

<b>No.4</b>	<b>APPLICATION NO.</b>	2018/0525/HYB
	<b>LOCATION</b>	Land To The East Of Tollgate Road Burscough Lancashire
	<b>PROPOSAL</b>	Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and outline permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities.
	<b>APPLICANT</b>	Crompton Property Developments Ltd
	<b>WARD</b>	Burscough West
	<b>PARISH</b>	Burscough
	<b>TARGET DATE</b>	18th September 2018

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## **1.0 SUMMARY**

1.1 This is a hybrid application which comprises a full application for the construction of a link road from the access road into the Phase 1 residential development at Yew Tree Farm off Liverpool Road South, eastwards to connect to Tollgate Road, including drainage works, services and related utility provision and a number of access points into future development sites. The outline application is for erection of up to 31,000sqm of B1, B2 and/or B8 employment development with all matters reserved except the access points from existing and the new link road. I am satisfied that the proposed location and design of the link road and the location and principle of employment development on the site is acceptable. In my view the proposal complies with the relevant policies of the Local Plan and the Yew Tree Farm Masterplan.

## **2.0 RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

### **3.0 THE SITE**

3.1 The site comprises a further phase of the wider strategic development site of Yew Tree Farm, previously granted outline planning permission for a mixed-use development (2015/0171/OUT). It is located within the settlement boundary of Burscough. The site itself is split into two distinct elements - a triangular area of agricultural land and a route for a link road. The total site area is approximately 11.2 hectares. The proposed link road cuts through the northern part of the overall Yew Tree Farm site with fields on both sides and Higgins Lane to the north. To the east the road connects to the road recently constructed by Redrow for Phase 1a and 1b residential development, which in turn, leads off Liverpool Road South. To the south are fields with Liverpool Road South beyond.

3.2 The proposed employment area encompasses a triangular parcel of land bound by Higgins Lane to the north, Tollgate Road and the rear of Merlin Park to the west, rear of Tollgate Crescent to the south and fields to the east (forming part of the wider Yew Tree Farm allocation).

### **4.0 THE PROPOSAL**

4.1 This is a hybrid application for the full details of the construction of a link road and associated drainage works between Tollgate Road and the Phase 1 residential development leading onto Liverpool Road South. It also includes the outline details for the

principle of 31,100sqm of B1, B2 and/or B8 employment development, including the provision of drainage works and services/utilities.

- 4.2 The proposed link road will be 7.3m wide with a 3m wide footway both sides. It will link into the access road currently under construction for the first phase of residential development leading from a signalised junction on Liverpool Road South. It will then extend westwards to meet Tollgate Road at the point where Tollgate Road takes a sharp right-hand bend and becomes Ringtail Road. The proposed junction has been modified since originally submitted so that the link road will swing south to link into Tollgate Road, with Ringtail Road connecting into the outside of the bend at a priority controlled junction. A further access road is proposed off the eastern side of Tollgate Road into the land forming part of the outline element of this application. A number of access points are also proposed off the proposed link road into future phases of development – two on the northern side of the link road and two on the southern side. A pedestrian crossing with refuge island is proposed along Tollgate Road. In addition, a swale and attenuation ponds are proposed along the southern edge of the link road, along with a new foul water pumping station.
- 4.3 The outline element of the application includes a triangular area of approximately 7.77 hectares for employment uses. The site will be effectively split into two parcels of land, one to the north of the proposed link road (3.01ha) and one to the south (4.76ha). Indicative plans show 31,000sqm of buildings with various sized footprints along with parking and maneuvering areas for each unit. A drainage basin is also proposed within the northern parcel of land, close to the proposed link road separating the two parcels. Access into the northern parcel will be from this proposed new link road (not from Higgins Lane) and access to the southern parcel will be from Tollgate Road.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED (20.09.2017)
- 5.2 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m<sup>2</sup> of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m<sup>2</sup> of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT (20.03.2017).
- 5.3 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

## **6.0 CONSULTEE RESPONSES**

- 6.1 LANCASHIRE CONSTABULARY (02.07.2018) – Recommend security measures.
- 6.2 LCC LEAD LOCAL FLOOD AUTHORITY (18.07.2018 and 19.11.2018) – Following submission of a revised FRA, no objection subject to condition.

