

<b>No.4</b>	<b>APPLICATION NO.</b>	2018/0259/FUL
	<b>LOCATION</b>	Land To The West Of Oasis Close Rufford Lancashire L40 1SA
	<b>PROPOSAL</b>	Erection of 29 dwellings (25 houses and 4 apartments), garages, estate road and related development
	<b>APPLICANT</b>	Jones Homes (Lancashire) Ltd
	<b>WARD</b>	Rufford
	<b>PARISH</b>	Rufford
	<b>TARGET DATE</b>	18th June 2018

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## **1.0 SUMMARY**

1.1 This application is for the erection of 29 dwellings. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

## **2.0 RECOMMENDATION: Approve subject to S106 and conditions**

## **3.0 THE SITE**

3.1 The site is located at the southern end of Rufford to the west of Liverpool Road (A59), to the east of Sluice Lane and to the south of Oasis Close. The site is approx. 1.08ha and comprises of open fields. The site lies within the Rural Sustainable Village of Rufford and is bounded by the Green Belt to the south and Rufford Conservation Area to the east.

## **4.0 THE PROPOSAL**

4.1 This application seeks planning permission for the erection of 29 dwellings comprising of 25 houses and 4 apartments. The units will comprise of a mix of 2, 3 and 4 bed, two storey properties. A new vehicular access is proposed to the east of the site off Liverpool Road (A59).

## **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 2006/0028 Withdrawn - Erection of 10 no. flats in two storeys, 6 houses and 5 bungalows. Construction of new access road and provision of car parking

5.2 1996/0914 Withdrawn Outline – Residential Development (social housing)

## **6.0 OBSERVATIONS OF CONSULTEES**

6.1 LCC School Planning Team (04.04.18) - Contribution towards educational places required

6.2 Director of Leisure and Environment (Scientific Officer) (05.04.18) – Contaminated Land Investigation condition required

6.3 LCC Highways (06.04.18 & 13.12.18) – No Objections subject to conditions

6.4 Canal and River Trust (10.04.18) – Support further survey work for water voles and the production of an invasive species management plan. Want to ensure that the culvert has

capacity to accept any increased flows from surface water discharge.

- 6.5 Environment Agency (17.04.18, 16.05.18 & 31.10.18) - No Objections
- 6.6 United Utilities (25.04.18) – No objection subject to conditions
- 6.7 Natural England (14.05.18, 22.11.18 & 05.12.18) – No Objection subject to conditions
- 6.8 MEAS (09.11.18 & 30.11.18) - No Objection subject to conditions
- 6.9 Lead Local Flood Authority (06.07.18) No Objections subject to conditions
- 6.10 Environmental Health (14.12.18) – No Objections subject to conditions

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Rufford Parish Council (18.04.18 & 17.10.18) – Objects; Flooding/surface water issues, highways incorrect information, electricity supply, car parking, sewage, lack of infrastructure (school spaces) noise levels, ecology and bats present.
- 7.2 I have received 16 letters of objection from neighbouring residential properties and the CPRE in response to the proposal (original and amended plans). The main points of concern are summarised as follows:

Loss of open countryside

Loss of rural character of the area

The proposed development would look out of character with the area

Loss of privacy, overlooking

Loss of light

Development will have an overbearing impact upon the residents of Oasis Close.

What will the boundary treatment be to Oasis Close

Parking bays adjacent to my house and 4ft fence – creating visual, light, sound and environmental pollution, noise of engines, doors closing and voices from car park unacceptable

I fail to see how a landscaping buffer will help

Visitors to the estate may park on Oasis Close

Three storey dwellings are inappropriate

The positioning of the proposed access point on the A59 is dangerous as it is near a blind bend so visibility is poor

Vehicles drive in excess of the speed limit along the A59 and the bridge nearby and a bend in the road will obscure the view of the new junction - this lack of visibility causes grave danger to all motorists

