

<b>No.9</b>	<b>APPLICATION NO.</b>	2018/1090/ARM
	<b>LOCATION</b>	Land To The North Of Cobbs Clough Whalleys Road Skelmersdale Lancashire
	<b>PROPOSAL</b>	Approval of Reserved Matters - (access, appearance, landscaping, layout and scale) in respect of residential development of 120 dwellings, open space and associated infrastructure.
	<b>APPLICANT</b>	Trafford Housing Trust & L & Q Developments LLP
	<b>WARD</b>	Ashurst
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	29th January 2019

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## 1.0 **SUMMARY**

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

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

## 3.0 **THE SITE**

- 3.1 The application site relates to a parcel of undeveloped greenfield land in north Skelmersdale, adjacent to Ashurst and approximately 2km north of the town centre. The site forms one of four parcels of land located in Whalleys and within the Skelmersdale settlement boundary that are allocated for residential development (it is known as Whalleys Site 2). The site lies to the south of Whalleys Road on a roughly rectangular parcel of land between Whalleys Road, Cobbs Cough and Newton Drive, Dalton Park. The site is approximately 4.89 hectares and is currently grassed with trees and hedges to the boundaries and within the site.
- 3.2 The topography of the site is very varied. The central part of the site is fairly flat with a slope from east to west. Site levels rise from north to south (from the cough to Whalleys Road) with a level difference of approximately 15m between the east and west of the site. There are a number of residential properties to the east on Dalton Park (Newton Drive and Newby Drive) as well as a small play area, separated by dense trees and shrubbery. To the south is Cobbs Clough woodland with residential properties beyond (Rowan Lane, Briars Green and Middlewood). To the west is an undeveloped grassed area that forms the remaining parcel of undeveloped land at Whalleys, known as Cobbs Clough). Whalleys Road runs along the northern border of the site with Whalleys North (Site 5) on the opposite side of Whalleys Road.
- 3.3 Trees along the northern, western and southern boundaries are subject to Tree Preservation Orders and the Tawd Valley Park Biological Heritage Park is located immediately to the south and east. The site falls within Flood Zone 1.
- 3.4 The site is located on an allocated housing site under Policy RS1 of the Local Plan and within the settlement of Skelmersdale with Up Holland.

## **4.0 THE PROPOSAL**

- 4.1 This is a Reserved Matters application for the erection of 120 dwellings. The application includes details of access, site layout, scale, appearance and landscaping. Access into the site is proposed directly off an existing roundabout at the junction of Cobbs Brow Lane and Whalleys Road, the principle of which has previously been approved under the outline permission for the site. A second temporary construction access is also proposed at the eastern edge of the site onto Whalleys Road, which is also intended to be used for emergency access only once the development becomes occupied.
- 4.2 The layout provides an active frontage along Whalleys Road and also to Cobbs Clough to the east and south along with a mix of single and two-storey housing types. A generous buffer area of greenspace is provided between the dwellings and Cobbs Clough so that the dense woodland does not impact on amenities of future occupants and a corridor of ecological transition is retained between the built development and the woodland edge.
- 4.3 There are 16 detached and semi-detached bungalows within the development and a mix of 2, 3 and 4 bedroom properties. Of the 120 dwellings, 36 (6 x 2-bed bungalows, 12 x 2-bed semi-detached houses and 18 x 3-bed houses) will be provided as affordable homes. This equates to 30% of the total number of dwellings proposed. The dwellings are presented in a variety of heights, styles and materials to cater for different occupants and drawing upon the prevailing character of other dwellings in the area. All the dwellings have private gardens and private driveways or garages.
- 4.4 A pedestrian/cycle path is proposed around the southern and eastern periphery of the site fronting dwellings and three spurs are proposed off this path to link into Cobbs Clough and the future Tawd Valley pedestrian improvements. A sum of £15,000 is required as part of the outline planning permission for this site, to be used for the provision of the connecting link from the end of these three spurs into Cobbs Clough, Newby Drive and the play area at the end of Newton Drive.
- 4.5 Trees and hedgerows are maintained around the boundaries of the site, although these will be trimmed back in places. There is a group of existing trees along the western edge of the site, between this site (Site 2) and the adjoining undeveloped site (Cobbs Clough). The southern half of this group will be removed to accommodate a large attenuation pond as this is the natural low point on the site and will ensure surface water is held and attenuated prior to restricted discharge to the Cobbs Clough watercourse.