- 6.3 LCC HIGHWAYS (24.08.2018 and 19.09.2018) – No objections subject to conditions.
- 6.4 NATURAL ENGLAND (03.08.2018) – A satisfactory Habitats Regulations Assessment should be undertaken by the Local Planning Authority and notification be given to NE before any work commences.
- 6.5 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (03.08.2018) – No objection subject to conditions. In terms of the Habitats Regulations, I have reviewed the proposal submitted by the applicant and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. I advise there is no pathway that could give rise to likely significant effects on the European sites and designated sites and it does not warrant a detailed Habitats Regulations Assessment report for the following reason:  
Non-breeding bird surveys have been undertaken in support of the application which demonstrate that the application site is not functionally linked to European sites. The results of the non-breeding bird survey are consistent with previous surveys undertaken on the site in 2013/4 and 2015 in support of the Yew Tree Farm Masterplan application (LPA ref: 2015/0171/OUT). As none of the trees on the site are of a sufficient maturity to have developed features to support roosting bats, I advise that the Council does not need to consider the proposals against the three tests (Habitats Regulations).
- 6.6 UNITED UTILITIES (03.09.2018 and 09/11/2018) – Following receipt of additional information, no objection subject to conditions.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 I have received an objection from a neighbouring business, Biffa Waste Services who advise that their site has a long standing use from the 1990's as a Waste Transfer Station managing hazardous wastes. They consider that account should be taken in the determination of the application to the fact that their facility deals with hazardous waste and no inappropriate development which could impact on current operations should be approved adjacent to their site. The extension of the industrial estate is not necessarily a concern to Biffa, however, a school and residential development effectively bordering Biffa's Hazardous Waste Management Facility may be inappropriate development and it may be that the future surrounding developments would be better planned in the masterplan for the wider area by extending the industrial estate around our facility rather than future proposals for a school and residential development.

## **8.0 SUPPORTING INFORMATION**

- 8.1 The application is supported by the following information:  
Planning Statement  
Agricultural Land Assessment  
Transport Assessment  
Mineral Resource Assessment  
Flood Risk Assessment  
Drainage Strategy  
Ecological Appraisal Report  
Design and Access Statement

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) (WLLP) provide the policy framework against which the development will be

assessed. The site is also subject of a Supplementary Planning Document: Yew Tree Farm Masterplan (February 2015) which aims to guide developers and their applicants in their proposals and planning applications for development on the site.

- 9.2 The site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site.

Relevant West Lancashire Local Plan (2012-2027) DPD policies:

SP1 – A Sustainable Development Framework for West Lancashire

SP3 – Strategic development Site: Yew Tree Farm

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

EC1 – The Economy and Employment Land

IF1 – Maintaining Vibrant Town and Local Centres

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 also within a Mineral Safeguarding Area and therefore an assessment of whether or not the site should be retained for future mineral extraction should be made in order to accord with Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan.

- 9.3 Additionally the following supplementary planning documents are relevant:

SPD – Yew Tree Farm Masterplan (Feb 2015)

SPD - Open Space (July 2014).

SPD – Design Guide (Jan 2008)

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

### Background

- 10.1 The site forms part of the Strategic Development Site of Yew Tree Farm as allocated in the Local Plan. It is identified as an employment area and the location of the link road is as indicated in the Yew Tree Farm Masterplan SPD. Outline planning permission has already been granted for a mix of residential, extra care, local centre, employment and open space development on part of the wider allocated site adjacent to the current proposed application site boundary (Ref: 2015/0171/OUT). Reserved Matters Approval has been granted for the first phase of residential development in the north-eastern part of the wider site. The main access points into the wider Yew Tree Farm site formed part of the outline planning permission and work has already commenced on the roundabout at the southern end of Tollgate Road and the main access off Liverpool Road South.

