

No.2	APPLICATION NO.	2018/0796/FUL
	LOCATION	Land To The North Of Whalleys Road Skelmersdale Lancashire
	PROPOSAL	Residential development of 35 dwellings including affordable housing, access, appearance, landscaping, layout and scale.
	APPLICANT	Kier Living Ltd
	WARD	Ashurst
	PARISH	Unparished - Skelmersdale
	TARGET DATE	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 falls within 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 1.3 hectares and forms separate pockets of development within Whalleys North. The land is currently grassed with trees and hedges to all boundaries.
- 3.2 The topography of the larger Whalleys North 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. The pockets of proposed development within this wider Whalleys North site subject to the current application are located mainly within the western half of the site.
- 3.3 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.
- 3.4 Many of the trees along the northern, eastern and southern boundaries and running north-south through the centre of the wider Whalleys North site are subject to Tree Preservation Orders.

- 3.5 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 full application for the erection of 35 dwellings. The application comprises four pockets of land located within the overall layout of the Reserved Matters application 2018/0790/ARM, which is under consideration elsewhere on this agenda. Access to these pockets of land is reliant upon application 2018/0790/ARM being granted planning permission. The number of dwellings proposed has reduced from that originally proposed to 35 and comprises a mix of two storey and bungalow accommodation:

9 x 2 bed bungalows

10 x 2 bed houses

13 x 3 bed houses

2 x 4 bed houses

1 x 5 bed house

Of these, 11 units (2 x bungalows, 5 x 2 bed houses and 4 x 3 bed houses) will be provided as affordable shared ownership tenure dwellings. This equates to 31% of the total number of dwellings proposed.

- 4.2 The proposed dwellings are located mainly on the western half of the wider Whalleys North site. Twenty four dwellings are accessed from one estate road proposed under application 2018/0790/ARM, and eleven dwellings are accessed off another proposed estate road proposed under application 2018/0790/ARM, which are both, in turn, accessed from Whalleys Road. All the “additional dwellings” forming part of the current full application are effectively located at the end of the estate roads proposed under the Reserved Matters application and form cul-de-sac areas. All the dwellings have private gardens and private driveways or frontage parking. 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. The house-types are the same as those used in the Reserved Matters application.

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 2018/0790/ARM - Approval of Reserved Matters - Residential development of 129 dwellings including affordable housing. Details of 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) No objection. The Coal Authority records indicate that the site has been subject to both recorded and unrecorded underground coal mining at shallow depth. Whilst coal has been found within isolated areas of the site, the submitted report recommends further consideration will be needed to be given to the impact of coal present within 1m of the floor slabs and on foundations in the NW and SW area of the site in the form of prior extraction. An Incidental Coal Agreement will be required for these purposes. The isolated areas are likely to impact on 8 plots. Based on the above, the Coal Authority has no objection subject to the remedial measures identified in the submitted report.
- 6.3 UNITED UTILITIES (20/08/18) No objections subject to the imposition of 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 22/10/18) 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.
- 6.8 LCC EDUCATION (28/08/18) – No education contribution required.

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
 - Crime Impact 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 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 28th 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. Reserved Matters Approval for 202 dwellings was granted on this land on 7th February 2017 and is currently being progressed by Keepmoat Homes. A number of dwellings are already occupied on this site.
- 10.3 A second application for Reserved Matters Approval has been submitted for the erection of 129 dwellings on Whalleys North (indicated in the outline permission as Whalleys 5a and 5b). This is application 2018/0790/ARM and is reported elsewhere on this agenda. The Reserved Matters application has been submitted by Kier Living, the same applicant as the detailed application under consideration in this report. The Reserved Matters application was limited to 129 dwellings by the owner of the land, Homes England and any additional dwellings proposed over and above this amount were required to be dealt with through separate full applications so that the total amount of dwellings submitted as Reserved Matters did not exceed the 630 approved by the outline permission at Whalleys. The current application for 35 dwellings is therefore 'overage' on this site. It is reliant on the Reserved Matters application being approved in order that access can be gained to the location of the 35 dwellings from the public highway, Whalleys Road.