## **5.0 RELEVANT APPLICATIONS**

- 5.1 2018/0790/FUL – Approval of Reserved Matters - Residential development of 129 dwellings including affordable housing. Details of access, appearance, landscaping, layout and scale. RESOLVED TO BE APPROVED, AWAITING LEGAL AGREEMENT (Whalleys North – Kier Living)
- 5.2 2018/0796/FUL - Residential development of 35 dwellings including affordable housing, access, appearance, landscaping, layout and scale. RESOLVED TO BE APPROVED, AWAITING LEGAL AGREEMENT (Whalleys North – Kier Living)
- 5.3 2018/0690/NMA - Non-material amendment to planning permission 2016/0769/ARM - Revising approved 1.8m high closed boarded fence to 1.2m high closed boarded fence abutting existing retained hedgerow to plots 50-57, 123, 137, 138, 146-160, 173-174. (Whalleys site 4 – Keepmoat)

- 5.4 2018/0584/NMA - Non-Material Amendment to planning permission 2016/0769/ARM - Repositioning plots 77 & 78 by approximately 1m towards plots 73-76. GRANTED (Whalleys site 4 – Keepmoat)
- 5.5 2018/0080/CON – Approval of Details Reserved by Condition No. 8 of planning permission 2016/0769/ARM relating to surface water drainage scheme. PENDING CONSIDERATION (Whalleys site 4 – Keepmoat)
- 5.6 2017/0247/CON - Approval of Details Reserved by Condition No's. 2 and 8 of planning permission 2016/0769/ARM relating to details of mitigation measures and surface water drainage scheme. PART APPROVED PART REFUSED (Whalleys site 4 – Keepmoat)
- 5.7 2016/0769/ARM - Approval of Reserved Matters - Residential development of 202 units comprising 2, 3 and 4 bed properties with associated roads, footpaths and landscaping. GRANTED 07.02.2017 (Whalleys site 4 – Keepmoat)
- 5.8 2013/1030/WL3 - Outline application (with all matters reserved) for a residential development consisting of up to 630 dwellings together with associated open space and landscaping. GRANTED 28.08.2014
- 5.9 1999/0772 - Outline - Residential development and footpath/bridlepath. Withdrawn 02.08.2005
- 5.10 1998/0216 - Outline - Residential development. Withdrawn 02.08.2005
- 5.11 1994/0258 - Outline - Residential development (including means of access and landscaping). Refused 23.06.1994
- 5.12 Dalton Park (adjacent to site) - 1996/0382 (Granted 16.10.1996) Reserved Matters - Residential development (104 dwellings) with public open space & estate road.  
  
Dalton Park (adjacent to site) -1993/1165 (Granted 15.03.1995) Outline - Residential development including details of access points.

## **6.0 CONSULTEE RESPONSES**

- 6.1 LANCASHIRE CONSTABULARY (05/11/18) – Recommend secured by design measures.
- 6.2 THE COAL AUTHORITY (16/11/18) – No objection.
- 6.3 NATURAL ENGLAND (28/11/18) – No comment to make.
- 6.4 DIRECTOR OF LEISURE AND WELLBEING (29/11/18) – No objection subject to condition requiring provision of electric vehicle charging points.
- 6.5 MERSYESIDE ENVIRONMENTAL ADVISORY SERVICE (03/12/18) – No objection. As no evidence of bat roosts or Great Crested Newts was found, the Council do not need to consider the proposals against the three tests in the Habitat Regulations. Recommend conditions.
- 6.6 LCC HIGHWAYS (09/11/18, 23/10/18, 10/10/18 and 09/08/18) - No objection. The latest submissions are acceptable as in principle drawings for planning and as the basis of the highways s278 agreement. Conditions recommended.
- 6.7 UNITED UTILITIES (19/12/18) – No objection subject to conditions.