### Principle of Development

- 10.2 The principle of employment development and a link road between Liverpool Road South and Tollgate Road is considered acceptable and in accordance with Policy SP3 of the Local Plan and the Yew Tree Farm Masterplan SPD. Furthermore, the submitted scheme does not, in my opinion, prejudice the delivery of a mixed use scheme on the remainder of the site covered by the Strategic Development Site allocation nor the adopted

Supplementary Planning Document: Yew Tree Farm Masterplan. 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 Policies RS1 and SP3 of the Local Plan.

- 10.3 I have had regard to the Environmental Impact Assessment Regulations and conclude that, as the EIA on the outline application also considered the cumulative effects of the development now proposed, the proposed development has been adequately assessed and mitigated for.

#### Siting, Layout and Design

- 10.4 The location of the proposed link road is as envisaged within the Yew Tree Farm Masterplan and connects Liverpool Road South (A59) with Tollgate Road in an east/west form. It has been designed to use existing features on the site, including hedge lines and topography of the site. With regards the design of the link road, the proposed 7.3m wide carriageway with 3m wide footers is in accordance with the specification agreed with LCC and the proposed road is considered adequate to serve the proposed development and would satisfy pedestrian accessibility. The location of the proposed drainage basins and swales follows the natural topography of the site and creates a sustainable drainage solution for the proposed and future development on the wider Yew Tree Farm site.
- 10.5 The proposed employment development is in outline form and whilst the indicative plans submitted with the application show a development comprising 18 units of differing sizes, each with parking and turning provision, these plans are only indicative: details of design and layout would be considered as part of any subsequent application for reserved matters. Access points into the employment land areas are considered acceptable and have been agreed with LCC.

#### Highways

- 10.6 LCC Highways have been consulted in respect of the proposals and have confirmed that traffic impact of the proposed employment land can be accommodated on the local highway network and as such would not cause adverse harm to highway safety or the free flow of traffic in the local area... In my view, the construction of the link road will provide an alternative access for traffic travelling north/south as well as east/west through Burscough. It is also considered likely that a large number of the potential employees would reside in the proposed residential development on Yew Tree Farm and this would reduce traffic generation/external trips from all phases of the development of the wider Yew Tree Farm site. The link road will be subject to a 30mph speed limit and its design has regard to the types of vehicles that operate within and around the Burscough Industrial Estate.
- 10.7 The proposed junction to Tollgate Road has been amended to that originally approved through the outline planning permission. A roundabout was originally proposed; however, as some of the businesses on the industrial estate use long vehicles, LCC advised that a priority junction should be considered instead. The design of the junction now proposed results in a continuation of the proposed link road as the through road to Liverpool Road South with Ringtail Road as a secondary access. A right-turn lane and a refuge island to accommodate a pedestrian crossing point along Tollgate Road is incorporated within the new road layout. LCC are satisfied that adequate visibility can be achieved at all proposed access junctions to the proposed employment land and other future development sites within the strategic development site.
- 10.8 A public footpath runs along the eastern boundary of the site (FP74) and would cross the proposed link road. It is proposed to retain this footpath and incorporate it into the wider

pedestrian network as a green link in accordance with the Masterplan. As such, I consider the proposed development complies with the Policy SP3 and GN3 of the Local Plan and the Yew Tree Farm Masterplan SPD.

