

<b>No.3</b>	<b>APPLICATION NO.</b>	2019/0936/ARM
	<b>LOCATION</b>	Land To The Rear Of 38 Newarth Lane Hesketh Bank Preston Lancashire PR4 6RS
	<b>PROPOSAL</b>	Approval of Reserved Matters - Erection of 10 no. affordable dwellings including details of access, appearance, landscaping, layout and scale. Approval of details on outline permission condition nos. 8, 13, 14, 15, 16, 20 and 24 (in part). Amend areas of the S106 agreement through a Deed of Variation.
	<b>APPLICANT</b>	Adactus Housing Association Limited
	<b>WARD</b>	Hesketh-with-Becconsall
	<b>PARISH</b>	Hesketh-with-Becconsall
	<b>TARGET DATE</b>	23rd December 2019

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Ashcroft has requested it be referred to Committee to consider localised flooding matters.

## **2.0 SUMMARY**

- 2.1 This application is a reserved matters application for the erection of 10 no. affordable dwellings and approval of detail of conditions attached to outline planning permission 2014/0786/OUT. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

## **3.0 RECOMMENDATION: APPROVE subject to conditions.**

## **4.0 THE SITE**

- 4.1 The site is located to the north of Newarth Lane and comprises of a rough rectangular area of land located to the rear of 38-46 Newarth Lane of approximately 0.65 hectares. The site is bounded by residential properties to the south, horticultural uses to the east, open land/residential properties to the north and agricultural uses to the west. The site was previously used for market gardening purposes. Access to the site is provided by a strip of land along the eastern boundary of 38 Newarth Lane.
- 4.2 The site is identified as Protected Land in the Local Plan. The site is immediately bounded by other areas of Protected Land. Further to the north and east is the wider settlement area of Hesketh Bank whilst further to the south and west is Green Belt.

## **5.0 THE PROPOSAL**

- 5.1 This application is a reserved matters application for the erection of 10 affordable dwellings including details of access, appearance, landscaping, layout and scale.
- 5.2 This application also seeks approval on outline permission condition no.s 8, 13, 14, 15, 16, 20 and 24 (in part) and to amend the s106 agreement through a Deed of Variation.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2014/0786/OUT - Outline - Erection of up to 10 affordable dwellings (all matters reserved).  
Granted 18.05.2017
- 6.2 2013/0610/OUT – WITHDRAWN (12.08.2013) Outline - Erection of 10 dwellings (all matters reserved).
- 6.3 8/74/595 – REFUSED (03.10.1974) Outline – Three detached and eight semi-detached houses

## **7.0 CONSULTEE RESPONSES**

- 7.1 MEAS (12/12/2019) - Advise that the revised site plan and updated documents are acceptable from an ecological perspective.
- 7.2 Lancashire County Council (Highways) (06/12/2019) – No objections recommends planning conditions.
- 7.3 Lead Local Flood Authority (20/11/2019) – No objections.
- 7.4 Environmental Health Scientific Officer (05/12/2019) - The phase 1 and 2 reports have been accepted and can be seen as complying with the relevant planning condition. Recommends planning conditions.
- 7.5 United Utilities (28/10/2019) - United Utilities has no objection to conditions 14, 15 & 16 being discharged.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Representations have been received from 7 local addresses, object on the grounds of:  
  
Newarth Lane after no.22 is narrow so that only one car can use it at once – heavy machinery for agricultural / horticultural and equestrian vehicles use lane;  
No footpath after no.22 and inadequate street lighting;  
Road floods;  
Drainage concerns;  
Drainage implications on businesses;  
Potential congestion problems;  
Do we need more houses – work at Altys, affordable housing being built there;  
Impact of removing a large amount of trees;  
Wildlife concerns;  
Impact on infrastructure;  
Health and safety.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Drainage Strategy and Flood Risk Assessment (August 2019)
- 9.2 Phase II Interpretative Ground Assessment (September 2019)
- 9.3 Phase I Preliminary Risk Assessment (April 2019)
- 9.4 Habitat Management Plan and Mitigation Strategy for Great Crested Newt (August 2019)

- 9.5 Ecological Assessment Report (August 2019 and December 2019)
- 9.6 Design and Access Statement (August 2019)
- 9.7 Arboricultural Method Statement (August 2019)
- 9.8 Habitat Management Plan and Mitigation Strategy for Great Crested Newt (December 2019)

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan DPD (2012-2027) provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is designated as Protected Land in the West Lancashire Local Plan DPD (2012-2027)

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

GN1 Settlement Boundaries

GN3 Criteria for sustainable development

GN5 Sequential Tests

RS1 Residential development

IF2 Enhancing sustainable transport choice

EN2 Preserving and enhancing West Lancashire's natural environment

**Supplementary Planning Document** Design Guide (Jan 2008)

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

- 11.1 The main areas of consideration in determining this application are:

Principle of development

Scale, Design and Layout

Impact upon residential amenity

Highways

Ecological considerations

Trees and Landscaping

Drainage and Flooding

### ***Principle of Development***

- 11.2 The principle of development has been established by the granting of outline planning permission (2014/0786/OUT) as detailed above. That permission remains valid and relevant to this reserved matters application.