Increased traffic on a very busy A59

Pedestrian access to Sluice Lane is unwise as there are no pavements along narrow Sluice Lane and there are large fast moving tractors

The southern visibility sight line falls short of the minimum safety requirement by 30%

The Traffic Analysis and Visibility Splays submitted show the proposed access to be unsafe

The scheme should improve pedestrian access along Sluice Lane as the development will bring more footfall

The proposed road junction is on a section of road which floods very badly during heavy rain. The current drainage cannot cope now, so adding a road junction will only add to the flooding

Loss of wildlife, foxes, rabbits, water vole and birds

Not enough facilities in Rufford to cope with more housing

Light pollution from the new development

- 7.3 West Lancashire Conservation Area Advisory Panel (26.04.18) Objects; the rural setting to Rufford CA will be harmed by the suburban nature of the new estate and the development would be unsympathetic to the character and appearance of the village.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Planning Statement  
Design and Access Statement  
Ecological Survey and Assessment  
Flood Risk Assessment and Drainage Strategy  
Mineral Resource Assessment  
Tree Survey  
Vehicular Access Statement  
Traffic Study  
Noise Survey

## **9.0 RELEVANT PLANNING POLICY**

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

The site is located within Rural Sustainable Village of Rufford as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **West Lancashire Local Plan 2012-2027 DPD**

Policy SP1 - Development in Rural Settlements  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential Development  
Policy RS2 – Affordable and Specialist Housing  
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

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

Principle of Development

- 10.1 Policy SP1 of the Local Plan advocates all new built development in the Borough taking place within settlement boundaries. Policies GN1 and RS1 go on to say that within settlement boundaries, development on greenfield sites in Rural Sustainable Villages will be permitted subject to compliance with all relevant Local Plan policies applying to the site. The site is within the Rural Sustainable Village of Rufford and as such the principle of development in this location is acceptable subject to compliance with other Local Plan policies.

Affordable and Specialist Housing

- 10.2 Policy RS2 of the Local Plan requires 35% of the units within developments of 15 or more

dwelling to be affordable. The proposed development will provide 10 affordable units comprising a mix of mews, semi-detached houses and apartments. The specific tenure details will be secured by a S106 agreement. The scheme provides the required level of affordable housing and is therefore compliant with Policy RS1 in the Local Plan.

- 10.3 For developments of this size Policy RS2 requires 20% of the units to be designed as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations Part M4(2) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The scheme also provides some smaller properties and apartments. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

#### Density

- 10.4 Policy RS1 of the Local Plan recommends that residential development should provide a minimum of 30 dwellings per hectare. The application site extends to just over 1ha. The application proposes 29 dwellings which would result in a density of approximately 27 dwellings per hectare. Policy RS1 states that densities of less than 30 dwellings per hectare will be permitted where special circumstances are demonstrated. Given the rural nature of the site and the need to retain adequate buffers from natural boundaries within the limits of the site for both drainage and ecological reasons, I am satisfied that the density as proposed is acceptable.

#### Siting, Layout and Design

- 10.5 The layout of the site allows for a main spine road to be taken directly off Liverpool Road. The majority of the dwellings front the spine road with one smaller cul-de-sac leading off it to the north to serve three dwellings. The layout of the development has been somewhat limited by the Environment Agency's requirement to have an 8m easement from the top of the bank of Boundary Sluice which runs along the south western boundary. All the trees on the southern boundary are to be kept in order to retain a natural buffer to the Green Belt.
- 10.6 The residential units would be two storey in height and there would be a mix of detached, semi-detached and mews properties and one apartment block, which is considered to be appropriate and in keeping with the surrounding area. In terms of the level of amenity afforded to residents of the development, I am satisfied that the private rear gardens accord with the standards advised in the Council's Design Guide SPD. A communal garden is proposed for the apartment block and the size of the space provided is considered to be acceptable. The proposed development would provide adequate interface distances between the dwellings.
- 10.7 The layout has been designed to ensure that there would be dwellings fronting onto Liverpool Road. This ensures an active frontage onto Liverpool Road whilst providing an attractive entrance feature. Similarly three dwellings would front onto Sluice Lane to ensure that the proposed development integrates with the existing environment in order to avoid a layout which is overtly inward looking and thereby meeting a key policy aim.
- 10.8 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout, including pedestrian access onto Sluice Lane. Communal car parking is provided to the rear of the apartments with some landscaped areas.

