2016/0769/ARM - Revising approved 1.8m high closed boarded fence to 1.2m high closed boarded fence abutting existing retained hedgerow to plots 50-57, 123, 137, 138, 146-160, 173-174. (Whalleys site 4 – Keepmoat)

- 5.4 2018/0584/NMA - Non-Material Amendment to planning permission 2016/0769/ARM - Repositioning plots 77 & 78 by approximately 1m towards plots 73-76. GRANTED (Whalleys site 4 – Keepmoat)
- 5.5 2018/0080/CON – Approval of Details Reserved by Condition No. 8 of planning permission 2016/0769/ARM relating to surface water drainage scheme. PENDING CONSIDERATION (Whalleys site 4 – Keepmoat)
- 5.6 2017/0247/CON - Approval of Details Reserved by Condition No's. 2 and 8 of planning permission 2016/0769/ARM relating to details of mitigation measures and surface water drainage scheme. PART APPROVED PART REFUSED (Whalleys site 4 – Keepmoat)
- 5.7 2016/0769/ARM - Approval of Reserved Matters - Residential development of 202 units comprising 2, 3 and 4 bed properties with associated roads, footpaths and landscaping. GRANTED 07.02.2017 (Whalleys site 4 – Keepmoat)
- 5.8 2013/1050/WL3 - Outline application (with all matters reserved) for a residential development consisting of up to 630 dwellings together with associated open space and landscaping. GRANTED 28.08.2014
- 5.9 1999/0772 - Outline - Residential development and footpath/bridlepath. Withdrawn 02.08.2005
- 5.10 1998/0216 - Outline - Residential development. Withdrawn 02.08.2005
- 5.11 1994/0258 - Outline - Residential development (including means of access and landscaping). Refused 23.06.1994
- 5.12 Dalton Park (adjacent to site) - 1996/0382 (Granted 16.10.1996) Reserved Matters - Residential development (104 dwellings) with public open space & estate road.  
  
Dalton Park (adjacent to site) -1993/1165 (Granted 15.03.1995) Outline - Residential development including details of access points.

## **6.0 CONSULTEE RESPONSES**

- 6.1 LCC HIGHWAYS (09/11/18, 23/10/18, 10/10/18 and 09/08/18) - No objection. The latest submissions are acceptable as in principle drawings for planning and as the basis of the highways s278 agreement. Conditions recommended.
- 6.2 THE COAL AUTHORITY (28/08/18) The Coal Authority considers that Condition 13 of the outline planning permission has been met and the Coal Authority has no objection to this reserved matters application.
- 6.3 UNITED UTILITIES (15/11/18, 06/09/18 and 23/08/18) No objections subject to the imposition of recommended conditions.
- 6.4 LEAD LOCAL FLOOD AUTHORITY (24/10/18) No objection subject to condition.
- 6.5 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (17/09/18 and 23/10/18) No objection subject to conditions. The applicant has submitted ecology reports that meet BS 42020:2013 and are acceptable. It is welcomed that the applicant has provided proportionate and appropriate mitigation for all identified biodiversity within the site. Barn owl is present within a stable block immediately north of the site, however the mitigation

strategy submitted is considered acceptable and sufficient to ensure the proposals will not harm the local barn owl population.

6.6 LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (06/11/18) No objection. The Written Scheme of Investigation appears appropriate for this stage of the works on this section of the site.

6.7 ENVIRONMENT AGENCY (24/09/18) Not necessary to comment as not in Flood Zone 2 or 3.

## **7.0 OTHER REPRESENTATIONS**

7.1 I have received two letters of objection from neighbouring residents, who raise the following concerns:

- insufficient infrastructure to support the increased population;
- implications of affordable housing in terms of demographic profile;
- Elderly residents will need additional services;
- Lack of health and dental care, sports facilities, schools, retail facilities, social experiences;
- Increased traffic and lack of public transport;
- Catastrophic impact on wildlife;
- Impact on political map of the area;
- Skelmersdale is becoming a dormitory town and how will a sense of community be created?;
- Too many dwellings;
- Ignoring the TPO;
- Adverse impact on the green corridor;
- Impact on owls in adjacent stable building;
- Proximity of dwellings to stable block;
- Wild orchids will be destroyed;
- Path leading on to Beacon Lane is dangerous;
- Lack of car parking;
- Increased flood risk.