### Surface Water, Drainage and Flood Risk

- 10.9 In terms of drainage, there are three main issues on this site. Firstly, it is known that there are surface water flooding issues in the Burscough area and secondly, the foul water system is at capacity. At the time the outline planning application was considered, the statutory bodies assessing the impact of the proposed development on the above matters (United Utilities (UU), Environment Agency (EA) and LCC Lead Local Food Authority)) did not raise any objections to the proposal. Stringent conditions were imposed on the outline planning permission requiring details of the surface water management scheme and compliance with the Flood Risk Assessment submitted.
- 10.10 It is important to ensure that a comprehensive drainage strategy is provided for the wider Yew Tree Farm strategic development site and the details already submitted and approved for the outline permission have been analysed and incorporated into a detailed FRA and drainage strategy for the link road and proposed employment area.
- 10.11 The FRA advises that the existing site has a high risk of surface water flooding due to low-lying land surface relative to existing top of ditch banks, no positive overland flow direct to a watercourse resulting in ponding in low-lying areas, poor infiltration due to clay soil and unmaintained watercourses. The proposed development will address this risk by raising the finished development levels, providing attenuated surface water drainage system limited to green-field run-of rates and incorporating final discharge flow controls, a system of underground tank or sewer storage and open pond attenuation. The drainage from the proposed link road will be discharged to the new attenuated drainage system within the site boundary thus there will be no additional discharge to the existing highway drainage network.
- 10.12 In terms of foul water, there is an existing combined water public sewer flowing from south to north through the site. Although there is no record of past flooding of this public sewer within the site, UU have stated that the sewers in the Burscough area are in the main at capacity as is the Waste Water Treatment Works (WWTW) and that future upgrade of the Public Sewer and WWTW system are in place. As part of the overall development of Yew Tree Farm it has already been previously agreed with the developer that existing surface water from dwellings on Lordsgate Lane will be disconnected and diverted away from the existing combined water sewer. This reduces flood risk along the length of this public sewer and makes available capacity for foul water discharge to the existing sewer. Therefore the proposed foul water discharge from the development will connect by unrestricted gravity flow pipe network to the existing public combined water sewer already established within the site. A foul ware pumping station is proposed adjacent to the proposed link road to assist with the gravity-led system.
- 10.13 Following liaison between United Utilities and the Lead Local Flood Authority, a revised FRA has been submitted which satisfies the statutory agency's requirements. On this basis, I am satisfied that the foul water system is acceptable and the surface water disposal will form a sustainable urban drainage system in accordance with the NPPF and Local Plan Policies SP3 and GN3.

### Impact on surrounding land uses

- 10.14 In terms of the relationship between the proposed link road and surrounding land uses, this comprises agricultural land which is allocated for further development. In my view, the

construction of a new link road in this location will assist surrounding residents and businesses in terms of accessibility. Furthermore, I consider the subsequent use of the link road will not generate significant traffic to create a detrimental impact on surrounding residential properties by way of noise or air quality.

- 10.15 With regards the impact of the proposed employment land on surrounding land uses, this is located alongside existing industrial units and as such, no detrimental impact is envisaged by way of noise and disturbance. The closest residential properties to the proposed employment site are along Higgins Lane; however, this is at a distance of approximately 120m. As this part of the application is in outline, the layout and any potential noise impact on residential amenity will be considered at reserved matters stage. Nevertheless, I am satisfied that the site can be developed for employment purposes in accordance with the Yew Tree Farm Masterplan and without loss of amenity to nearby residents and businesses.
- 10.16 Concerns have been raised by Biffa Waste Services to the proximity of the proposed development to their hazardous waste facility. However, the current application is for employment development adjacent to their site off Tollgate Crescent. As such, I am satisfied that this is an appropriate form of development and is in accordance with Policy GN3 of the Local Plan.

#### Landscaping and Linear Park

- 10.17 Policy SP3 of the Local Plan along with the Masterplan requires the wider site to deliver a new town park and a Linear Park. The town park is proposed to the east of the proposed employment site as a future form of development. The linear park will run alongside the southern side of the proposed link road and this is indicated in part as part of the full application for the link road. Swales are incorporated into this area to enhance the overall appearance of the linear park. The site at present is generally open with some longer views over larger open tracts of land. Scattered copses of trees and hedgerows are prevalent on the site.
- 10.18 Whilst the proposed wider Yew Tree Farm development will change the character of the landscape, elements of the existing vegetation should be retained wherever possible. It is proposed to retain the existing hedgerow between the existing industrial estate at Tollgate Crescent and the proposed employment site and along Higgins Lane and in parts along the proposed link road. However, some hedgerows will require removal to facilitate the development. In accordance with Policy EN2 of the Local Plan a condition will be imposed to ensure that the development will incorporate suitable tree protection and landscaping measures.

#### Biodiversity

- 10.19 A Phase 1 Ecology Report has been submitted with the application and upon review of the information, Natural England have concluded that a Habitats Regulations Assessment may be required to be undertaken and this should be carried out by the Local Planning Authority.
- 10.20 Paragraphs 9,109 and 152 of the NPPF advise that development should provide opportunities for environmental enhancement and Natural England provide information regarding what this might encompass. The proposed development contributes to the provision of a new footpath through the site alongside the link road to connect to existing rights of way FP74, maintenance of existing hedgerows, creation of ponds and swales and through the requirement for native landscaping on the site, in my view, the proposal is likely to provide an overall net gain in biodiversity.