Principle of Development

- 10.4 The site is located within the urban settlement of Skelmersdale and in accordance with the NPPF and Policy RS1 of the Local Plan, the principle of residential development on the site is acceptable. Furthermore, residential development has already been established as acceptable through the approval of outline permission. Whilst the cumulative number of dwellings proposed by this full application and the linked application for Reserved Matters approval is more than that illustrated in the outline planning application documentation (164 as opposed to 129), this was illustrative only and the overall cumulative density of development at 35 dwellings per hectare is reasonable for the site given its location within the settlement boundary of the Borough's regional town. The 'addition' of the 35 dwellings proposed is therefore considered to be acceptable in principle, subject to compliance with other Local Plan policies.

Affordable and Specialist Housing for the Elderly

- 10.5 In accordance with Policy RS2 of the Local Plan, 30% of the dwellings are required to be affordable and provided as a mix of house-types. A total of 11 out of the 35 dwellings are of affordable shared ownership tenure. Of these, there are 2 bungalows, 5 x 2 bed properties and 4 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.
- 10.6 In addition to this, Policies RS1 and RS2 and the outline planning permission require that 20% of the new residential units should be suitable for the elderly. The Council are flexible on how this is achieved, as such, the 9 bungalows on the site, 2 of which are affordable units, more than meet the necessary amount. On this basis, the proposed development is considered to be in full accordance with policies RS1 and RS2 of the Local Plan.

Siting, Layout and Design

- 10.7 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.
- 10.8 The proposed layout is clearly dependent upon approval of the submitted Reserved Matters application for the same site and the two applications should be read together in terms of the comprehensive layout. The overall 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 a 5 bedroom two-storey house. The layout subject of this full application includes some areas of existing wooded landscaped parcels along the boundary of the site, which 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.
- 10.9 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 in the centre of the wider site. This ensures the loss of tree cover is minimised.
- 10.10 The design of the dwellings 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.
- 10.11 A number of bungalows are proposed on the site (9). 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 due to the varying mix of heights.
- 10.12 Each dwelling benefits from a private amenity area. These generally meet and exceed the recommended garden lengths specified in the Council's SPD. 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. 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, the area of parking fronting plots 25-35 will be surfaced in contrasting materials to break up the amount of tarmacadam within the site.
- 10.13 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 additional 35 dwellings proposed over and above that envisaged by the outline application for this site (129) do not, in my opinion, result in a cramped

development. 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

- 10.14 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances.
- 10.15 The closest residential property to the site 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 proposed within the Reserved Matters application lie between Lucas Cottage (including the associated paddock) and the boundary of this full application. Therefore, I am satisfied that no additional loss of residential amenity would be created as a result of the proposed development.
- 10.16 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. Harm caused to residential amenity by increased traffic in the area is addressed below.
- 10.17 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

- 10.18 Lancashire County Council as Highway Authority consider that highway safety and capacity in the surrounding area will not be compromised as a result of the increased traffic generated by the proposed 35 dwellings. 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.
- 10.19 Access to the site is to be taken from two points along Whalleys Road at natural breaks in tree cover. These access points and continuing estate roads are proposed as part of the Reserved Matters application 2018/0790/ARM under consideration elsewhere on this agenda. If this application were refused, there would be no access onto the highway for the proposed 35 dwellings and as such, the application would need further consideration. However, if the Reserved Matters application is approved, I am satisfied that adequate access will be provided to the proposed 35 dwellings.
- 10.20 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.
- 10.21 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

- 10.22 The submitted Arboricultural Impact Assessment and Tree Survey Report confirms that the majority of TPO trees on the site will be retained. A number of trees will be removed to facilitate the Reserved Matters proposal, however, none are proposed to be removed as part of this application. Additional landscaping will be incorporated within the development, the full details of which can be required by condition. Maintenance of landscaping within the site is to be managed through the developer's management company.
- 10.23 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 constructions phase. This identifies the protection of 3 known bat roosts and a further 7 trees with bat roost potential within the wider 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 CEMP 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.
- 10.24 It is proposed through the implementation of the other submitted ecology reports for the Reserved Matters application, 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. This will ensure that no net loss of biodiversity will occur on the site.
- 10.25 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 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 pertaining to this site.
- 10.26 I note 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 is compliant with the Habitat Regulations and Policy EN2 of the Local Plan.