## **8.0 SUPPORTING INFORMATION**

8.1 The application is supported by the following information:

- Planning Design and Access Statement
- Travel Plan
- Highways Technical Note
- Tree Survey Report
- Landscape Management Plan
- Arboricultural Impact Assessment
- Ecological Mitigation Strategy
- Ecology and Landscape Strategy
- Bat Mitigation Strategy
- Barn Owl Mitigation Strategy
- Flood Risk Assessment
- Drainage Statement
- Coal Mining Report
- Ground Investigation Report
- Remediation Strategy Report
- Archaeological Evaluation
- Waste Management
- Energy Statement

## **9.0 RELEVANT PLANNING POLICIES**

9.1 The National Planning Policy Framework (NPPF) (including Technical Guidance to the NPPF) and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development will be assessed. The site is located within the Regional Town of Skelmersdale in the West Lancashire Local Plan and is also an allocated housing site.

9.2 The following policies apply:

### National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Section 17 Facilitating the sustainable use of minerals

### West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

The site is within a Mineral Safeguarding Area and Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan is relevant.

9.3 Additionally the following supplementary planning documents are relevant:

Key Principles for Residential Development at Whalleys, Skelmersdale (Sep 2012)

SPD – Design Guide (Jan 2008)

SPD - Open Space/Recreational Provision in New Residential Developments (April 2009).  
Updated 2014

SPG – Whalleys Housing Site, Skelmersdale Plus Mixed Development (updated July 2007)

SPG - Natural Areas and Areas of Landscape History Importance 2007

## **10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### Background

- 10.1 Outline planning permission, with all matters reserved, has previously been granted for residential development on this site, along with other parcels of land at Whalleys. Outline planning permission 2013/1060/WL3 was granted for up to 630 dwellings on 28<sup>th</sup> August 2014 and incorporated 4 parcels of land, together with open space and landscaping. The outline permission includes 30 conditions and a S106 Agreement that secures the provision of 30% affordable housing and 20% specialist housing for the elderly across all the sites, public open space, transport contributions and biodiversity mitigation and enhancement.
- 10.2 The first parcel of land to be developed was known as “Whalleys 4”, to the east of Whalleys Road. This secured Reserved Matters Approval for 202 dwellings on 7<sup>th</sup> February 2017 and is currently being progressed by Keepmoat Homes. A number of dwellings are already occupied on this site. The current application for Reserved Matters Approval subject of this report is the second parcel of land to come forward for development and was indicated in the outline permission as Whalleys 5a and 5b (or Whalleys North).
- 10.3 This Reserved Matters application also seeks to include details of conditions imposed on the outline permission (namely Condition 3 – access, layout, scale, external appearance and landscaping; Condition 5 – levels; Condition 6 – ecology and landscape ; Condition 7 – bats, Condition 9 – soil stripping; Condition 11 – surface water drainage; Condition 13 – coal investigation; Condition 14 – design; Condition 16 – off-site highways; Condition 21 – travel plan; Condition 22 – access; Condition 23 – junction assessment; Condition 28 – archaeology; Condition 29 – energy and Condition 30 – substations).
- 10.4 It should be noted that this application also relates to planning application 2018/0796/FUL elsewhere on the agenda. The two proposed developments are inter-related, although this Reserved Matters application can be delivered independently as it includes the access points and estate road into the site.

#### Principle of Development

- 10.5 The principle of residential development on the site has already been established through the approval of outline permission. There have been no significant policy changes in the interim which may have affected this decision, therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy RS1 of the Local Plan.