- 10.21 MEAS have assessed the proposals and consider that there is no pathway that could give rise to likely significant effects on European sites and therefore the application does not warrant a detailed Habitats Regulations Assessment report. This is because non-breeding bird surveys have been undertaken in support of the application which demonstrate that the application site is not functionally linked to European sites. Furthermore, impacts upon the nearby SSSI's are not anticipated for the same reason. MEAS also conclude that none of the trees on the site are of sufficient maturity to have developed features to support roosting bats and therefore the Council does not need to consider the proposals against the three tests in the Habitats Regulations. However, lighting may affect the use of habitats on and adjacent to the site by bats and excessive light spill should be avoided. The proposed link road will include street lighting for safety reasons and for adoption. However, new street lighting is erected with limited light spillage. Precautionary measures are recommended to be taken during construction and site clearance phases to check for water voles and common toad and this can be secured by suitably worded condition.
- 10.22 MEAS also advise that, as the proposed development will result in the loss of breeding bird habitat, to mitigate for this loss, bird nesting boxes should be provided, the number, type and location of which can be secured by condition. Subject to the above suitably worded conditions, I consider that there would be no undue impact on ecology as a result of the development in accordance with Policy EN2 of the Local Plan.

### Mineral Safeguarding

- 10.23 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD was adopted in September 2013. This plan provides policies for minerals and waste planning in Lancashire. Policy M2 of this document identifies the site as falling within a Minerals Safeguarding Area. Within these areas, planning permission will generally not be granted for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals found on the land (in this case the extraction of the Shirdley Hill Sand Formation), unless the applicant can demonstrate that the mineral concerned is no longer of any value or has been fully extracted, or there is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- 10.24 A Mineral Assessment has been submitted by the applicant. The assessment concludes that the future extraction of the silica sand from the site is unlikely, due to the very small thickness of the deposit which is too thin to be worth extracting. Furthermore it is sand without any gravel content and the particle size is too fine to use as aggregate or as a source of glass sand. Consequently, as the mineral resource is not a commercially viable deposit, the development of the site for uses not compatible with mineral extraction would be in conformity with Policy M2. I would agree with this assessment and also consider that the extraction of sand on this site would lead to considerable damage to the surrounding environment by way of noise, dust, vibration and biodiversity given the close proximity of existing housing. Therefore, on balance, I consider the development of the site for a link road and employment land to meet the future needs of the Borough outweighs the limited potential for mineral extraction on the site and is in compliance with Policy M2 of the Minerals and Waste Site Allocations DPD.

### Summary

- 10.25 The principle of the link road and employment development is accepted on this site given guidance contained in the NPPF, the Local Plan allocation and the adopted Yew Tree Farm Masterplan SPD. The principles of the drainage strategy are satisfactory and the detailed design of the link road and proposed access to the employment site have been



considered and found to be acceptable subject to S278 works. LCC Highways are satisfied that the levels of traffic generated by the employment development can be safely accommodated within capacities of the local highway network having regard to the new link road. As such the proposals are in compliance with the NPPF, relevant policies in the Local Plan and the Yew Tree Farm Masterplan SPD.

## **11.0 RECOMMENDATION**

### **11.1 That planning permission be GRANTED for that part of the development applied for in FULL subject to the conditions listed below:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 18-019 1300 (site parameters plan) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Plan reference 18-019 600 (application boundary new link road) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Plan reference 18-019 800 (application boundary development zones) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Plan reference CBO-0576-003 (key plan) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Plan reference CBO-0576-004 Rev B (proposed link road western section) received by the Local Planning Authority on 20<sup>th</sup> November 2018;  
Plan reference CBO-0576-005 Rev B (proposed link road eastern section) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Reason: 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. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.  
Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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.
4. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage scheme (as shown on drawing reference 16079-D06RevisionA, dated May 2018).  
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. All attenuation basins and flow control devices and structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.  
Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate and to prevent a flood risk during the construction of the development in order to ensure the development complies with the provisions of

Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Within two months of the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority, which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

d) An evidence of a legal agreement to demonstrate that the Football Club owners will honour the responsibilities to maintain the SuDS provision within their ownership for the lifetime of the housing development regardless of future ownership changes.