#### Impact on Residential Amenity

- 10.9 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances. With regards to amenity for existing residents, I note that concern has been expressed from neighbours about the loss of privacy.
- 10.10 I have considered the impact of the proposal on the amenities of existing neighbouring properties, particularly 3 Sluice Lane and I am mindful that the proposed dwellings closest to 3 Sluice Lane are offset and direct overlooking will be reduced by the oblique angle between windows. The submitted topographical survey and the drainage layout shows the finished floor levels of the dwellings will be no higher than the land levels at 3 Sluice Lane. Similarly I am satisfied with the interface distances between the proposed dwellings and other properties along Sluice Lane, Liverpool Road and Oasis Close meet the specified interface distances. In addition, the existing post and panel fencing along the boundary with Oasis Close will be retained, this will prohibit access to and from the site at this point.
- 10.11 A noise assessment has been submitted to assess the potential impact of existing noise sources such as road traffic on the proposed residential development. Environmental Health have assessed the noise survey and are satisfied with the proposed glazing and roof/ceiling and ventilation specifications for the properties within the noise report. With respect to the acoustic timber fences further information would be required on the specification, but this can be secured via planning condition. Potential noise impacts from the proposed small communal car park to the rear of 3 Sluice Lane are also considered in relation to the impact of noise from use of the car park on the amenity of existing residents. The impact of the use of the car park in terms of noise and disturbance is considered to be low and a small landscaped buffer is proposed between the parking area and rear garden of 3 Sluice Lane to soften any potential effect.
- 10.12 The noise survey also considers noise from the adjacent Fir Tree Farm which operates as a plant hire company. Plots 6 and 7 are closest to the area in which the crushing rig is used. Environmental Health raise no objections subject to a condition requesting details of mitigation to protect the dwellings from noise, such as suitable glazing, roof/ceiling ventilation and fence specification. Overall, the proposed development would satisfy the requirements of Policy GN3 in respect of residential amenity.

#### Heritage Impacts

- 10.13 The boundary to Rufford Park Conservation Area runs along the eastern and northern boundary of the site. As the eastern boundary is immediately adjacent to Liverpool Road, it is considered the site lies within the immediate setting of the Conservation Area. Visually, whilst the properties at the entrance to the site will be noticeable, because of the enclosure and screening provided by the existing trees it is not considered that the proposed development will have a significant impact on the wider views of the village or the streetscene. The two frontage properties onto Liverpool Road continue the linear form of development which extends into Rufford village and whilst the new development extends behind the frontage, its prominence when viewed from the Conservation Area is diminished. The existing low stone wall which run along Liverpool Road will be retained and repaired where required with new railings erected behind. The retention of the wall is welcomed as this is a prominent and key characteristic of the Conservation Area. The existing traditional Rufford sign is sited in the middle of the proposed access road but will be removed and relocated by the developer. Overall, it is considered that the proposed development will not harm the setting to the Rufford Park Conservation Area, which largely draws its significance from the historic parkland enclosures of the former Hesketh estates. Therefore the proposal meets the objectives contained in Chapter 12 of the NPPF

and conforms to Policy EN4 of the Local Plan.