#### Affordable and Specialist Housing for the Elderly

- 10.6 The outline permission for the site requires (in accordance with Policy RS2 of the Local Plan) that 30% of the dwellings are affordable and provided as a mix of house-types. A total of 38 out of the 129 dwellings are of affordable shared ownership tenure. Of these, there are 12 bungalows, 1 x 1bed apartment, 14 x 2 bed properties and 11 x 3 bed properties. These dwellings are dispersed around the site. The Council’s Housing Strategy and Projects Manager is satisfied with the tenure mix and types of dwellings.
- 10.7 In addition to this, Policies RS1 and RS2 and the outline planning permission requires that 20% of the new residential units should be suitable for the elderly. The Council are flexible on how this is achieved, but the planning obligation pertaining to the outline permission set out that a percentage of these should also be affordable units. As such, the 24 bungalows on the site, 50% of which are affordable units, meet the necessary amount. As such, the proposed development is considered to be in full accordance with policies RS1 and RS2 of the Local Plan.

## Siting, Layout and Design

- 10.8 Paragraph 124 of the NPPF advises that *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Policy GN3 in the Local Plan together with the Council's SPD Design Guide reiterates this ethos and states that new development should be of a scale, mass and built form which responds to the characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 10.9 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. A mixture of property sizes is proposed, varying from 2 bedroom bungalows to 5 bedroom two-storey houses with dormers in the roof space. The layout includes the provision of a number of areas of open space and tree cover which breaks up the built development and provides an attractive visual appearance to the overall scheme. This ensures the character of the area is maintained on the edge of the built up settlement and serves to screen the development somewhat from outwith the site.
- 10.10 Existing TPO trees are to be retained except for the provision of access points off Whalleys Road, a pedestrian link onto Cobbs Brow Road and an informal pedestrian link connecting the two parcels of land. This ensures the loss of tree cover is minimised.
- 10.11 The design of properties generally reflects that in the local area of Ashurst which is post 1960's development and is predominantly characterised by two storey semi's and detached properties with some bungalows and a couple of larger blocks of sheltered accommodation. Materials in the area comprise brown, red and buff bricks as well as brown and grey roof tiles. More recently, rendering has been introduced on some properties in the area. This palette of design and materials has been reflected within the proposed development and is therefore consistent with the aims of the NPPF and Policy GN3.
- 10.12 A number of bungalows are proposed on the site (24) and 24 taller properties with rooms in the roofspace are also proposed and these have been sited within the central part of the site so as to reduce their impact on the wider area. The mix of sizes and design of dwellings provides a range to meet local needs. I am satisfied that the proposed dwellings relate well to one another and whilst there is general uniformity in terms of layout, there is also a welcome irregularity to the siting of dwellings with bungalows spread across the site and a varying mix of heights.
- 10.13 Each dwelling benefits from a private amenity area. These generally meet and exceed the recommended garden lengths specified in the Council's SPD. Some plots are narrow and as such permitted development rights will be removed for extensions in order that future development can be properly assessed. The layout also incorporates some side parking and garaging to break up the built form of the development. All dwellings are provided with the requisite number of spaces and size of spaces as advocated in the Local Plan. Those plots where the conversion of garages to habitable rooms would result in inadequate parking spaces below Local Plan thresholds, will be subject to the removal of permitted development rights. Although the amount of frontage parking is not ideal, it is broken up with some front gardens and a high quality landscaping scheme should go some way to softening those areas. In addition, areas of courtyard parking will be surfaced in contrasting materials to break up the amount of tarmacadam within the site.

10.14 I am satisfied that density and layout of the proposed development is commensurate with the size of the site having regard to the constraints posed by existing trees and ecological buffer areas. The proposed design, size and mix of dwellings respects the character of the area and meets the needs of the future population. In my view therefore, the proposal complies with relevant local and national policies and the Council's Design Guide in this regard and would not significantly adversely affect the character and appearance of the local area.