The plan shall be implemented in accordance with the approved details prior to completion of the development. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Within two months of the commencement of development hereby permitted, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. 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 from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. 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.

Reason: To assimilate the proposed development into its surroundings and enhance the biodiversity value of the site in order to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Within two months of the commencement of development, full details of the management and maintenance of the landscaped areas have been submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall be maintained in accordance with the approved scheme in perpetuity.

Reason: 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.

9. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development. With regard to ecology the EMP should include:

Reasonable Avoidance Measures for protected and notable species (including common toad, hedgehog, brown hare and breeding birds).

Pre-commencement inspection of ditches for water vole; and

Invasive species eradication scheme.

The development shall be implemented in accordance with the approved details.

Reason: The proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

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:

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for Sustainable Development

Policy GN4 Demonstrating Viability

Policy EC2 The Rural Economy

Policy RS1 Residential Development

Policy RS2 Affordable and Specialist Housing

Policy IF2 Enhancing Sustainable Transport Choice

Policy EN1 Low Carbon Development and Energy Infrastructure

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Policy EN4 Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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.

### **11.2 That planning permission be GRANTED for that part of the development applied for in OUTLINE subject to the conditions listed below:**

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990

2. Details of the reserved matters set out below shall be submitted to the local planning authority for approval within 3 years from the date of this permission:

i) layout

ii) scale

iii) external appearance

Approval of all reserved matters shall be obtained from the local planning authority in writing prior to commencement of development.

Reason: To ensure that the external appearance of the development is satisfactory and is assimilated into the surrounding area such that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. No construction shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.

Reason: To ensure that the external appearance of the development is satisfactory and is assimilated into the surrounding area such that the development complies with the

provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No part of the development shall be commenced until all the highway works for the site (within the adopted highway) and the Tollgate Road/Ringtail Road/ Link Road junction have been constructed in accordance with Plan reference CBO-0576-003 (key plan) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Plan reference CBO-0576-004 Rev B (proposed link road western section) received by the Local Planning Authority on 20<sup>th</sup> November 2018;  
Plan reference CBO-0576-005 Rev B (proposed link road eastern section) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Reason: In order to satisfy the Local Planning Authority and Highway Authority that the details of the highway scheme/works are on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users. 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.
5. A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part 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: 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.
6. No building 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 the building 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.  
Reason: 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.
7. No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.  
Reason: 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.
8. No building shall be occupied until full details of the management and maintenance of the landscaping and hardsurfaced areas have been submitted to and approved in writing by the Local Planning Authority. The landscaped and hardsurfaced areas shall be maintained in accordance with the approved scheme in perpetuity.  
Reason: 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.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (reference 16079 –FRA\_EMPLAND Revision A, October 2018) and the mitigation measures detailed within the FRA.  
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants and so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority.  
Those details shall include, as a minimum:  
a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;  
b) The drainage strategy should demonstrate that the surface water run-off rate be limited to 2 litres per second per hectare.  
c) A plan of overland flow routes and or flood water exceedance routes, both on and off site;  
d) A timetable for implementation, including phasing as applicable;  
e) Details of water quality controls, where applicable.  
f) The submitted scheme shall demonstrate how the proposed surface water drainage details interact with the wider Yew Tree Farm Strategic Site and shall be consistent with the principles established in the associated foul and surface water drainage strategy and details approved pursuant to planning permission 2015/0171/OUT.  
The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.  
Reason: To ensure that the proposed development can be adequately drained.  
To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that water quality is not detrimentally impacted by the development proposal and so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Within two months of the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority, which, as a minimum, shall include:  
a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company  
b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:  
i. on-going inspections relating to performance and asset condition assessments  
ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;  
c) Means of access for maintenance and easements where applicable.  
d) An evidence of a legal agreement to demonstrate that the Football Club owners will honour the responsibilities to maintain the SuDS provision within their ownership for the lifetime of the housing development regardless of future ownership changes.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. Prior to the commencement of development hereby permitted, a foul water drainage scheme, including details of the foul water pumping station, shall be submitted to the local planning authority and agreed in writing. The submitted scheme shall be in accordance with the principles established on plan references 16079-PS-01 Rev A, 16079-PS-02 Rev A, 16079-PS-03 Rev A, 16079-PS-04 Rev A and the email from Lindsay Rutter to United Utilities dated 8 November 2018. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To secure proper drainage, to manage the risk of flooding and pollution and to ensure a holistic and coordinated approach to the construction of drainage infrastructure at the Yew Tree Farm Strategic Site and therefore comply with Policies SP3, GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No building shall be occupied until details of bird nesting boxes (number, type and location on an appropriately scaled plan) to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development. With regard to ecology the EMP should include:

