

No.8	APPLICATION NO.	2019/0069/OUT
	LOCATION	Land To The East Of Firwood Road Lathom Lancashire
	PROPOSAL	Outline - Residential development including details of access (all other matters reserved).
	APPLICANT	Wainhomes (North West) Limited And Jacton Properties Ltd
	WARD	Bickerstaffe
	PARISH	Lathom South
	TARGET DATE	29th April 2019

1.0 **SUMMARY**

- 1.1 The application relates to part of the Firwood Road site which has been allocated for housing development in the adopted Local Plan. The proposal is an outline application for residential development with only details of access submitted for approval. The principle of a residential development in this location is acceptable and I am satisfied that a residential development is capable of being designed which does not cause significant harm to residential and visual amenity, and subject to conditions the proposed development is compliant with the Local Plan in respect of drainage, ecology, archaeology. The highway impacts, sustainability of the site and access arrangements have all been assessed and found to be acceptable.

2.0 **RECOMMENDATION**

- 2.1 That planning permission be GRANTED subject to conditions and the signing of a Section 106 legal agreement.

3.0 **THE SITE**

- 3.1 The site forms part of the main Firwood Road site which has been allocated for housing development in the adopted Local Plan. The Firwood Road site comprises a total of approximately 22ha of formerly safeguarded land which has been released through the Local Plan for residential development. The full site is bordered by residential development to the east, south and south west corner; employment to the north, and open agricultural Green Belt to the west. The existing access to the land is from Neverstitch Road and Firwood Road via Old Engine Lane.
- 3.2 This part of the wider site is approximately 5.01ha in size and is situated to the south-east of Firwood Road. It is bounded by Slate Lane to the north, scrubland to the east, Old Engine Lane to the south and Firwood Road to the west. There are scattered trees and lengths of hedgerow surrounding the site. There is a public footpath (8-1-FP-24) adjacent to the site to the north, and a second public footpath (8-1-FP-26) which runs along Old Engine Lane to the south.
- 3.3 An historic Powder Hut, a 19th century decommissioned explosives store for the Lathom Colliery is situated in a central position in the site.
- 3.4 There are residential dwellings adjacent to the site on Old Engine and Slate Lane, and to the south there is a current housing development by Bellway Homes which forms the first phase of the Firwood Road housing allocation development. The Bellway Homes development is for 94no. dwellings, with access taken off Firwood Road.

4.0 PROPOSED DEVELOPMENT

- 4.1 This application seeks outline planning permission for residential development of the site. Details of access are to be agreed at this stage, with details of layout, scale, appearance and landscape reserved for future approval.
- 4.2 The indicative site layout and associated reports and documents submitted as part of the application, show a residential development of 130 dwellings with vehicular access taken off Firswood Road, at a newly formed junction, approximately 40m north of the junction of Firswood Road and Old Engine Lane. The indicative layout shows a potential vehicular connection onto Old Engine Lane, and a cycle connection on to Slate Lane. It also shows a SuDs pond to the south east of the site and an ecological corridor/swale. Although indicative layout plans have been submitted with the application, they are not for consideration as part of this application.
- 4.3 The historic powder hut is shown for retention, set within a green area, surrounding by dwellings.

5.0 RELEVANT PLANNING HISTORY

- 5.1 Part of the wider Firswood Road residential development:

2016/1027/FUL – Erection of 94 residential dwellings, associated access, landscaping, public open space, swale, pumping station, sub-station and associated works. GRANTED 20.07.17.

6.0 CONSULTEES

- 6.1 Environmental Health (15.08.19) – No objection.
- 6.2 United Utilities (23.01.19) – No objection subject to conditions in respect of surface and foul water.
- 6.3 Coal Authority (28.02.19 and 12.09.19) – No objection subject to condition.
- 6.4 Lead Local Flood Authority (12.04.19) – No objection subject to conditions in respect of surface water drainage.
- 6.5 Highways (20.07.19 and 01.05.19) – No objection.
- 6.6 Lancashire County Council School Planning Team (07.01.19) – An education contribution is not required.
- 6.7 Cadent (20.12.18) – No objection.
- 6.8 Lancashire Archaeological Advisory Service (26.03.19) – No objection subject to a condition in respect of a programme of archaeological work.
- 6.9 Merseyside Environmental Advisory Service (08.03.19 and 09.07.19) – No objection subject to conditions.
- 6.10 Merseyside and West Lancashire Bat Group (22.02.19) – Further survey work required.