#### Impact on Residential Amenity

10.15 In terms of the relationships between the proposed dwellings, I am generally satisfied that the proposed layout accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property or windows are obscurely glazed.

10.16 The closest residential property located adjacent to the site and immediately to the north is Lucas Cottage. This is sited at a lower land level to the proposed development site and is heavily wooded to all sides. A number of dwellings are proposed to the rear of Lucas Cottage; however, there is a dense area of TPO woodland between the proposed dwellings and Lucas Cottage and although some of this is to be managed and cut back, a minimum distance of approximately 45m is retained. There is a small paddock located to the west of Lucas Cottage which is in the same ownership and contains a stable building on the far west of the paddock. This has not been used for the stabling of animals for a considerable time, although it potentially could be in the future. It does, however, contain at least one barn owl roost. A small group of trees lying along the boundary between the paddock and the proposed development site have recently been placed under a draft TPO and this protection, together with the length of garden areas to proposed dwellings along this boundary, ensure that no significant loss of residential amenity occurs to occupiers of Lucas Cottage.

10.17 Other residential properties surround the site at Ashtons Farm, Prescott's Farm, Whalleys Farm, Dalton Park housing estate and the new Keepmoat housing site; however, these properties are a significant distance to the site such that no significant impact on residential amenity is envisaged. Any impact caused to amenity during the construction phase is short lived and can be addressed through other relevant environmental protection legislation.

10.18 On balance therefore I am satisfied that the proposed development would satisfy the requirements of Policy GN3 of the Local Plan in respect of neighbouring amenity.

#### Traffic and Parking

10.19 Access to the site is to be taken from two points along Whalleys Road at natural breaks in tree cover. These access points are considered acceptable to the Highway Authority who are also of the view that highway safety and capacity in the surrounding area will not be compromised as a result of the increased traffic generated by the development. Further analysis of the Cobbs Brow/A5209/Smithy Brow junction indicates that no further junction improvement to this or any other junction is necessary as a result of the proposed development.

10.20 As part of the application, a 3m wide footpath is to be provided to the northern edge of Whalleys Road along with two bus shelters and a 3m wide footpath along part of Cobbs Brow leading from the development, across a new pedestrian crossing, to the Maharishi



Primary School. This will ensure there is improved safe pedestrian/cycle links for children and others accessing the local school.

- 10.21 In terms of parking provision, a mixture of frontage and side parking is proposed and although a concern has been raised by a neighbouring resident that insufficient parking provision has been provided, I am satisfied that each dwelling has been afforded appropriate parking provision in accordance with the Local Plan requirements. Each property will also be fitted with an electric vehicle charging point.
- 10.22 The Highway Authority are satisfied that the layout and parking provision is acceptable. On this basis I am satisfied that vehicles can manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in the local area. I consider that the proposed development is compliant with Policy GN3 and IF2 in the Local Plan.