Public Open Space

10.27 The outline planning permission requires a large area of neighbourhood equipped public open space within the overall Whalleys development. There is no requirement to provide additional on-site open space as part of developments of less than 40 dwellings and none is provided within this application. However, within the combined layout of the Reserved Matters application and the full application there is a significant amount of open space. As such, I am satisfied that the site itself and the wider area includes the requisite level of open space in compliance with Policy EN3 of the Local Plan.

Surface Water, Drainage and Flood Risk

10.28 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The drainage strategy for this application is combined with that of the Reserved Matters application to provide a comprehensive solution to both surface water and foul drainage. 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.

10.29 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.

10.30 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 wider Whalleys North site to capture and store water from the proposed dwellings and associated roads and hardstandings 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.

10.31 The Lead Local Flood Authority are satisfied that the proposed drainage strategy is acceptable and will not increase the risk of flooding either on or off the site. United Utilities have no objection in principle subject to conditions. On this basis, I find the proposed development acceptable and in accordance with the NPPF and Policy GN3 of the Local Plan.

Other Matters

10.32 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 and this covered the current application site. 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. However, parts of the site contain coal deposits that will need to be extracted within 1m of proposed floor slabs during the construction phase and under an agreement with the Coal Authority.

- 10.33 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 Archaeological Advisory Service is satisfied with this approach.
- 10.34 Concerns have been raised by a neighbouring occupier that the proposed path leading onto Beacon Lane is not a safe cycle or pedestrian route. I agree with this observation and this path has now been removed from the wider 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

- 10.35 A planning obligation will be required to be entered into to secure delivery of the affordable housing units.

Summary

- 10.36 In summary, it is considered that the proposed development is acceptable in terms of layout, housing mix, appearance and scale. 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 and ecology. Subject to the Reserved Matters application 2018/0790/ARM being approved, the access and highway implications are also considered to be acceptable.

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 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:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
A818 001 Rev B (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:
A818 010 - Newford received by the Local Planning Authority on 23rd October 2018;
A818 004 Rev A Holmewood received by the Local Planning Authority on 23rd October 2018;
A818 005 Rev A Ravenwood received by the Local Planning Authority on 23rd October 2018;
A818 008 Chelmsford received by the Local Planning Authority on 23rd October 2018;
A818 009 Cranford 2 received by the Local Planning Authority on 23rd October 2018;
A818 030 Cranford 2 received by the Local Planning Authority on 23rd October 2018;
A818 002 Denton received by the Local Planning Authority on 23rd October 2018;
A818 003 Bungalow V1 and V2 received by the Local Planning Authority on 23rd October 2018;
A818 013 Rev A A3L received by the Local Planning Authority on 23rd October 2018;
A818 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: A818 018 Rev C received by the Local Planning Authority on 23rd October 2018.
4. Levels shall be in accordance with Plan Ref: A818 026 Rev A received by the Local Planning Authority on 23rd October 2018.
5. Boundary treatment shall be implemented in accordance with Plan Ref: A818 019 Rev A 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 25-31 without the express written permission of the Local Planning Authority.

19. Notwithstanding the particulars accompanying the planning application, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved. The approved plan shall be implemented in accordance with the details as approved.

Reason(s)

1. Required to be imposed pursuant to Section 91 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 development 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. To promote sustainable transport in the interests of good planning and to comply with Policy IF2 in the 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.