7.0 OTHER REPRESENTATIONS

- 7.1 Lathom South Parish Council (19.02.19) – The site is not being developed in a complementary way, and goes against the concept that the Council approved. The main access should be taken from Neverstitch Road.
- 7.2 South Lathom Residents' Association (01.03.19 and 27.06.19) – The proposal does not comply with the permission given for the extant Local Plan by the Planning Inspector and the subsequent Development Brief. The indicative layout does not take account of drainage rights or existing mine shafts. Residential amenity has not been taken into account. Firswood Road is not suitable for carrying additional traffic beyond that created by the Bellway development.

Vehicular access from Firswood Road is not acceptable. The Development Brief directs the majority of traffic to a new access off Neverstitch Road. The 94 houses to be built on the Bellway estate will take up all of the spare capacity on Firswood Road, and further accesses to developments north of the railway bridge have never been considered acceptable by the Borough Council and are not allowed under the Development Brief.

During consideration of the Local Plan the landowners made a commitment to the Inspector to work together to deliver the housing on the site. Now that this is not the case it is not feasible to take additional traffic via Firswood Road. Firswood Road is a narrow country lane with several hazardous features – narrow width, poor visibility at the junction with Spa Lane, absence or narrowness of pavements, blind bend, hump-backed bridge, access to the Bellway development. Residential amenity of occupiers of Firswood Road will be further eroded. The Travel Plan has been written as the result of a desk top study rather than observation on the ground.

The delivery of the rest of the site could be prejudiced by the cherry-picking and opportunistic approaches shown so far; leaving the remaining landowners to pick up the costs of providing access to Neverstitch Road and delivering the Neverstitch Road to Firswood Road section of the linear park.

- 7.3 Representations have been received in respect of the application; these can be summarised as:

Highway safety.

The Bellway development takes up vehicle capacity on Firswood Road and any additional vehicles would be contrary to the Development Brief.

Pedestrian, cyclist and horse rider safety.

The original proposed access was Neverstitch Road.

Noise and air pollution.

Police presence in the area has increased since the building of new dwellings.

Old Engine Lane is maintained by residents and not the Council.

Boundary hedge removal should not be permitted.

The housing site should not be a piecemeal development.

The proposal is contrary to the Development Brief

Amendments to the scheme make no substantive difference.

Overlooking to residents on Old Engine Lane.

There is a weight limit on the bridge which would force construction traffic down Firswood Road.

The layout should accommodate the overhead power supply and the water supply which currently run across the site.

How will utilities negotiate the 200+ year old bridge?

Loss of farmland.

Increased noise and disturbance.

Impact on wildlife.

The nearest secondary school is not within walking distance.

The full traffic impact cannot be determined as the Bellway development is not fully occupied.

Impact on visual amenity.

There are six capped mines within the site boundary.

There should be sufficient landscape buffers between existing and new dwellings.

Shops and services are some distance away and so the development is unsuitable for the elderly.

8.0 RELEVANT PLANNING POLICIES

8.1 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.

8.2 The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework (NPPF)

Building a strong, competitive economy

Delivering a sufficient supply of homes

Promoting sustainable transport

Promoting healthy and safe communities

Achieving well-designed places

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

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 Cultural and Heritage Assets

Development Brief – Firwood Road (August 2014)

Supplementary Planning Document – Design Guide (January 2008)

Supplementary Planning Document – Provision of Open Space in New Residential Developments (July 2014)

9.0 ASSESSMENT

Principle of Development

- 9.1 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan reiterates this approach and it is considered that the proposed residential development of this site complies with Policy RS1 in the Local Plan as it is an allocated housing site. This policy supports a development which provides up to 400 units on the whole Firswood Road site. The Development Brief for the site sets out a vision and key principles for its development; these include to develop the land in such a way as to complement the existing residential areas and to diversify the choice and range of housing to meet local needs, whilst helping to create a linear park to provide multifunctional recreation spaces. The principle of a residential development in this location is acceptable and is supported by the Development Brief; compliance with relevant planning policies and how the development takes into account the vision and principles of the Development Brief are discussed below.