## Highways

- 10.14 Vehicular access to the site is provided via Liverpool Road (A59) and a principal spine road will run through the site with a 5.5m carriageway and 2m wide footways. I acknowledge the concerns raised by local residents in respect of whether a suitable and safe access can be provided to the site particularly as the site is located close to a bend and a change in speed limit when entering Rufford and vehicles travel in excess of the speed limit.
- 10.15 Liverpool Road is a strategic route which has a speed limit of 30mph fronting the site access. A Traffic Assessment has been submitted which indicates an 85th percentile speed of vehicles passing the site is 41mph. Based on the speed survey information of 42mph, the highway officer is of the view that the sight lines from the proposed access onto Liverpool Road should be 2.4 x 107m in both directions. Whilst adequate visibility can be achieved to the north, due to the bend in the road and the change in vertical alignment of Liverpool Road over the bridge, visibility to the south is not achievable over land fully within the applicants control and/or over the adopted highway. As a result the highway officer recommends that the scheme includes traffic management measures to moderate traffic speeds approaching the site. This will include a traffic island and a Speed Indicator Display sign (SPID) as shown on the 'Proposed Access Arrangement' drawing. The Highway Officer is of the view that these measures should reduce vehicle speeds on the approach to the junction and with this mitigation, the Highway Authority can accept the reduced visibility splay to the south and confirms that the scheme will not have a detrimental impact on highway safety.
- 10.16 The Local Plan sets out parking standards for residential developments. The layout meets the required standards and the garages meet the recommended dimensions of 6x3m. Provision for cycle storage has also been made throughout the site on plots without garages. Overall, I am satisfied that vehicles can manoeuvre safely within the site and that adequate parking provision has been made. On this basis the proposed development is considered to be compliant with Policies GN3 and IF2 in the Local Plan.

## Trees

- 10.17 Tree Survey data and a tree constraints plan has been submitted with the application. The existing hedgerow and trees along the southern boundary are an important amenity feature that provide screening and a buffer to the adjacent open countryside. The Tree survey schedule confirms that the majority of these trees will be retained with some very limited low grade tree removal for management reasons. A small number of low value trees will be removed along the eastern boundary as part of the development. There is a Tree Preservation Order (TPO) on a tree within the neighbouring garden at number 15 Liverpool Road. The canopy and Root Protection Area of this tree will encroach onto the development site, and as a result plot 7 has been reoriented to avoid these areas. A Tree Protection plan and fencing details will be secured by planning condition to protect this TPO tree and other trees retained on the site. A landscaping scheme will also be secured by planning condition. I am satisfied that the proposal accords with Policy EN2 of the Local Plan in this regard.

## Ecology

- 10.18 It has been identified that arable farmland near to the site may provide functionally linked land for the following European sites which are protected under the Habitats Regulations 2017 - Marin Mere SPA and Ramsar site, Ribble and Alt Estuaries SPA and Ramsar site.

The proposed development has the potential to result in potential impacts through increased disturbance to qualifying bird species such as pink-footed goose and whopper swan using adjacent arable farmland as a result of increased recreational pressure from new residents on footpaths and farm tracks through this area.

- 10.19 An ecological survey and assessment has been submitted with the application along with two wintering bird scoping surveys. The report concludes that the development site itself is unsuitable for use by qualifying bird species and Merseyside Environmental Advisory Service (MEAS) agree with this assessment.
- 10.20 However as the development has potential to impact on the above sites, a Habitats Regulations Assessment is required. MEAS have undertaken this assessment and conclude that without mitigation measures there will be likely significant effects on the above sites. As a result MEAS have undertaken an Appropriate Assessment and conclude that subject to appropriate mitigation such as implementation of a CEMP (Construction Environmental Management Plan) there will be no adverse effects on the integrity of the European Sites. Natural England have been consulted and they confirm that subject to the implementation of the proposed mitigation measures there will be no adverse effects on the integrity of the European Sites.
- 10.21 A water vole and otter survey has been undertaken in relation to the Rufford Boundary Sluice Brook which did not find evidence of either species. MEAS are satisfied the survey is acceptable. However, as the survey recommends a precautionary approach based on records on water vole within the area, an updated water vole and otter survey will be required to be undertaken prior to installation of the surface water outfall. The site layout has been updated to provide an 8m easement to the brook and MEAS have confirmed that this easement is sufficient to maintain a habitat corridor along the brook.
- 10.22 A bat survey of trees indicates that the trees within the site have negligible bat roost potential. The development retains a number of habitat features on site which include a habitat corridor along Rufford Boundary Sluice, two existing mature hedgerows and a number of trees. Further landscaping and ecological enhancement is proposed and this can be secured by the submission of a detailed landscaping scheme. In addition other precautionary measures have been recommended within the submitted survey reports which are considered appropriate and again, the implementation of these measures can be secured by way of a condition.