Reasonable Avoidance Measures for protected and notable species (including common toad, hedgehog, brown hare and breeding birds).

Pre-commencement inspection of ditches for water vole; and

Invasive species eradication scheme.

The development shall be implemented in accordance with the approved details.

Reason: The proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

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:

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for Sustainable Development

Policy GN4 Demonstrating Viability

Policy EC2 The Rural Economy

Policy RS1 Residential Development

Policy RS2 Affordable and Specialist Housing

Policy IF2 Enhancing Sustainable Transport Choice

Policy EN1 Low Carbon Development and Energy Infrastructure

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Policy EN4 Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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.

## **NOTES**

### Highways

1. The applicant is advised that the Tollgate Road/Ringtail Road/ Link Road junction and the new site access points, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".
2. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
3. This consent does not give approval to a connection being made to the County Council's highway drainage system.

### Public Sewer Crossing the Site

4. A public sewer crosses this site and UU may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. On the basis of the layout submitted with the application, the proposed development may be in conflict with the location of the combined sewer and associated easement and therefore either a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. This is particularly with reference to Pond 2 which may be within the access strip for the public sewer. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.  
Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.  
We also wish to highlight to the applicant that we have a record of an abandoned pipe which may still be present and live.  
The applicant can discuss any of the above with Developer Engineer, Danny McDermott, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).  
Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

### Water Comments

5. According to our records there is an easement affected by crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 27/09/1963 UU Ref: W123 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything

be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of a mains diversion is prohibitive in the context of their development scheme.

The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure;

Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation.

It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

United Utilities can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information.

The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.

Please note that United Utilities understands that this is part of a multi-phase development. As a consequence we are treating all individual water supply queries as part of the overall development, enabling us to predict the total overall demand and provide an accurate answer to all queries.

The applicant has not stated whether provision of a new water supply is required. Use of the existing metered supply may be considered if it meets United Utilities' standards. If not, a separate metered supply will be required at the applicant's expense. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk).

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

6. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>.



You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

7. In addition to the usual foul water adoption, United Utilities has expressed a desire to adopt the sustainable drainage systems (SuDS) on this site. The proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption 8 and United Utilities' Asset Standards. With respect to finalising the surface water drainage design, it will be imperative that the applicant engages in early dialogue with United Utilities to ensure the submitted design is in accordance with the CIRIA C753 'The SuDS Manual' as noted above. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>.

8. This response does not grant permission for culverting of an ordinary watercourse on site. For the avoidance of doubt, this response does not grant the applicant permission to culvert any ordinary watercourses, as indicated in the Drainage Strategy Drawing (reference 16079-D06 Revision A, dated May 2018)
9. Once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: [https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/Material Changes](https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/Material%20Changes) If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. Please send a copy of the decision notice to: [suds@lancashire.gov.uk](mailto:suds@lancashire.gov.uk)

### Ecology

10. The street lighting scheme should be designed so that it protects ecology and does not result in excessive light spill onto the habitats in line with NPPF (paragraph 125). It would be helpful for the applicant to refer to the document Bats and Lighting in the UK, Bats and the Built Environment Series, Bat Conservation Trust and Institute for Lighting Engineers.