### ***Scale, Design and Layout***

- 11.3 Policy GN3 of the adopted WLLP requires that proposals for development should be of a high quality design and be in keeping with the West Lancashire Design Guide SPD. 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 or roofline.

- 11.4 The site is sandwiched between residential properties facing onto Newarth Lane and those which front onto Chapel Road to the north. Whilst it is recognised that the site lies within an area of protected land, the provision of limited affordable housing is acceptable at this site and is considered to be appropriate for such provision given its proximity to nearby settlement areas.
- 11.5 The proposed dwellings are bungalows and their design and scale is considered to be sympathetic to the general character of area. The application is accessed from Newarth Lane along which there is a mix of dwelling types. The proposed bungalows proposed on this backland site would have a subordinate appearance to the frontage dwellings.
- 11.6 The layout submitted follows the principles and interface distances recommended with the Council's Design Guide SPD. In some cases there is a shortfall in garden depths but as the dwellings would be bungalows the gardens tend to be quite wide and the reduction in garden depths do not appear to have an associated detrimental impact on the amenities of occupiers of neighbouring dwellings (i.e. no overlooking implications).
- 11.7 Therefore I am satisfied that the development is in compliance with Policy GN3 of the WLLP.

### ***Impact upon residential amenity***

- 11.8 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.9 The submitted plans show a layout that meets with interface distances shown between the proposed dwellings and those which surround it, as per the Council's SPD Design Guide, with any impact further minimised by the limited height of the proposed dwellings (single storey bungalows).
- 11.10 The impact of the movement of vehicles to and from the site via the proposed access is minimised by the presence of fencing/landscaping along the southern boundary. The impact of the resulting vehicular movements over and above those associated with the existing access track on the amenities of neighbouring residents is not considered to be so significant as to warrant a refusal of planning permission.

### ***Highways***

- 11.11 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that all new development should incorporate suitable and safe access and road layout design.
- 11.12 The development will be accessed via an access track from Newarth Lane. On consultation with the Highway Authority initial concerns were raised in terms of the visibility splays in that they cross third party land (not fully within the 'red edge' ownership boundaries and / or the adopted highway) and that sightlines cannot be protected.
- 11.13 The applicant's agent advises that the visibility splay crosses the original landowner's on-going land holding, in order to ensure that the site is developable as part of the land transaction there is a caveat on the land that falls within the visibility splay that it must remain free from anything that could obstruct a driver's view. The Highway Authority raise no objection to this and a planning condition will be attached to any permission to ensure the sightlines remain for the duration of the development.

- 11.14 Concerns have also been raised by the Highway Authority in relation to the swept path drawing which initially only showed vehicles exiting the site and also a conflict with the existing hedge on Newarth Lane. Consequently further swept path assessments have been submitted which demonstrate vehicles can enter and leave the site safely and that vehicles would not cause any damage to the existing hedgerow.
- 11.15 The concerns of local residents on the matter of highway safety have been noted. I am aware of the narrowness of the road adjacent to the proposed access point and the use of the road by slow moving agricultural/horticultural/equestrian traffic. However, it is considered that the applicant has satisfactorily evidenced that the principle of a suitable and safe access to the proposed development site could be provided. Onsite parking provision is also in accordance with the requirements of Policy IF2 of the WLLP.
- 11.16 Overall given that no objections have been raised by LCC Highways, subject to planning conditions, I consider that the development would be in accordance with the requirements of policies GN3 and IF2 in the WLLP.

### ***Ecological considerations***

- 11.17 Policy EN2 in the WLLP seeks to protect biodiversity by resisting development, which would destroy or adversely affect important wildlife habitats.
- 11.18 The Amphibian survey undertaken in 2014 in support of the outline application (2014/0786/OUT) confirmed that ponds within a 250m radius of the application site support a great crested newt metapopulation. The updated 2019 survey 'Habitat Management Plan and Mitigation Strategy for Great Crested Newt' confirmed that the great crested newt population is still present.
- 11.19 Due to initial concerns raised by MEAS in terms of the land on the site that would be retained as great crested newt habitat, amendments to the layout of the scheme have been submitted to include a greater area of great crested newt terrestrial habitat in the northern and western part of the site. In addition to providing a greater area of habitat within the site, the amended layout will result in improved connectivity between retained habitats on the site and great crested newt habitat to the west.
- 11.20 Developments affecting European protected species must be assessed by the Local Planning Authority against three tests set out in the Habitats Regulations as follows:

Test 1: Regulation 55(1)(e): *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*

It is acknowledged though the Local Plan (Chapter 7 and in particular Policy RS2) that West Lancashire has an acute need for more affordable housing. The proposals for this site will assist in meeting the pressing demand for affordable housing in the Borough. This test has been met.