6.8 LEAD LOCAL FLOOD AUTHORITY (20/12/18) – No objection subject to conditions.

## **7.0 OTHER REPRESENTATIONS**

7.1 None

## **8.0 SUPPORTING INFORMATION**

8.1 The application is supported by the following information:

Planning Statement  
Design and Access Statement  
Statement of Community Engagement  
Residential Travel Plan  
Highways Technical Note  
Landscape and Visual impact Assessment  
Tree Survey Report  
Landscape Management Plan  
Arboricultural Impact Assessment  
Various Ecology Surveys  
Flood Risk Assessment and Drainage Strategy  
Borehole Investigation  
Archaeological Evaluation  
Energy Statement  
Crime Impact Statement

## **9.0 RELEVANT PLANNING POLICIES**

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

9.2 The following policies apply:

### National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development  
Section 4 Decision making  
Section 5 Delivering a sufficient supply of homes  
Section 6 Building a strong, competitive economy  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment  
Section 17 Facilitating the sustainable use of minerals

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

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development  
RS1 – Residential Development  
RS2 – Affordable and Specialist Housing  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
IF4 – Developer Contributions  
EN1 – Low Carbon Development and Energy Infrastructure  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN3 – Provision of Green Infrastructure and Open Recreation Space  
EN4 - Preserving and Enhancing West Lancashire’s Built Environment

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

- 9.3 Additionally the following supplementary planning documents are relevant:  
Key Principles for Residential Development at Whalleys, Skelmersdale (Sep 2012)  
SPD – Design Guide (Jan 2008)  
SPD - Open Space/Recreational Provision in New Residential Developments (April 2009). Updated 2014  
SPG – Whalleys Housing Site, Skelmersdale Plus Mixed Development (updated July 2007)  
SPG - Natural Areas and Areas of Landscape History Importance 2007

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

### Background

- 10.1 Outline planning permission, with all matters reserved, has previously been granted for residential development on this site, along with other parcels of land at Whalleys. Outline planning permission 2013/1060/WL3 was granted for up to 630 dwellings on 28<sup>th</sup> August 2014 and incorporated 4 parcels of land, together with open space and landscaping. The outline permission includes 30 conditions and a S106 Agreement that secures the provision of 30% affordable housing and 20% specialist housing for the elderly across all the sites, public open space, transport contributions and biodiversity mitigation and enhancement.
- 10.2 The first parcel of land to be developed was known as “Whalleys Site 4”, to the east of Whalleys Road. This secured Reserved Matters Approval for 202 dwellings on 7<sup>th</sup> February 2017 and is currently being progressed by Keepmoat Homes. A number of dwellings are already occupied on this site. Further applications for reserved matters approval and full planning permission were resolved to be approved (subject to a Deed of Variation) for the second parcel of land known as "Whalleys Site 5 or Whalleys North" by Planning Committee on 29<sup>th</sup> November 2018. The current application for Reserved Matters Approval subject of this report is the third parcel of land to come forward for development and was indicated in the outline permission as "Whalleys Site 2".
- 10.3 This Reserved Matters application also seeks to include details of conditions imposed on the outline permission (namely Condition 3 – access, layout, scale, external appearance and landscaping; Condition 5 – levels; Condition 6 – ecology and landscape ; Condition 7 – bats, Condition 9 – soil stripping; Condition 11 – surface water drainage; Condition 13 – coal investigation; Condition 14 – design; Condition 16 – off-site highways; Condition 21 – travel plan; Condition 22 – access; Condition 23 – junction assessment; Condition 28 – archaeology; Condition 29 – energy and Condition 30 – substations).