### Trees and Biodiversity

- 10.23 The submitted Arboricultural Impact Assessment and Tree Survey Report confirms that the majority of TPO trees on the site will be retained. A small number of trees will be removed at both entrance points along Whalleys Road, the pedestrian link onto Cobbs Brow Road, between the two parcels of land and some tree thinning and management will be undertaken on existing groups of trees. Following concerns about the removal of trees close to the paddock at Lucas Cottage, a draft TPO has been placed on these trees, which are now shown for retention and the layout amended to avoid their loss. Additional landscaping will be incorporated within the development as indicated on a masterplan, the full details of which are required through conditions on the outline permission.
- 10.24 I am satisfied that suitable compensatory planting can be provided to mitigate for the loss of existing tree and shrub cover. Maintenance of landscaping within the site is to be managed through the developer's management company.
- 10.25 The ecological impact of the proposed development has been informed by a range of ecological surveys and assessments, namely, an ecological mitigation strategy and bat and barn owl mitigation strategies as well as a construction environmental management plan that aims to protect any known habitats during the construction phase. This identifies the protection of 3 known bat roosts and a further 7 trees with bat roost potential within the site, the protection of breeding birds, amphibians, reptiles and hedgehog and the eradication of invasive species. The Council's ecology advisor considers that the measures contained within the construction environmental management plans are proportionate and acceptable. In addition, it is considered that the implementation of measures to ensure nesting opportunities for grasshopper warbler, skylark and lapwing contained in the Ecological Mitigation Strategy are acceptable. These details can be secured by condition.
- 10.26 It is proposed through the implementation of the other submitted ecology reports to provide native trees, shrubs and grassland/wildflower meadow planting, habitat management, creation of surface water features planted with native wetland grass and wildflower seed mix, new bat roosting opportunities and provision of alternative bird nesting opportunities to ensure that no net loss of biodiversity will occur.
- 10.27 During the course of consideration of the application, following a site visit and representation from the neighbouring owner, it became apparent that at least one barn owl was nesting in the adjacent stable building at Lucas Cottage. As such a Barn Owl Mitigation Strategy was submitted. This has been reviewed and accepted by the Council's ecological advisors. One of the key aspects of mitigation for any loss of biodiversity on

this site (and the Keepmoat site) is the provision of an area of land on the upper part of Beacon Lane (currently in agricultural use) to be used in perpetuity for specific managed agriculture. A scrape of land within the central part of the field will be created to provide an area of shallow water with muddy edge and tussocky grassland. This will provide enhanced grasshopper warbler, lapwing and skylark habitat for displaced species found within Whalleys. Furthermore, barn owl boxes and wild bird seed mix will be provided on this area of land, which will provide compensatory mitigation for any disturbance caused to existing barn owls in the area. The mitigation land is owned by Homes England and will be managed by them in accordance with the outline permission and existing planning obligation.

- 10.28 One of the aims of the planning system is to seek environmental gains, to contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Subject to the imposition of conditions for the implementation of the mitigation strategies submitted, I am satisfied that the proposed development will have no detrimental impact on ecology and complies with Policy EN2 of the Local Plan.

#### Public Open Space

- 10.29 The outline planning permission required a large area of neighbourhood equipped public open space within the overall Whalleys development. The indicative layout presented at outline stage shows this provided on Whalleys South (which remains undeveloped at present but is subject to a current application for Reserved Matters Approval for 120 dwellings on part of the site Ref: 2018/1090/ARM). As such, no separate equipped area of public open space is required on Whalleys North. A pedestrian/cycle link has been provided to link with any future area of open space on the western edge of the site (eventually passing under Whalleys Road via an existing grassed subway).
- 10.30 Notwithstanding this area of equipped open space, due to ecological constraints, the site incorporates a significant amount of informal open space. Furthermore, the applicant is required under the terms of the planning obligation associated with outline planning permission, to provide a financial contribution towards the provision of a multi-use games area and play equipment for the open space to be provided on Whalleys South and also towards the enhancement of the Cobbs Clough woodland. Based on the Council's SPD Open Space/Recreational Provision in New Residential Developments (April 2009) this figure amounts to £110,603.

#### Surface Water, Drainage and Flood Risk

- 10.31 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The applicant has confirmed that foul water from the development will discharge to the public sewer system and technical approval has been granted by United Utilities for this option.
- 10.32 In terms of surface water, a Flood Risk Assessment and detailed surface water drainage scheme has been submitted. The original drainage proposal for the site has been amended in order to satisfy the requirements of the Lead Local Flood Authority in accordance with the NPPF so that surface water generated by the development is managed in a sustainable manner to mimic water flows arising from the site prior to the development.