Test 2: Regulation 55(9)(a): *“that there is no satisfactory alternative”*

The application site comprises a semi-derelict, overgrown area of land that was previously used for market gardening purposes. The proposed development would assist in the regeneration of Hesketh Bank and would bring into use a parcel of land which has been unmanaged and semi-derelict for a number of years. Policy RS2 of the West Lancashire Local Plan advises that small scale affordable housing may be permitted on non-green belt land outside settlements, provided that a sequential search for sites has been

undertaken. This search was undertaken by the applicant at the outline planning stage and failed to find a more sustainable and viable site within the settlement boundary of Hesketh Bank. This test has been met.

Test 3: Regulation 55(9)(b): *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

The applicant has submitted a Habitat Mitigation Plan and Great Crested Newt Mitigation Strategy which is acceptable. The proposed mitigation involves the provision of a dedicated area of great crested newt terrestrial habitat within the application site which will include the creation of hibernacula and hedgerow planting along the northern and eastern boundaries. In addition to this, the existing on-site pond will be enhanced for great crested newts. Following the implementation of the mitigation scheme, the site will be able to support great crested newts during their terrestrial phase at similar levels to which they may be currently present on the site for the lifetime of the development. This test has been met.

- 11.21 Overall I am satisfied that, subject to the imposition of suitable conditions as suggested by MEAS, the proposed development is compliant with Policy EN2 in the WLLP.

### ***Trees and Landscaping***

- 11.22 Along the northern boundary of the site are a number of trees that are subject to a Tree Preservation Order. An Arboricultural Method Statement (August 2019) accompanies the planning application. It is proposed to remove 12 lower grade trees and 4 moderate grade trees. There is also some tree removal associated with G1 in relation to ecological aspects.

- 11.23 On consultation with the Councils Arboricultural Officer no overall objections have been raised and he does not anticipate any conflict. The site plan does refer to hedge planting and shows the positioning of new trees – however there are no landscaping details (i.e. details of species, sizes, planting specification and maintenance). This will be subject to planning condition on any approval notice. Overall it is therefore considered that the development would comply with Policy EN2 of the WLLP.

### ***Drainage and Flooding***

- 11.24 A separate drainage system is to be installed. It is proposed to discharge the foul water to a 150mm diameter combined public sewer located in Newarth Lane which is a satisfactory means of disposal.
- 11.25 Surface water will be discharged in a sustainable fashion via a new surface outlet to an existing (unchartered) surface water drain. I note that planning condition 15 of the outline planning permission requested that the rate of surface water discharge shall not exceed 5 litres per second (l/s). Current WLBC guidance now requests for 3 l/s discharge. Negotiations with the applicant's drainage engineer now demonstrate that the surface water discharge has been reduced to a maximum of 2.2 l/s. On consultation with the Councils Drainage Engineer it is considered that the existing flooding in Newarth Lane would not be exacerbated and the applicant has also provided satisfactory maintenance information for the surface water drainage system for the lifetime of the development (page 9, Drainage Strategy & Flood Risk Assessment; Report Reference: LRD30373 Issue: 02 Date: August 2019). No objections have been raised by the Lead Local Flood Authority.

## ***Planning conditions***

- 11.26 The applicant also seeks to discharge conditions 8, 13, 14, 15, 16, 20 and 24 (in part) of outline planning permission 2014/0786/OUT.
- 11.27 Condition 8 in relation to a detailed habitat management plan for great crested newt mitigation areas- can be discharged as detailed in Habitat Management Plan and Mitigation Strategy for Great Crested Newt (*Tyler Grange, 2 December 2019, 12168\_R01b\_JD\_LP*).
- 11.28 Condition 13 in relation to the proposed screen walls and / or fences can be discharged as shown on drawing 1278-104 Rev A.
- 11.29 Condition 14 in relation to details of foul drainage scheme - a separate drainage system is to be installed. With regards to the foul sewage the proposed connection to a combined public sewer is a satisfactory means of disposal.
- 11.30 Condition 15 in relation to details of surface water drainage scheme this can be discharged – the applicant has agreed to reduce the peak surface water discharge to 2.2 l/s and the LLFA have no objection.
- 11.31 Condition 16 in relation to any existing surface water connection to the public sewer from the existing site has been disconnected from the public sewer – the Councils Drainage Engineer can see no evidence of the surface water drainage being connected to the public sewer system and has therefore recommended that this condition be discharged.
- 11.32 Condition 20 in relation to the layout of the development to enable vehicles to enter and leave the highway in a forward gear - the details provided are acceptable to LCC Highways.
- 11.33 Condition 24 in relation to a contaminated land survey - The phase 1 and 2 reports have been accepted and can be seen as complying with the relevant planning condition. The councils Environmental Health Officer confirms that there is outstanding works required following upon the findings of the Phase 2 report will require action in the remediation works stage and as such can be conditioned separately awaiting approval from the local authority.
- 11.34 Permission is also sought for variation to the section 106 agreement through a Deed of Variation. The applicant is Adatcus Housing Association who propose that the scheme will be for 100% affordable rent tenure. Minor variations to the terms and conditions of the affordable housing are proposed and have been agreed in principle with the Council's Housing Strategy Manager.