## Principle of Development

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

## Affordable and Specialist Housing for the Elderly

- 10.5 The outline permission for the site requires (in accordance with Policy RS2 of the Local Plan) that 30% of the dwellings are affordable and provided as a mix of house-types. A total of 36 out of the 120 dwellings are affordable. Of these, there are 4 x 2-bed semi-detached affordable rented bungalows, 2 x 2-bed detached shared ownership bungalows, 12 x 2-bed semi-detached shared ownership houses and 18 x 3-bed semi-detached shared ownership houses. These dwellings are dispersed around the site. The Council's Housing Strategy and Projects Manager is satisfied with the tenure mix and types of dwellings.
- 10.6 In addition to this, Policies RS1 and RS2 and the outline planning permission requires that 20% of the new residential units should be suitable for the elderly. The Council are flexible on how this is achieved, but the planning obligation pertaining to the outline permission set out that a percentage of these should also be affordable units. As such, 27 of the dwellings (mix of bungalows and houses), meet the Lifetime Homes standard (22.5%) and of these 27, 8 are also affordable units. As such, the proposed development is considered to be in full accordance with policies RS1 and RS2 of the Local Plan.

## Siting, Layout and Design

- 10.7 Paragraph 124 of the NPPF advises that *the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Policy GN3 in the Local Plan together with the Council's SPD Design Guide reiterates this ethos and states that new development should be of a scale, mass and built form which responds to the characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 10.8 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. A mixture of property sizes is proposed, varying from 2 bedroom bungalows to 4 bedroom two-storey houses. The layout includes a generous "green" buffer area between the built development and the woodland edge, varying from 10m to 30m. Within this buffer a pedestrian/cycle path is proposed to link the site to the wider network of footpaths around the Whalleys area. Furthermore, a wide buffer of existing vegetation is retained between the site and existing dwellings on Newton Drive, Newby Drive, Rowan Lane, Briars Green and Middlewood along with a 20m landscaped buffer to Whalleys Road. Due to the topography of the site, a large area of landscaped open space will be provided at the entrance to the site alongside the existing roundabout. A mix of existing tree cover and wildflower mix is provided along the western boundary of the site, along with a large attenuation pond. The provision of these areas of open space and tree cover break up the built development and provide an attractive visual appearance to the overall scheme. This ensures the character of the area is maintained on the edge of the built up settlement and serves to screen the development somewhat from outside the site.

- 10.9 The design of properties generally reflects that in the local area of Ashurst which is post 1960's development and is predominantly characterised by two storey semi's and detached properties with some bungalows and a couple of larger blocks of sheltered accommodation. Materials in the area comprise brown, red and buff bricks as well as brown and grey roof tiles. More recently, rendering has been introduced on some properties in the area. This palette of design and materials has been reflected within the proposed development and is therefore consistent with the aims of the NPPF and Policy GN3.
- 10.10 The mix of sizes and design of dwellings provides a range of house-types to complement those on the other Whalleys sites and which meet local needs. I am satisfied that the proposed dwellings relate well to one another and are outward facing. In my view, an interesting and varied streetscene will be prevalent.
- 10.11 Each dwelling benefits from a private amenity area. These meet and exceed the recommended garden lengths specified in the Council's SPD. The layout also incorporates some side parking and garaging to break up the built form of the development. All dwellings are provided with the requisite number of spaces and size of spaces as advocated in the Local Plan. Where there are areas of frontage parking, this is on the "inner" areas of the site and occurs infrequently across the site.
- 10.12 I am satisfied that density and layout of the proposed development is commensurate with the size of the site having regard to the constraints posed by existing trees and ecological buffer areas. The proposed design, size and mix of dwellings respects the character of the area and meets the needs of the future population. In my view therefore, the proposal complies with relevant local and national policies and the Council's Design Guide in this regard and would not significantly adversely affect the character and appearance of the local area.