Affordable Housing and Provision of Accommodation for the Elderly

- 9.2 The requirement for affordable homes and elderly provision originates from policies RS1 and RS2 of the Local Plan. The Development Brief requires 30% of the units within developments on the Firswood Road site to be affordable and 20% to be suitable for elderly residents.
- 9.3 As the application is in outline form, exact dwelling numbers are not known at this stage. Subject to viability, a policy compliant level of affordable housing and specialist accommodation for the elderly can be secured by legal agreement, and further details provided in any subsequent reserved matters application.

Provision of Public Open Space

- 9.4 Policy EN3 of the Local Plan advises that new residential development will either be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development. Policy EN3 goes on to say that all development, where appropriate, should seek to deliver new recreational opportunities, including the proposed linear park between Ormskirk and Skelmersdale. The proposed route of the Ormskirk to Skelmersdale Linear Park follows the former railway line and is outside of the application site but in close proximity to it.
- 9.5 The 'Provision of Public Open Space in New Residential Development' SPD provides further advice as to how public open space is to be delivered in new residential developments. Policy OS1: Provision of On-Site Open Space, advocates that in developments of 40-289 dwellings, developers will be required to provide 13.5 square metres of public open space per bedroom developed, and that this public open space should typically take the form of informal amenity green space.
- 9.6 The application includes a portion of land to the east which is proposed as a SuDS pond and ecological corridor, the Planning Statement advises that this equates to 1.74 acres of open space provision on the site. However, the supporting text to Policy OS1 is clear that in terms of sustainable drainage systems, water features such as attenuation ponds will not count as public open space, unless, for example, they are designed with a specific amenity function in mind.
- 9.7 The proposed Linear Parks referred to in Local Plan Policy EN3 are intended to provide a variety of uses including wildlife corridors for informal recreation facilities, and off-road transport corridors. The proposed Ormskirk to Skelmersdale Linear Park follows the former railway line which closed in the 1960's. The railway line which could form part of the Linear Park is not actually within the application site but is to the south of the site and

the Development Brief advises that the dismantled railway provides a valuable opportunity for the delivery of a key section of the proposed linear park from Skelmersdale to Ormskirk.

- 9.8 The principle of gaining a contribution from each landowner on the Firwood Road site towards the delivery of the Linear Park is established in the Development Brief. As the application is in outline form the financial contribution required towards the Linear Park is unknown at this stage, and so the requirement for delivery/a financial contribution towards the Linear Park will be secured by s106 legal agreement, and will be subject to viability.
- 9.9 As the application is in outline form the siting and size of the public open space and the amount of financial contribution towards the Linear Park is not to be agreed at this stage. Subject to viability, a policy compliant level of public open space can be secured by legal agreement as can the financial contribution required towards the Linear Park. Further details will be provided in any subsequent reserved matters application when layout will be considered.

Design/Impact on Visual Amenity

- 9.10 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale and roofline.
- 9.11 The proposed development is in outline only with layout, appearance, landscaping and scale reserved for future approval. Any issues in relation to design can be addressed at the time of any future Reserved Matters application.

Impact on Residential Amenity

- 9.12 Policy GN3 of the Local Plan states that development should 'retain reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties'.
- 9.13 There are residential properties adjacent and in relatively close proximity to the site. Whilst layout, scale and appearance are reserved matters I am satisfied that it is possible to design an acceptable residential scheme without detriment to existing surrounding neighbours, in accordance with Policy GN3. This matter will be fully assessed at reserved matters stage. Additional vehicular trips on the highway will occur as a result of the development but I am satisfied that these additional vehicular trips would not have such a significant impact on residential amenity to warrant refusal of the application.

Drainage

- 9.14 The application has been accompanied by a Drainage Strategy and Flood Risk Assessment (FRA). With regard to the disposal of foul water, the Strategy indicates that this will discharge to an existing sewer in Statham Road, to the north east of the site.
- 9.15 The site is located within Flood Zone 1, which indicates that the site is at a low risk of flooding. There are currently no public surface water sewers serving the site and the Development Brief advises that on site sustainable urban drainage systems (SuDS) will be required to manage surface water drainage to attenuate to a greenfield land run off rate. The site is currently an arable field, and therefore its development for residential purposes would generate more surface water runoff than that which is currently experienced.