#### Drainage

- 10.23 The site is partially located in flood zone 2 (front of the site) with the remainder of the site in Flood Zone 1. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted as part of the application. The FRA concludes that there will be a requirement to ensure the proposed dwellings remain flood free by raising the finished floor levels. The Environment Agency require an 8m easement from the top of the bank of Rufford Boundary Sluice.
- 10.24 As the development will increase the amount of impermeable coverage of the land, appropriate measures will need to be taken in respect of surface water drainage. The foul water drainage system will connect to the existing foul water public sewer that crosses the site which is considered to be acceptable. In terms of surface water drainage, the applicant has indicated through the FRA that the private driveways will utilise infiltration as a means of managing surface water run-off. The remainder of the site will discharge into Rufford Boundary Sluice which runs parallel with the southern boundary of the site. The FRA states that the peak rate run-off from the site will be restricted to 5.8 l/s which is acceptable.

- 10.25 The Lead Local Flood Authority has assessed the surface water drainage proposals and confirmed that they are acceptable in principle subject to planning conditions requiring the submission of full details.

#### Mineral Safeguarding Area

- 10.26 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. Given the size of the site and the fact it is constrained by proximity to local residents, I am satisfied that future working of minerals would not be practical or viable and as such the development would be in accordance with Policy M2 of the Lancashire County Council Minerals and Waste Allocation and Development Management Policies DPD.

#### Planning Obligations

- 10.27 The redevelopment of this site will be subject to a S106 Agreement requiring the details of affordable housing provision. This agreement will also secure an education contribution. Lancashire County Council's Schools Planning team has been consulted with regard to this application and have indicated that a financial contribution of £71,211.84 for the provision of three secondary school places is required.

#### Conclusion

- 10.28 In summary, the proposal is in accordance with policies RS1, EN2, GN3 and IF3 of the West Lancashire Local Plan and the SPD Design Guide. I therefore recommend that planning permission be granted.

### **11.0 RECOMMENDATION**

- 11.1 That the decision to grant planning permission be delegated to the Director of Development and Regeneration subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

The terms and conditions of the affordable housing units  
An Education Contribution  
Maintenance of on-site open space

- 11.2 That any planning permission granted by the Director of Development and Regeneration be subject to the following conditions:

#### **Conditions**

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:-  
Plan reference Loc/01, SDL 2168/1, 4APART-P-01 & P-02, BIRCH-P-02, HAND-P-01, HOL ASP-P-02, HOL-P-01, BAY-P-02, HUXA-P-01, HUXA-ASP-P-02, BE-A-P-01, BE-A-S-P-01, SF10, SDL 1200PR and SDL 1000SF received by the Local Planning Authority on 5th March 2018.

Plan reference Street/01 Rev A, Mat/01 Rev A, 300 Rev P6 (FFL only not drainage), SURF/01, HOLL-P-02(2017/2013) REV A, DET-SG-PLNG04 and DET-DG-PLNG04 received by the Local Planning Authority on 27th September 2018.

Plan reference SK/01 Rev H and CYCLE-01 Rev B received by the Local Planning Authority on 16th November 2018.

Plan reference 1490-F02 Rev A and 1301-ENG 003 (1) received by the Local Planning Authority on 11th November 2018.