- 10.33 In this case the applicant has suitably discounted infiltration due to ground conditions within the site and it is proposed to provide attenuation basins and underground geocell crates within the site to capture and store water prior to discharging via a tiered hydrobrake system into the basins and then to the public surface water sewer. The main piped system and outfalls are to be adopted by United Utilities and the basins and any geocell system will be the responsibility of the management company. Floor levels will generally be set a minimum of 150mm above surrounding external levels to reduce any risk of flooding.
- 10.34 Both United Utilities and the Lead Local Flood Authority are now satisfied that the proposed drainage strategy is acceptable and will not increase the risk of flooding either on or off the site. On this basis, I find the proposed development acceptable and in accordance with the NPPF and Policy GN3 of the Local Plan.

#### Other Matters

- 10.35 The site lies within an area of former coal mining and as such, Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan advises that the potential for mineral extraction should be investigated on such sites. However, the outline application was accompanied by a comprehensive report on the potential for mineral/coal extraction. This concluded that future extraction from the site was unlikely, due to the depth of the coal seams and associated economic viability issues. Furthermore, the demonstrable need for the delivery of housing across the Borough outweighs the need to avoid the sterilization of coal present on the site. The extraction of coal on this site would also lead to considerable damage to the surrounding environment by way of noise, dust, vibration and biodiversity given the close proximity of existing housing, schools and Biological Heritage Sites.
- 10.36 The overall Whalleys site was identified as having the potential to contain archaeological interest. As such a Written Scheme of Investigation has been submitted that concludes archaeological features cannot be ruled out on the site, although no significant remains were detected. An archaeological contractor will be appointed during the construction phase who will be responsible for monitoring and recording any archaeological information found. Lancashire Archaeology Advisory Service are satisfied with this approach.
- 10.37 Concerns have been raised by a neighbouring occupier that a proposed path leading onto Beacon Lane was not a safe cycle or pedestrian route. I agreed with this observation and this path has now been removed from the layout. I have also received comments from a local resident who raises concerns in relation to a proposed development at Whalleys South, although quotes the current application reference. Some comments relate to the wider Whalleys development and are of note - that there are insufficient facilities in the area to accommodate the amount of people that will be generated by the Whalleys development. The potential for development at Whalleys has been envisaged for a considerable number of years and facilities such as dentists, doctors, schools, shops and sports facilities are likely to grow and become more viable and self-sustaining as the number of occupiers within Whalleys increases. This in turn will assist in the long-term objective of creating a sustainable community with the commensurate level of amenities. Furthermore, public transport will be supported through the requirement of a commuted sum towards its sustained future and improved pedestrian and cycle links will be created which will increase accessibility to the site by means other than the car.

#### Planning Obligation

- 10.38 The outline permission granted for the redevelopment of this site is the subject of a legal agreement requiring the developer to provide 30% of the units as affordable housing, 20%

as specialist housing for the elderly, an area of on-site public open space on Cobbs Clough/Site 2 (Whalleys South), an off-site public open space contribution and a financial contribution towards highway improvements which include the provision of bus stops, provision of an off road cycle lane from Cobbs Brow Lane to Summer Street and provision of funding for the diversion/creation of a bus route and ecology mitigation and enhancement. These obligations reflect the relevant policy requirements at the time outline permission was granted and remain part of the proposed development which must be delivered in line with the terms of the agreement. A deed to vary this agreement is proposed and the variation relates to securing the terms of the affordable housing, which remains at 30% but is all shared ownership tenure.

### Summary

10.39 In summary, it is considered that the proposed development is acceptable in terms of layout, housing mix, appearance and scale and that the proposed landscaping scheme will assimilate the development into its surroundings. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I find that the proposed development is compliant with the NPPF and the Local Plan in respect of drainage, highways and ecology.