- 9.16 With respect to the surface water drainage, the FRA proposes a SuDS system, comprising oversized underground pipes and a SuDS basin which would ultimately discharge at a controlled rate into the Slate Brook watercourse, which runs along the eastern site boundary. A site investigation has been undertaken and submitted as part of the application, which demonstrates that the ground across the site is predominantly clay and hence ground infiltration techniques would not be considered appropriate.
- 9.17 The Lead Local Flood Authority (LLFA) have been consulted on the proposals and advised that they have no objection to the development. They have however requested that the developer submit an appropriate surface water drainage scheme prior to commencement of development and that this be completed prior to occupation of the dwellings. The scheme should demonstrate that the surface water run-off does not exceed the pre-development greenfield run-off rate and should include details of discharge rates and volumes (both pre and post development), temporary storage facilities and the methods to be employed to delay and control surface water discharge from the site.
- 9.18 The FRA has demonstrated that the development has a low probability of suffering from flooding and will not increase the probability of flood risk in the area in accordance with Policy GN3 of the Local Plan. The information required by the LLFA can be secured by planning condition to be submitted at reserved matters stage.

Archaeology

- 9.19 An Archaeological Desk Based Assessment has been submitted with the application which has been reviewed by the Council's Archaeological Advisor. The report indicates that the proposed development area (PDA) falls within an area of high potential for preserved peat deposits, with the potential to provide data on prehistoric activity in the area as well as paleoenvironmental information. It is noted that Geo-Environmental Investigation work has shown that there are peat deposits in the eastern part of the site, with the report going on to say that find scatters in the site to the north of the PDA and other findspots within the 1km study area suggest that there is a limited potential for Romano-British and Medieval remains to be encountered. The report states there were numerous short-lived buildings within the PDA during the 20th century of which the exact nature is unknown, but concludes that it is likely that they were sheds either for storage or animals which were likely to have had shallow foundations and therefore a limited impact on any buried archaeological remains. The Council's Archaeology Advisors have confirmed that they agree with these conclusions and have recommended a programme of archaeological works which can be secured by condition.

Ecology

- 9.20 The application is accompanied by an Ecological Survey and Assessment which includes a desktop study and extended Phase 1 Habitat Survey. The survey includes potential effects on badger, otter, water vole, barn owl, great crested newts and reptiles. These demonstrate that there are no impacts on protected species. The Report suggests various mitigation recommendations which should be adhered to during the course of the development; these will be secured by planning condition.
- 9.21 The Ecological Survey also includes detail on the potential effects on bats. The only building on the site is the single storey brick powder hut, which has a pitched slate covered roof; the proposals include the retention and renovation of this building. An examination of the exterior and interior of the hut was carried out in November 2017 and November 2018, and no evidence of current or previous use by roosting bats was found. The powder hut building was found to have low suitability for use by roosting bats,

particularly crevice roosting bats. At the request of the Council's ecology advisors, one dusk emergence survey was carried out March 2019, and this confirmed that there is no evidence of roosting bats at the building.

- 9.22 I am satisfied that subject to planning conditions to secure implementation of ecological mitigation measures the application is acceptable in terms of ecology in accordance with Policy EN2 of the Local Plan.

Trees

- 9.23 There are two Tree Preservation Orders (TPO) that relate to the site, including a woodland adjoining the application site along its south east corner, and a group of mature TPO Oak trees which are situated within the site, off Slate Lane.
- 9.24 As the application is in outline form, at this stage the potential impacts on trees cannot be fully assessed. Any future Reserved Matters application should include an Arboricultural Impact/Implications Assessment, and this should inform the final layout of the development.
- 9.25 I am satisfied a residential layout is capable of being designed which incorporates existing trees and also appropriate landscaping, in accordance with Policy EN2 of the Local Plan.