Plan reference ENG 003 (1) and 1490-F02 Rev A received by the Local Planning Authority on 11th December 2018.

3. No development shall take place until details of the design of the surface water drainage, based on sustainable drainage principles have been submitted to and approved in writing by the local planning authority.

Those details should 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), discharge rates and volumes (both pre and post development), 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 must not exceed the pre-development greenfield runoff rate 5.8 l/sec. The scheme shall subsequently be implemented in accordance with the approved details before the development completed.

c) Flood water exceedance routes, both on and off site

d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates

e) Plot 23, 24 and 25 are not included in the submitted drainage strategy and must be included as part of the drainage strategy and discharge through the flow control chamber and not discharge directly into the watercourse

f) Evidence is required to show there is no flood risk from the soffit level of the cellular tank which is approximately 150mm above the cover level of manholes S9, S10 and S11 and may cause a flood risk to the east of the site and potentially make the system less effective in a storm event.

g) Details of the foul drainage scheme. Foul and surface water shall be drained on separate systems

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained in accordance with the approved details.

4. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' 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.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, 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.

5. If drainage proposals require any works to the banks of Rufford Boundary Sluice Brook i.e. creation of a headwall or installation of a surface water outfall pipe then an updated water vole and otter survey shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Any agreed recommendations of the survey shall be implemented in full during the construction phase of the development.
6. 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 20-22 without the express written permission of the Local Planning Authority.
7. 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 window shall be added to the property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
8. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPA of the detailed siting and external appearance of the substations.
9. All external elevations and roofing materials shall be as detailed on plan reference MAT/01 Rev A received 27th September 2018. If the applicant or developer has any doubts as to whether the proposed materials are acceptable they should check with the Local Planning Authority before commencement of the building works.
10. No development other than that shown on plan number SK01 Rev H received on 16th November 2018 shall be carried out within 8m of the top of Rufford Boundary Sluice.
11. A contaminated land investigation shall be carried out in respect of the proposed development site in order to identify whether there are substances in, on or under the land with potential to cause harm to human, ecological, environmental, structural or controlled water receptors, and to assess the degree of risk posed by those substances to each receptor.

The investigation should be carried out by appropriately qualified and experienced consultants.

The investigation shall begin with a desk study that adequately characterises the site, including its geography, geology, hydrology and historical use. From this a conceptual site model shall be produced, based on the past and intended use of the site and identifying all potential pollutant linkages.

If the desk study and conceptual site model identify potential pollutant linkages, an intrusive site investigation shall be carried out in accordance with BS10175:2001 'Investigation of Potential Contaminated Sites - Code of Practice' and any other relevant Government guidance current at the time.

The investigation shall take the form of a sufficient number of sampling points arranged spatially so as to ensure adequate cover of the site, especially those areas intended for use as gardens and landscaped areas, or where concentrations of contaminants are anticipated.

Sufficient samples must be obtained to characterise the soils, and in addition to soil samples, shall include ground and surface water samples where the conceptual model demands. Additionally, monitoring for landfill gas shall be carried out where appropriate and the results assessed against the latest version of the CIRIA report. The samples shall be analysed for a full suite of organic and inorganic contaminants. The analysis must be carried out at a laboratory that is UKAS accredited, and which complies with the Environment Agency's MCERTS standard in respect of each contaminant.

Sample results shall be screened against Government Soil Guideline Values (SGV) where these are available. Where these are not available, the results must be screened using clearance values that have been derived using best available toxicological data using a statistical model acceptable to the Local Planning Authority (LPA). In those cases where values are exceeded, more detailed site-specific risk assessments must be carried out to decide whether remediation is required. These assessments must be carried out using best toxicological data for the contaminant concerned, and by means of a statistical model acceptable to the LPA.