### **11.0 RECOMMENDATION**

11.1 That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a deed of variation (planning obligation) under S106 of the Town and Country Planning Act 1990 to secure:-

a) the terms and conditions of the affordable housing

11.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 11.1 above be subject to the following conditions:

### **Conditions**

1. The development in this phase of the development authorised under outline planning permission 2013/1060/WL3 must commence within two years of the date of this reserved matters approval in accordance with section 92 Town & Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
  - A799 001 Rev G (Planning Layout) received by the Local Planning Authority on 23rd October 2018;
  - Substation ES352 A2 006/02L received by the Local Planning Authority on 23rd October 2018;
  - Housetypes plans:
    - A799 008 Rev A Chelmsford received by the Local Planning Authority on 23rd October 2018;
    - A799 010 - Newford received by the Local Planning Authority on 23rd October 2018;
    - A799 023 - Castleford received by the Local Planning Authority on 23rd October 2018;
    - A799 007 - Castleford received by the Local Planning Authority on 23rd October 2018;
    - A799 009 Rev A Cranford 2 received by the Local Planning Authority on 23rd October 2018;
    - A799 024 Rev A Cranford 2 received by the Local Planning Authority on 23rd October 2018;
    - A799 030 - Cranford 2 received by the Local Planning Authority on 23rd October 2018;
    - A799 004 Rev A Holmewood received by the Local Planning Authority on 23rd October 2018;

A799 005 Rev C Ravenwood received by the Local Planning Authority on 23rd October 2018;

A799 028 Rev A Ravenwood received by the Local Planning Authority on 23rd October 2018;

A799 029 - Chelmsford received by the Local Planning Authority on 23rd October 2018;

A799 006 Rev A Redwood received by the Local Planning Authority on 23rd October 2018;

A799 002 Rev A Denton received by the Local Planning Authority on 23rd October 2018;

A799 003 rev A Bungalow V1 and V2 received by the Local Planning Authority on 23rd October 2018;

A799 25 Rev A Bungalow V3 received by the Local Planning Authority on 23rd October 2018;

A799 013 Rev A A3L received by the Local Planning Authority on 23rd October 2018;

A799 011 - KS(FOG) and AC3 received by the Local Planning Authority on 23rd October 2018;

A799 012 - KS(FOG) and AC3 received by the Local Planning Authority on 23rd October 2018;

A799 014 - single garage received by the Local Planning Authority on 23rd October 2018;

A799 015 - double garage received by the Local Planning Authority on 23rd October 2018;

3. The development hereby approved shall be constructed from the materials indicated on drawing ref: A799 018 Rev G received by the Local Planning Authority on 19th November 2018.
4. Levels shall be in accordance with Plan Ref: A799 026 Rev D received by the Local Planning Authority on 23rd October 2018.
5. Boundary treatment shall be implemented in accordance with Plan Ref: A799 019 Rev F received by the Local Planning Authority on 23rd October 2018.
6. No dwellings shall be occupied on Whalleys Site 5a, or 5b until the highway works indicated on plan references: SCP/18262/D02 Rev C, SCP/18262/D20 and SCP/18262/D33 Rev A (including 2x bus stop/ shelter on north side of Whalleys Road, right turn lanes for the 2 new junctions incorporating pedestrian refuge island, 3m wide footway across the site frontage to Whalleys Road and 3m wide upgrade of the existing Whalleys Road southern footway to the Beacon Lane roundabout junction to link into new/existing pedestrian/cycle infrastructure, Toucan crossing on Cobbs Brow Lane) have been implemented.
7. The development hereby approved shall be carried out in accordance with the approved surface water drainage scheme (as shown on drawing reference 7055 / 01 Revision B) received by the Local Planning Authority on 19th October 2018. The surface water drainage scheme shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the arrangements outlined in the approved Maintenance Agreement (Landscape Maintenance Plan, Amenity Open Space Areas with SuDS, Trust Green, reference TG702 Whalleys, dated 18.10.2018 - Revision A).
8. The recommendations contained in the Ecological Mitigation Strategy (5060.ECO.WHALLEYSBIRDMITIGATION.001, May 2018, Version 6.0) received by Local Planning Authority on 23rd October 2018 shall be implemented in full prior to any clearance of the site.
9. The recommendations contained within Sections 4, 5 and 6 of the Penny Anderson Associates Ltd Ecology and Landscape Strategy July 2018 and received by the Local Planning Authority on 23rd October 2018 shall be adhered to during and after construction of the development hereby approved and maintained in perpetuity.
10. The development shall be carried out in accordance with Section 4 of the Penny Anderson Associates Ltd Bat Mitigation Strategy received by the Local Planning Authority on 23rd October 2018.