#### Impact on Residential Amenity

- 10.13 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances and garden length.
- 10.14 The closest existing residential properties to the site lie to the east and south on Newton Drive, Newby Drive, Rowan Lane, Briars Green and Middlewood. A dense area of trees and vegetation lies between the site and these residential areas, leading to separation distances of over 60m. I am therefore satisfied that no significant loss of residential amenity will occur to occupiers of existing surrounding properties.
- 10.15 Other residential properties surround the site at Lucas Cottage, Ashtons Farm, Prescott's Farm, Whalleys Farm, and the new Keepmoat housing site; however, these properties are a significant distance to the site such that no significant impact on residential amenity is envisaged. Any impact caused to amenity during the construction phase is short lived and can be addressed through other relevant environmental protection legislation.
- 10.16 The layout includes provision for pedestrian linkage to Cobbs Clough and to the Dalton Park estate which will encourage walking and cycling rather than reliance on the car to access local amenities and schools on the area. On balance therefore I am satisfied that the proposed development would satisfy the requirements of Policy GN3 of the Local Plan in respect of neighbouring amenity.

## Traffic and Parking

- 10.17 Access to the site is to be taken from the existing roundabout at the junction of Whalleys Road and Cobbs Brow Lane, which is considered acceptable. The Highway Authority are also of the view that highway safety and capacity in the surrounding area will not be compromised as a result of the increased traffic generated by the development. Further analysis of the Cobbs Brow/A5209/Smithy Brow junction indicates that no further junction improvement to this or any other junction is necessary as a result of the proposed development.
- 10.18 A secondary emergency access is proposed onto Whalleys Road at the site's most north-easterly point. This is initially to provide a separate "entry-only" construction access to that being used for show homes and residents purchasing the first phase of dwellings. It is proposed to use this as a construction access for a period of 3 years, by which time, the development will be almost complete and then it can be closed off by bollards and used only in emergencies should the sole estate access road be blocked. Subject to the construction access being used for a temporary period and only as entrance (with construction vehicles exiting via the existing roundabout), I am satisfied that a temporary secondary access is acceptable.
- 10.19 As part of the application, a 3m wide footpath is to be provided to the southern edge of Whalleys Road along with a toucan crossing over Whalleys Road between Site 5 and Site 2. Additional 3m wide footpath/cyclepaths are proposed along all boundaries within the site which will ensure there is improved safe pedestrian/cycle links for children and others accessing the local school, the proposed future play area on Cobbs Clough and other local amenities and bus stops.
- 10.20 In terms of parking provision, a mixture of frontage and side parking is proposed along with some detached garages. I am satisfied that each dwelling has been afforded appropriate parking provision in accordance with the Local Plan requirements. All garages have internal dimensions of 6m x 3m and each property will also be fitted with an electric vehicle charging point.
- 10.21 The Highway Authority are satisfied that the layout and parking provision is acceptable. On this basis I am satisfied that vehicles can manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in the local area. I consider that the proposed development is compliant with Policy GN3 and IF2 in the Local Plan.

## Trees and Biodiversity

- 10.22 The submitted Arboricultural Impact Assessment and Tree Survey Report confirms that the majority of TPO trees around the periphery of the site will be retained as they form part of the Cobbs Clough BHS. However, a large number of trees will be removed on the western side of the site to facilitate a SUDs basin. This area consists of predominantly early mature trees of Birch and Alder. The proposed landscaping on the site would offer an opportunity to provide a mix of new native trees spread across the site to enhance the overall quality of tree cover on the site. I am therefore satisfied that suitable compensatory planting can be provided to mitigate for the loss of existing tree and shrub cover. Maintenance of landscaping within the site is to be managed through the developer's management company.
- 10.23 One of the aims of the planning system is to seek environmental gains, to contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive



improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature.