## **12.0 RECOMMENDATION**

- 12.1 That the decision to grant planning permission be delegated to the Corporate Director of Place and Community 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
- 12.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 11.1 above be subject to the following conditions:

## Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference 1278-109; 1278-108; 1278-107; 1278-106; 1278-105 and 1278-110 received by the Local Planning Authority on 16/09/2019.  
Plan reference 1278-101 received by the Local Planning Authority on 02/12/2019.  
Plan reference 1278-104 received by the Local Planning Authority on 17/01/2020.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. Notwithstanding any description of materials in the application, 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 and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.  
The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.  
Reason: 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. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.  
The details shall relate to all land surfaces not built upon and shall include:
  - Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
  - hard surfaced areas and materials,
  - planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
  - existing plants / trees to be retained
  - A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.  
Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: 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 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.  
Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.



6. 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.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. The undertaking of the great crested newt mitigation and habitat management works (in perpetuity) as set out in the Habitat Management Plan and Mitigation Strategy for Great Crested Newt (Tyler Grange, 2 December 2019, 12168\_R01b\_JD\_LP) shall be implemented for the duration of the development.  
Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.
8. No development shall take place until the Local Planning Authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified development to go ahead or evidence that the site has been registered under the great crested newt low impact class licence.  
Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.
9. No part of the proposed development hereby permitted shall be commenced until details of the proposed ground and floor levels of all parts of the site, including the finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the finished floor levels of any proposed dwellings/buildings 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.  
Reason: These details are required prior to the commencement of development 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.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window or openings shall be added to the rear southern elevation of Plots 1, 2 and 3 until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority  
Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. The proposed screen walls and / or fences shall be that as detailed drawing 1278 104 Rev A received by the Local Planning Authority on 17/01/2020. The boundary treatment shall be implemented in accordance with the approved details prior to the occupation of the first dwelling house.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. The foul and surface water drainage scheme shall be implemented as detailed on:  
Preliminary Drainage Layout, reference 30373-620, revision P3;  
Plan Indicating Flood Routing, reference 30373-6020, revision P1;  
Plan Indicating Drained Areas, reference 30373-6021, revision P1; and

Drainage Strategy and Flood Risk Assessment, dated August 2019 (Rev 003)  
received by the Local Planning Authority on 26/02/2020

The drainage scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling house.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. All proposed hardstanding areas shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries.

Reason: To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. As per the approved plans, before the access is used for vehicular purposes the visibility splays measuring 2.4m by 17m in both directions should be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Newarth Lane. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metres in height above the height of the centre line of the adjacent carriageway. For the avoidance of doubt the developer is advised that the development must be completed in accordance with the approved details to fully meet the requirements of the Condition.

Reason: To ensure adequate visibility at the site access in the interests of highway safety and in order to comply with Policy GN3 in the West Lancashire Local Plan Development Plan Document.

15. The parking provision shown within the curtilage of each dwelling on the approved plans ref 1278-101 shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.

Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. No development shall take place 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. Thereafter the proposed streets shall be managed and maintained in accordance with the approved details.

Reason: In the interest of highway safety and in order to comply with Policy GN3 in the West Lancashire Local Plan Development Plan Document.

17. No development shall take place until an investigation and risk assessment (in addition to the Phase I and Phase II reports provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to:

i. human health,

ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,

iii. adjoining land,

iv. groundwaters and surface waters,

v. ecological systems,

vi. archaeological sites and ancient monuments;

c) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Note(s)**

1. The applicant is advised that the new access onto Newarth Lane will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Lancashire Highways by e-mailing [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk).
2. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given.  
The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Further information regarding the application process can be found at <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

### **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 Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:  
GN1 Settlement Boundaries  
GN3 Criteria for sustainable development  
GN5 Sequential Tests  
RS1 Residential development  
IF2 Enhancing sustainable transport choice  
EN2 Preserving and enhancing West Lancashire's natural environment  
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.