11. The development shall be carried out in accordance with the mitigation and monitoring measures specified in paragraphs 1.10 to 1.34 inclusive of the Penny Anderson Associates Ltd Barn Owl Mitigation Strategy received by the Local Planning Authority on 23rd October 2018.
12. The details contained in the Kier Environmental Management Plan (EMP) dated 19th July 2018 and received by the Local Planning Authority on 23rd October 2018 shall be implemented at all times during construction of the development hereby permitted.
13. The details contained in the Coopers Remediation Strategy report dated 6th July 2018 and received by the Local Planning Authority on 23rd October shall be implemented during construction of the development hereby permitted and in accordance with Section 10 of the report, a verification report shall be submitted to the Local Planning Authority upon completion of the development.
14. Notwithstanding the submitted Landscape Masterplan, no dwelling shall be occupied until a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, species and number of all proposed trees, shrubs, hedges and grassed. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot shall be carried out. All elements of the landscaping details shall be completed within 9 months of the last dwelling being occupied. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
15. Notwithstanding the details contained with the Trust Green Maintenance Agreement dated 18th October 2018 Rev A and received by the Local Planning Authority on 19th October 2018, management of individual and groups of trees to be retained shall be carried out in accordance with a specific scheme to be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of development (known as supplementary maintenance agreement). The landscaping and amenity open space areas shall be maintained in accordance with the Trust Green Maintenance Agreement dated 18th October 2018 Rev A and the individual and groups of trees shall be maintained in accordance with the supplementary maintenance agreement.
16. The development shall be carried out in accordance with the TPM Landscape Ltd Report: 502A Arboricultural Impact Assessment and Method Statement received by the Local Planning Authority on 19th November 2018 together with the Tree Protection, Removal and Retention Plans Ref: 3030 105 rev B and 3030 106 rev A received by the Local Planning Authority on 19th November 2018.
17. The Written Scheme of Archaeological Investigation shall be carried out in accordance with the details provided in WYG "The Whalleys Archaeological Evaluation Written Scheme of Investigation A090070-418", and any measures deemed necessary resulting from the findings of that investigation shall be fully implemented in accordance with the recommendations of the investigator.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, out buildings, swimming pools or means of enclosure shall be erected or undertaken on Plots 10, 11, 14, 15, 16, 40,41,42, 52-57, 82, 103-107, 115-125 without the express written permission of the Local Planning Authority.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the garage on Plots 1, 9, 10, 11,14,15,33 44 and 51 shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.

## Reasons

1. To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7.
  - a. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
  - b. To reduce the risk of flooding to the proposed development and future occupants.
  - c. To ensure that the drainage for the proposed development can be adequately maintained.
  - d. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.  
and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In order to provide mitigation land for the displacement of skylarks, lapwings, grasshopper warbler, barn owls and other priority bird species in the interests of biodiversity and to accord with the provisions of Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.
9. In order to provide mitigation land for the displacement of skylarks, lapwings, grasshopper warbler, barn owls and other priority bird species in the interests of biodiversity and to accord with the provisions of Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.
10. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To ensure that the development is adequately protected against potentially contaminated land and so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To ensure continued maintenance and management of landscaped areas within the site and therefore safeguard the amenity of residents and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. As the site is of archaeological interest and in order to comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. These plots are small such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. Should the garages on these plots be converted to habitable accommodation, insufficient off-street car parking may be provided such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.