- 10.24 The ecological impact of the proposed development has been informed by a range of ecological surveys and assessments, namely, invertebrate, amphibian, bat and great crested newt surveys as well as a construction environmental management plan that aims to protect any known habitats during the construction phase. This identifies that there are no known bat roosts or great crested newts on the site, nor any invasive species. The Council's ecology advisor considers that, subject to conditions covering lighting and Reasonable Avoidance Measures, the erection of bird nesting boxes and the implementation of the submitted landscaping scheme, the proposals are considered to be acceptable.
- 10.25 In my view, through the implementation of the landscaping scheme to provide native trees, shrubs and grassland/wildflower meadow planting, habitat management, creation of surface water features planted with native wetland grass and wildflower seed mix, and provision of alternative bird nesting opportunities no overall net loss of biodiversity will occur. Subject to the imposition of conditions for the implementation of the mitigation strategies submitted and landscaping of the site, I am satisfied that the proposed development will have no detrimental impact on ecology and complies with Policy EN2 of the Local Plan.

#### Public Open Space

- 10.26 The outline planning permission required a large area of neighbourhood equipped public open space within the overall Whalleys development. The indicative layout presented at outline stage shows this provided on Cobbs Clough, to the west of the site (which remains undeveloped at present). As such, no separate equipped area of public open space is required on this site. A pedestrian/cycle link has been provided to link with any future area of open space on the western edge of the site. An additional pedestrian path is also indicated on the submitted plans to link with an existing small play area on Newton Drive, the "gap" to be constructed by the Council using part of the £15,000 commuted sum required on this site.
- 10.27 Notwithstanding this area of equipped open space, in my view, the site also incorporates a significant amount of informal open space. Furthermore, the applicant is required under the terms of the planning obligation associated with outline planning permission, to provide a financial contribution towards the provision of play equipment for the open space to be provided on Cobbs Clough and also towards the enhancement of the Cobbs Clough woodland. Based on the Council's SPD Open Space/Recreational Provision in New Residential Developments (April 2009) this figure amounts to £103,590.

#### Surface Water, Drainage and Flood Risk

- 10.28 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The applicant has confirmed that foul water from the development will discharge to the public sewer system in Whalleys Road.
- 10.29 In terms of surface water, a Flood Risk Assessment and detailed surface water drainage scheme has been submitted. The drainage proposal for the site satisfies the requirements of the Lead Local Flood Authority in accordance with the NPPF so that surface water generated by the development is managed in a sustainable manner to mimic water flows arising from the site prior to the development.

- 10.30 In this case the applicant has suitably discounted infiltration due to ground conditions within the site and it is proposed to provide attenuation basins and underground geocell crates within the site to capture and store water prior to discharging via a tiered hydrobrake system into the large basin in the south-west corner of the site and then to the Cobbs Clough watercourse.
- 10.31 Both United Utilities and the Lead Local Flood Authority are satisfied that the proposed drainage strategy is acceptable and will not increase the risk of flooding either on or off the site. On this basis, I find the proposed development acceptable and in accordance with the NPPF and Policy GN3 of the Local Plan.

#### Other Matters

- 10.32 The site lies within an area of former coal mining and as such, Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan advises that the potential for mineral extraction should be investigated on such sites. However, the outline application was accompanied by a comprehensive report on the potential for mineral/coal extraction. This concluded that future extraction from the site was unlikely, due to the depth of the coal seams and associated economic viability issues. Furthermore, the demonstrable need for the delivery of housing across the Borough outweighs the need to avoid the sterilization of coal present on the site. The extraction of coal on this site would also lead to considerable damage to the surrounding environment by way of noise, dust, vibration and biodiversity given the close proximity of existing housing, schools and Biological Heritage Sites. The Coal Authority are satisfied that the submitted Borehole Investigation Report suitably demonstrates that the site is safe and stable from coal mining legacy, although advise that gas protection measures should be incorporated as part of the foundation design for some of the dwellings. This would be dealt with through the Building Regulations.
- 10.33 The overall Whalleys site was identified as having the potential to contain archaeological interest. As such a Written Scheme of Investigation has been submitted that sets out how the archaeological investigation will progress on the site (surveying, evaluation, recording, post development assessment, reporting and archiving). A condition can be imposed to ensure the development is implemented in accordance with the WSI in accordance with Policy EN4 of the Local Plan.