Where the investigation confirms the presence of contamination likely to cause harm to receptors, whether human or otherwise, a remediation scheme shall be devised that will result in the contamination being dealt with so as to remove the risk to receptors and make the site suitable for its intended use.

The results of the desk study and site investigation, together with details of any proposed remediation, shall be approved by the LPA before development of the site commences. Any remediation scheme approved shall be carried out as part of the development of the site, and shall be followed by a validation report sufficient to prove that the remediation has been effective. This report must also be approved by the LPA.

Where it is evident that a risk to controlled waters may exist, the Environment Agency must be consulted and any requirements made by them must be carried out.

12. No development shall take place until a tree protection fencing plan 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 plan shall be fully implemented during construction.
13. No development above slab level shall be carried out until a landscaping and ecological enhancement scheme has been 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; the location of all existing and proposed grassed and hard surfaced areas, tree and hedgerow planting schedules, details of habitat enhancement proposed including to the brook corridor, location and type of bat boxes, and location and type of bird boxes. 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.
14. No development shall commence until an Environmental Management Plan (EMP) with measures to prevent or limit disturbance to any qualifying bird species using the adjacent farmland from both visual and noise sources during construction has been submitted to and approved in writing by the Local Planning Authority. The EMP should include measures such as details of ecological mitigation, avoidance or appropriate timing of piling operations and screening of works behind hoarding or earth bunds. The measures contained in the approved EMP shall be fully implemented during construction.
15. The mitigation proposals set out in section 2.5.4 and 4.4 of the Addendum Ecological Report by ERAP dated September 2018 shall be implemented in full throughout the duration of the development.
16. 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.
17. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 59 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Liverpool Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as

walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway

18. No dwelling shall be occupied until the associated parking spaces have been laid out, surfaced and drained in accordance with the approved plans. For the avoidance of doubt, parking areas shall be of a porous construction or drain directly to a soakaway area provided within the plot.
19. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.
20. Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 and the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.
21. No development above slab level shall be carried out until a detailed scheme for protecting the dwellings from noise is submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the dwellings are occupied and retained thereafter.
22. The new estate road/access between the site and Liverpool Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development above slab level takes place on site.
23. No development above slab level shall take place until full details of the works to retain and rebuild the removed sections of the wall along Liverpool Road have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
24. No part of the development shall be first occupied until all the highway works within the adopted highway (namely the provision of a Speed Indicator Display Sign and Traffic Island) on Liverpool Road, A59, have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

## **Reasons**

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 site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### Reason for pre-commencement conditions

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the LLFA needs to be confident that flood risk is being adequately

considered, designed for and that any residual risk is being safely managed. To be able to do this the LLFA requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition.

4. To ensure that the site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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5. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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.
7. 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.
8. To enable the Local Planning Authority to consider the appearance of substations or other such buildings given the high standard of public realm considerations for the overall layout of the site whereby non-sensitive infrastructure would undermine the achievement of quality public spaces and wider public realm and therefore to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. 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.
10. 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.
11. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. 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.
13. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. 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.
16. To ensure adequate visibility for the drivers of vehicles entering and leaving the site 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.
  17. To allow for the effective use of parking areas 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.
  18. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  19. To ensure sufficient off-street parking remains in the area in the interests of highway safety and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  20. To safeguard the amenity of the occupiers of the proposed dwellings and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  21. 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.
  22. To ensure that the 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.
  23. 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.

### **Notes**

1. The applicant is advised that the new site access, 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 applicant is advised that the proposed arrangements for future management and maintenance of the proposed street within the development will need to be agreed with the Highway Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established. The applicant is advised to contact the Environment Directorate before works begin on site.
3. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

### **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:

Policy SP1 - Development in Rural Settlements  
Policy GN1 - Settlement Boundaries  
Policy GN3 - Criteria for Sustainable Development  
Policy RS1 - Residential Development  
Policy RS2 - Affordable and Specialist Housing

## Policy EN2 - Preserving and Enhancing West Lancashire's Natural 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.