Highways

- 9.26 Policy GN3 of the Local Plan states that suitable and safe access, road layout, design and adequate parking provision are required in new developments. Policy IF2 details parking standards required for residential developments.
- 9.27 Access is to be considered as part of this outline application, and it is proposed that vehicular access to the site is taken from Firswood Road. Firswood Road runs in a north-south direction between Spa Lane to the north and Blaguegate Lane to the south. Both Spa Lane and Blaguegate Lane are classified roads which have been categorised as secondary distributor roads having a speed limit of 40mph. Firswood Road is an unclassified road and is part residential but predominantly rural in nature and has been categorised as a local access road with a speed limit of 30mph fronting the site. The northern length of Firswood Road from its junction with Slate Lane is subject to a 60 mph speed limit, this section is rural in nature without footways or street lighting.
- 9.28 The Firswood Road Development Brief states that the principle vehicular access to the wider site should be from Neverstitch Road, and that the number of residential units served by an access onto Firswood Road should be limited such that no more than 60 extra trips at peak times is generated by the new housing. This proposed development and the permitted development by Bellway Homes (2016/1027/FUL) will clearly mean that vehicular movements will exceed this figure.
- 9.29 A Transport Assessment (TA) has been submitted with the application. The Assessment acknowledges that the Development Brief identified access as being taken from Neverstitch Road, and that neither the approved Bellway scheme nor this application have a frontage to Neverstitch Road and therefore, access is not feasible as it would involve third party land. It must therefore be demonstrated that additional traffic could be safely accommodated on the local network.
- 9.30 The TA includes forecast trip generation from the proposed development. A future assessment year of 2023 has been adopted for this exercise, which is based on an assessment of 5 years post registration of the development. Details of development traffic

associated with the Bellway development were obtained from the TA submitted as part of that application (2016/1027/FUL) and included in the assessments for the TA in respect of this application.

9.31 The TA estimates 2-way trip generation associated with the proposed development (based on 140 houses) at a 2-way total of approximately 81 trips in the AM peak hour and 88 trips in the PM peak hour. Having derived the levels of traffic that would likely occur as a result of the proposed development, the expected changes in traffic that would be experienced on the local highway network has been calculated.

9.32 As with the Transport Assessment for the Bellway residential development, the study area for the TA included the following junctions;

The proposed site access junction;
A577 Blaguegate Lane/Firswood Road; and,
A577 Ormskirk Road/A577 Neverstitch Road/Ormskirk Road/Witham Road/B5312 Railway /Road.

The inclusion of these junctions in the assessment is considered acceptable.

9.33 The assessment concluded that all three of the junctions would operate well within practical capacity in the future assessment year of 2023, without significant queuing, and therefore, there is sufficient spare capacity within the existing highway network to accommodate the proposed development. The traffic impact analysis included within the TA has been assessed by Lancashire County Council Highways Department and they agree with the conclusions reached and are satisfied that the TA has sufficiently demonstrated that the proposed development would not have a severe impact on the highway capacity at these junctions and within the immediate vicinity of the site.

9.34 Following discussion with the Highway Authority, the proposed access has been amended since the original planning application submission. The amended access plan shows a 2m footway across the frontage to Firswood Road, together with a traffic management gateway feature to indicate a reduction in the speed limit on Firswood Road to 30mph (to the north of the proposed access). I am satisfied that with these measures in place the proposed vehicular site access is acceptable. Details of lighting and drainage can be agreed at the detailed design stage of the s278 agreement.

9.35 The site has potential to be accessible to a range of local facilities, however, at the present time pedestrian linkages are not ideal, and the walking distances included in the Traffic Impact Assessment within the original planning application were based on using Old Engine Lane and crossing Neverstitch Road. Old Engine Lane is currently a leisure route and unmade/unlit, and therefore an unsuitable route for vulnerable pedestrians at certain times of the day and year. There are also safety concerns regarding pedestrians crossing Neverstitch Road on main desire lines.