#### Planning Obligation

- 10.34 The outline permission granted for the redevelopment of this site is the subject of a legal agreement requiring the developer to provide 30% of the units as affordable housing, 20% as specialist housing for the elderly, an area of on-site public open space on Cobbs Clough/Site 2 (Whalleys South), an off-site public open space contribution and a financial contribution towards highway improvements which include the provision of bus stops, provision of an off road cycle lane from Cobbs Brow Lane to Summer Street and provision of funding for the diversion/creation of a bus route and ecology mitigation and enhancement. These obligations reflect the relevant policy requirements at the time outline permission was granted and remain part of the proposed development which must be delivered in line with the terms of the agreement. A deed to vary this agreement is proposed and the variation relates to securing the terms of the affordable housing, which remains at 30% and is 11% affordable rent and 89% shared ownership tenure managed by Trafford Housing Trust (the joint applicant).

## Summary

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

## **11.0 RECOMMENDATION**

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

(a) the terms and conditions of the affordable housing

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

### **Conditions**

1. The development in this phase of the development authorised under outline planning permission 2013/1060/WL3 must commence within two years of the date of this reserved matters approval in accordance with section 92 Town & Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
  - Plan reference S/S/CLWS/01 Rev O (proposed CAD site layout) received by the Local Planning Authority on 21st December 2018;
  - Plan reference ES352 A2 006/02L (substation) received by the Local Planning Authority on 6th November 2018;
  - Plan reference SG-100 (single garage) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 2H703-100 (2 bed bungalow) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 2H703-101 (2 bed bungalow) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 2H811-100 (2 bed bungalow) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 2H811-101 (2 bed bungalow) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 2HLTH-100 (2 bed house) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 3HLTH-100 (3 bed house) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 2H770-100 (2 bed house) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 2H770-101 (2 bed house) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 3H942-100 (3 bed house) received by the Local Planning Authority on 17th October 2018;
  - Plan reference 3H942-101 (3 bed house) received by the Local Planning Authority on 17th October 2018;



3. The development hereby approved shall be constructed from the materials indicated on drawing ref: S/S/MP/01 Rev E (Materials Plan) received by the Local Planning Authority on 17th October 2018.
4. No development 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.
5. Boundary treatment shall be implemented in accordance with Plan Ref: S/S/BTD/01 and Plan ref: S/S/BTP/01 Rev D received by the Local Planning Authority on 17th October 2018.
6. No dwellings shall be occupied on the site until the highway works indicated on plan reference: 2276-F01 Rev C (including a toucan crossing on Whalleys Road and a 3m wide footway across the site frontage to Whalleys Road) received by the Local Planning Authority on 21st December 2018 have been implemented.
7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref: Scott Hughes Flood Risk Assessment 3351-SHD-00-ZZ-RP-C-0001 received by the Local Planning Authority on 17th October 2018. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.
8. 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 must not exceed the pre-development greenfield runoff rate (which has been calculated at 47 litres per second). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 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 scheme shall be implemented in accordance with the phasing agreed in (d) above and all other details as agreed. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

9. No dwelling shall be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and agreed in writing with the Local Planning Authority and 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.

Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

10. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.
11. The recommendations contained within Section 7.2 of the Amenity Tree Care GCN/Amphibian Appraisal and Mitigation & Habitat Enhancement Measures Strategy (July 2018) and received by the Local Planning Authority on 17th October 2018 shall be adhered to during construction of the development hereby approved.
12. The recommendations contained within Section 5.3 of the Richard Castell Breeding Bird Habitat Appraisal received by the Local Planning Authority on 17th October 2018 shall be adhered to and details of bird nesting boxes (e.g. number, type, location and phasing) shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of any dwelling on the site. The provision of nest boxes shall thereafter be implemented in accordance with the agreed details.
13. Prior to construction of any dwelling a lighting scheme 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.
14. The development shall be implemented and maintained in accordance with the details shown on plans ref:
  - TBA Sheet 1 of 7 5741.01
  - TBA Sheet 2 of 7 5741.02
  - TBA Sheet 3 of 7 5741.03
  - TBA Sheet 4 of 7 5741.04
  - TBA Sheet 5 of 7 5741.05 Rev A
  - TBA Sheet 6 of 7 5741.06 Rev A
  - TBA Sheet 7 Of 7 5741.07 Rev AWithin a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot shall be carried out. All elements of the landscaping details shall be completed within 9 months of the last dwelling being occupied. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting. The landscaping shall be maintained in accordance with the details indicated on the above plans in perpetuity.
15. The development shall be carried out in accordance with the Arboricultural Impact Assessment Version 2 and Tree Survey and Constraints Report received by the Local Planning Authority on 17th October 2018.
16. The development shall be carried out in accordance with the TBA Landscape Management Plan received by the Local Planning Authority on 17th October 2018.
17. The Written Scheme of Archaeological Investigation shall be carried out in accordance with the details provided in the L-P: Archaeology "Written Scheme of Investigation" received by the Local Planning Authority on 17th October 2018 and any measures deemed necessary resulting from the findings of that investigation shall be fully implemented in accordance with the recommendations of the investigator.
18. 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.
19. The development shall be carried out in accordance with sections 3, 5 and 6 of the Croft Residential Travel Plan received by the Local Planning Authority on 17th October 2018.
20. The development shall be carried out in accordance with the Construction Environmental Management Plan dated September 2018 and received by the Local Planning Authority

on 17th October 2018 and also the Logistics Layout Version 2 received by the Local Planning Authority on 3rd December 2018.

21. The temporary construction access onto Whalleys Road shall only be used for such purposes for 3 years from commencement of development, after which time the access shall be closed for vehicular access other than for emergency vehicles. Details of the bollards/barriers to be erected at this access shall be submitted to and approved in writing by the Local Planning Authority and the agreed details shall be implemented thereafter and retained as such in perpetuity.

### **Reasons**

1. To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. 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 and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9.
  1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
  2. To reduce the flood risk to the development as a result of inadequate maintenance.
  3. To identify the responsible organisation/ body /company /undertaker for the sustainable drainage system and so to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10.
  1. To ensure that the construction of development does not pose an undue flood risk on site or elsewhere;
  2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies and so to comply with provisions of Policy in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. 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.
12. In order to provide mitigation for the loss of bird breeding habitat in the interests of biodiversity and to accord with the provisions of Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.

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. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To 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.
16. To ensure continued maintenance and management of landscaped areas within the site and therefore safeguard the amenity of residents and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. As the site is of archaeological interest and in order to comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. 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, to avoid conflict between HGV's and residential occupiers, to safeguard the general amenity of the area to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. A permanent access at this location would not be acceptable for two-way traffic in the interests of highway safety and as such, the temporary construction access should be closed following completion of development in order to comply with Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Notes**

1. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.  
The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.  
All forms are available at <http://www.westlancs.gov.uk/planning/planning-policy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk).  
Further information on CIL can be found at [www.westlancs.gov.uk/CIL](http://www.westlancs.gov.uk/CIL) or by contacting the Council's CIL and S106 Officer on [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk) or tel: 01695 585171.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.  
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).



Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

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

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. Your attention is drawn to the fact that the Conditions that were imposed on the Outline planning permission for this development still apply and must be complied with in the implementation of this approval.
4. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
5. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980, Section 184, Lancashire County Council must specify the works to be carried out. Only Lancashire County Council or a contractor approved by the County Council can carry out these works. Therefore, before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Surveyor South 01772 658560 or writing to the Area Surveyor South, Lancashire county Council, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.
6. Applicants and developers are advised to promote good neighbourliness by reference to the Considerate Constructors Scheme (CCS). This is an independent organisation set up by the construction industry, which promotes a voluntary code, to promote good neighbourliness when large housing sites are under construction. If a developer has signed up to the code, they are required to display this on the site and members of the public can report any alleged breaches of the code to the CCS. Details of the scheme can be found on the following website [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

### **Reason for Approval**

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

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