9.36 Following discussion with the Highway Authority the applicant has amended the scheme to include an improved connection between Old Engine Lane and Neverstitch Road, which includes bollards at the pedestrian access to Old Engine Lane to prevent cars using this access. The developer has agreed to provide a lit footway within the site, parallel to Old Engine Lane, connecting the pedestrian access to Old Engine Lane with the surfaced section of Old Engine Lane. From this point through to Neverstitch Road lighting would be provided on the length of the surfaced section of Old Engine Lane under the s278 highways agreement for the site access/off site highway works. The amended scheme also includes new pedestrian facilities on Neverstitch Road. The proposals to Neverstitch Road include a dropped kerb crossing with tactile paving across Neverstitch Road to

provide a footway connection between Old Engine Lane and the bus stop on the southern side of Neverstitch Road (and on to Turnberry/School Lane). A pedestrian refuge will be provided as part of this crossing which will involve minimal widening of Neverstitch Road. I am satisfied that these works would improve accessibility on the pedestrian desire line to local services including bus stops and schools, in accordance with Policies GN3 and IF2 of the Local Plan. As a result of the proposed improvements to the pedestrian route to Neverstitch Road via Old Engine Lane, the Highway Authority do not think that it is necessary to seek improvements to Firswood Road, as the volume of pedestrian movement on Old Engine Lane is predicted to be higher than on Firswood Road.

- 9.37 The applicant has submitted a framework Travel Plan, which the Highway Authority consider to be acceptable. An appropriate travel plan can be secured by planning condition.
- 9.38 Off-street car parking will be considered at Reserved Matters stage when layout of the development is considered. I am satisfied that it will be possible to incorporate sufficient off-street car parking in to the development.
- 9.39 It is acknowledged that the Development Brief advised that the majority of vehicles would access the wider site via Neverstitch Road, and that concern has been raised in respect of potential highway safety issues that may arise as a result of this development. For this reason the Council have had the highway aspects of the proposed development including comments provided by the Highway Authority independently reviewed. The Council employed Sanderson Associates (Consulting Engineers) Ltd to undertake this process.
- 9.40 Sanderson Associates consider that a reasonable scope of junction assessments has been undertaken within the submitted TA and that the proposed development would not result in any material capacity related issues at the site access or the nearby junctions. In their conclusion, they recognised that the proposed development would not tend to add pedestrians onto Firswood Road at the Firswood Road/Blaguegate Lane junction on the presumption that Old Engine Lane provides a more expedient route to destinations on foot. Sanderson Associates concur with the Highway Authority that the highway aspects of the scheme are acceptable in principle and would have a significant impact on highway safety.
- 9.41 Taking into account the transport information submitted with the application and the subsequent amendments following negotiation with the Highway Authority, and review of highway issues by independent consultants, I am satisfied that the proposed access arrangements are acceptable and that the impact on the surrounding road network would not be so significant to warrant refusal of planning permission in accordance with Policy GN3 and IF2 of the Local Plan. The Development Brief for the wider site envisaged that there would be an access off Firswood Road, but that the main access to the site would be from Neverstitch Road. Nevertheless, the highway information submitted with the application demonstrates that the existing junctions have capacity to cope with the predicted changes in traffic resulting from the development (in addition to the traffic generated from the Bellway Homes development) and that highway safety would not be compromised. The application also incorporates measures which when delivered would significantly improve pedestrian/cycle connectivity to integrate the site into its surroundings and encourage the use of sustainable modes of transport in accordance with Policies GN3 and IF2 of the Local Plan.
- 9.42 I am satisfied that the proposed development will be acceptable in terms of highway safety and that adequate off road parking could be provided as part of an application for reserved matters.

Coal Mining

- 9.43 The application site falls within the defined Development High Risk Area; therefore the Coal Authority has advised that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the proposed development.
- 9.44 Intrusive site investigations attempted to locate 6no. mine entries recorded to be within the application site boundary. These investigations successfully located 3no. mine entries and the report considers the remaining shaft locations represent miss plotted locations of actual mine entries. The Coal Authority have confirmed that they have no objections to the proposed development provided a planning condition is imposed requiring further intrusive site investigations to be undertaken to locate and assess the condition of the remaining mine entries to formulate a scheme of remediation and to identify an appropriate 'no-build' zone around the shafts.

Summary

- 9.45 In summary, the principle of a residential development on the site is acceptable and in accordance with Policy RS1 of the Local Plan. The proposal is an outline application for residential development with details of access only submitted for approval. The highway impacts, sustainability of the site and access arrangements have all been thoroughly scrutinised and following the submission of amended drawings and appropriate developer mitigation I am satisfied that the proposed access is acceptable and that adequate measures would be taken to improve accessibility and thereby encourage sustainable modes of transport. I am satisfied that a residential development is capable of being designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to the residential amenities of neighbouring and proposed properties and to the character of the area. Subject to conditions, I am satisfied that the proposed development would be acceptable in terms of ecology, drainage and archaeology. Details of public open space and affordable housing will be considered as part of an application for Reserved Matters but I consider that these are capable of being delivered on the site. In principle I consider this scheme should be supported as it will deliver housing on an allocated site in a sustainable location.

10.0 RECOMMENDATION

- 10.1 That the decision to grant planning permission be delegated to the Head of Growth and Development Services in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a planning obligation under s106 of the Town and Country Planning Act 1990 to secure, subject to viability:

The terms and conditions of the affordable housing units;
Accommodation suitable for the elderly;
The terms and conditions of on-site public open space;
Financial contribution towards the provision of/delivery of part of the Linear Park.

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

Conditions

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - a) Five years from the date of this permission; or

b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than three years from the date of this permission.

2. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely (the layout, scale, appearance, and landscaping including details of landscape management and maintenance (hereinafter called "the reserved matters")).
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 'WH/FR/LP/01 – Location Plan' received by the Local Planning Authority on 25.01.19.
Plan reference 'Proposed access arrangement & section 278 works and visibility splays – SCP/17348/F01 Rev D' received by the Local Planning Authority on 23/07/19.
Plan reference 'Proposed Neverstitch Road Pedestrian Crossing – SCP/17384/SK02 Rev A' received by the Local Planning Authority on 02/07/19.
4. No part of the development shall be occupied until the new site access junction to Firswood Road (and off site highway works including 30mph gateway feature on Firswood Road, new footways and pedestrian refuge island on Neverstitch Road, and street lighting on Old Engine Lane between Neverstich Road and the pedestrian site access to Old Engine Lane) shown on plan SCP/17348/F01 have been constructed in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.
5. No part of the development shall be occupied until the new internal lit footway connecting the pedestrian access to Old Engine Lane with the surfaced section of Old Engine Lane, has been constructed in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.
6. The new estate roads/access 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 takes place within the site.
7. No construction shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets 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.
8. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
9. No development shall commence until the developer together with a member of staff from the Highway Authority completes an inspection of the local highway network (full length of Firswood Road) to establish the structural integrity of the highway. This survey shall be submitted to and approved in writing by the Local Planning Authority. A similar survey shall be carried out within one month of the completion of the last house, and the developer shall make good any damage to the road to return it to the pre-construction situation.
10. The travel planning Action Plan included in the submitted Travel Plan must be implemented in full in accordance with the timetable within it.
11. As part of any reserved matters application and prior to the commencement of construction, the following details shall be submitted to, and approved in writing by, the local planning authority.
Surface water drainage scheme which as a minimum shall include:

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'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, 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 scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

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

d) A timetable for implementation, including phasing where applicable;

e) Details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

12. 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 to and approved in writing by the Local Planning Authority which, as a minimum, shall include:

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

13. No above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

14. No above ground construction works shall take place until samples and / or full specification of materials to be used externally on all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out using only the agreed materials

15. The reserved matters submission in respect of the siting of the proposed dwellings shall include sections across the site. The sections shall indicate existing and proposed ground levels together with finished floor levels of any dwellings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties.

The development shall thereafter be implemented in accordance with the approved details and method of construction.

16. No above ground construction works shall take place until a plan indicating the positions, height, design, materials and type of all means of enclosure/boundary treatment(s)

(including walls, fences and gates) to be erected has been submitted to and approved in writing by the Local Planning Authority.

The boundary treatment(s) means of enclosure shall be completed as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority

17. An updated bat survey of the Powder Hut building shall be undertaken if works to the structure have not commenced by 1 May 2020.
18. The development shall be implemented in accordance with the mitigation strategy described in Section 5 of the Ecological Appraisal Report, prepared by ERAP Consultant Ecologists and deposited with the Local Planning Authority on 28th January 2019.
19. Details of the number and location of bird nesting boxes to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with the approved details prior to the first occupation of the dwellings and shall be retained at all times thereafter.
20. Any application for approval of "reserved matters" in respect of siting and/or landscaping shall include a Tree Survey, Impact Study and Method Statement. The Arboricultural Impact Study shall include details of any likely impact to the retained trees and/or hedges due to alterations in existing ground levels, position and depth of any proposed excavations, location of any proposed buildings, roads, driveways, walls, services or any other development works on or adjacent the site. The Method Statement shall include details of all protective measures required to retain the health and stability of all retained trees and/or hedges on or adjacent the site including; fencing, designated washing and mixing areas, designated site cabin areas, access in and out the site, special surfaces and site supervision.
All works identified in the tree survey shall be in accordance with British Standard documents No's 3998:2010 and 5837:2012. No part of the development, or works to trees, shall be carried out except in accordance with a relevant approval of reserved matters covering the above items.
21. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.
22. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
23. 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. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.
24. Reserved matters should include:
 - * the submission of a scheme of intrusive site investigations for the remaining recorded mine entries for approval;
 - * a report of findings arising from the intrusive site investigations;
 - * a layout plan which identifies appropriate 'no build' zones informed by mine entries locations on site and their zone of influence,
 - * a scheme of treatment for the mine entries on site for approval;
 - * a scheme of remedial works for the shallow coal workings for approval.All remedial and treatment works identified shall be implemented prior to commencement of development.

The development shall be carried out in accordance with the approved scheme.

Reasons

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline form only and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. 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.
4. 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 West Lancashire Local Plan 2012-2027 Development Plan Document
5. 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 West Lancashire Local Plan 2012-2027 Development Plan Document
6. To ensure that satisfactory access is provided to the site to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
7. To ensure future management and maintenance of the proposed streets is secured.
8. 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.
9. To maintain the condition of the local highway network in the interest of highway safety.
10. To reduce car travel to and from the site in and to promote sustainable transport having regard to Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. These details are required prior to the commencement of development 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.
12. 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.
13. 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
14. To ensure that the external appearance of the site is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
16. To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. To enable the Local Planning Authority to consider the details of the proposed development in relation to the existing trees and to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
21. To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
22. These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
23. In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
24. As the site is in a coal mining high risk area and in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. Highway Notes

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. 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 should be advised to contact LCC Highways at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.

2. The applicant is advised that to discharge the condition relating to future management and maintenance of the proposed streets, the Local Planning Authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980, or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

3. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.

4. This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.

5. This consent involves large scale construction adjacent to the highway and the transport of construction equipment and building materials to the site. Under Section 59 "Recovery of expenses due to extraordinary traffic" of the Highways 1980, the Highway Authority has the right to claim compensation from the site owner for any damage caused to the structure of the highway as a result of their operations.

2. Lead Local Flood Authority Notes

1. The Flood Risk Assessment (FRA) attached to this application (ref. 30357/SRG, dated December 2018) identifies the Qbar greenfield discharge rate of 26.6 l/s for the total site size of 4.38 ha. The LLFA would expect for the site discharge rate to be pro-rated down to be consistent with the impermeable contributing area once the final layout is agreed. This is to be in line with section 24.2.2. of the SuDS manual.

2. 10% urban creep allowance should be used in the final drainage design calculations.

3. The LLFA notes that the afore mentioned FRA recommends surface water attenuation for the site to be in the form of oversized underground pipes together with an on-line SuDS basin. The LLFA recommends that where possible other potential SuDS features

should also be explored. The multifunctional potential of sustainable drainage systems (SuDS) should be exploited to maximise their benefit. Early design consideration is advised to build SuDS into multi-functional spaces and build up a network of SuDS that manage runoff close to its source to avoid the need for large storage areas.

4. The LLFA accepts the reason for not using infiltrating on this site.

5. The FRA in section 5.1 makes reference to a drainage ditch running through the site and advises this ditch should be investigated and may need to be diverted or replaced with land drainage if there is an inlet from outside the site. The LLFA expects the investigation results will be available with any future drainage information submitted for this site. If any works are proposed as the result of the investigations, the applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

6. As stated in the FRA provided with this application, Slate Brook is classified as Main River. As such, any development within 8m of the bank top or connection of surface water discharge to the Brook will require consent from the Environment Agency.

3. **Archaeology Note**

The programme of field investigation should include an initial phase of trial trenching. This should then be followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists (www.archaeologists.net).

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 Cultural and Heritage Assets

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