



**PLANNING COMMITTEE
8 DECEMBER 2016**

Report of: Director of Development and Regeneration

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SUBJECT: PLANNING APPLICATIONS

Background Papers

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Scarisbrick	2016/1062/FUL	10 Churchfields Scarisbrick Ormskirk Lancashire L40 9SE Single storey rear extension; two no. rear first floor dormers; sundry additional windows and conversion of part of the existing garage to habitable accommodation.	Planning permission be granted. Pages 4 - 9
2	Hesketh-with-Becconsall	2016/0279/ARM	Henry Alty Ltd Station Road Hesketh Bank Preston Lancashire PR4 6SP Approval of Reserved Matters for the erection of 212 dwellings including associated infrastructure and details of appearance, landscaping, layout and scale.	The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into. Pages 10 -33

3	Birch Green	2016/0832/FUL	<p>Former Silver Birch Hotel Flordon Birch Green Skelmersdale Lancashire WN8 6PB</p> <p>Demolition of existing vacant commercial building and construction of mixed use development comprising 4 no. retail/commercial units and 18 no. self-contained apartments with associated car parking and landscaping.</p>	<p>Planning permission be granted.</p> <p>Pages 34 - 45</p>
4	Ashurst	2016/0769/ARM	<p>Land To The East Of Whalleys Road Skelmersdale Lancashire</p> <p>Approval of Reserved Matters - Residential development of 202 units comprising 2, 3 and 4 bed properties with associated roads, footpaths and landscaping.</p>	<p>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</p> <p>Pages 46 – 61</p>

No.1	APPLICATION NO.	2016/1062/FUL
	LOCATION	10 Churchfields Scarisbrick Ormskirk Lancashire L40 9SE
	PROPOSAL	Single storey rear extension; two no. rear first floor dormers; sundry additional windows and conversion of part of the existing garage to habitable accommodation.
	APPLICANT	Mr & Mrs Prescott
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	6th December 2016

1.0 REFERRAL

- 1.1 This application was to be dealt with under delegated powers, however, Councillor Jane Marshall has requested that it is referred to Planning Committee to consider the impact of the development on the amenity of local residents.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2016/0368/FUL - Single storey rear extension, two no. rear first floor dormers, sundry additional windows and conversion of part garage to habitable accommodation REFUSED
- 2.2 1990/0711 - 10 detached dwellings and garages re-submission of planning permission 8/89/895) GRANTED 10.08.1990

3.0 CONSULTEE RESPONSES

- 3.1 SCARISBRICK PARISH COUNCIL (08/11/16)
The proposal would overlook and result in a loss of privacy to neighbouring property.

4.0 OTHER REPRESENTATIONS

- 4.1 The Council has received 4 letters objecting to the proposal on the following grounds:

Loss of privacy;
Overlooking of habitable rooms and garden areas;
Overbearing form of development;

The original grant of planning permission for 10 Churchfields was for a bungalow not a house;
Objector advised that the only windows allowed to the rear of the property would be velux windows;
The reasons for having rear dormers do not make sense.

5.0 SUPPORTING INFORMATION

5.1 The applicant has submitted a letter in support of their planning application. This can be summarised as follows:

House layout does not work;
Kitchen too small;
Velux windows are noisy during stormy weather, hail and heavy rain;
During summer the light bleaches furnishings;
Proposal would not result in a loss of privacy;
Existing properties overlook one and other;
The rear conservatory at no.28 is screened from view by a garage;
Application is to improve quality of life;
Planning advice has been sought.

6.0 LOCAL PLAN ALLOCATION

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

6.2 The site is located within the settlement area of Scarisbrick, designated as a Small Rural Village in the West Lancashire Local Plan.

6.3 West Lancashire Local Plan (2012-2027) DPD
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development

6.4 Supplementary Planning Document, Design Guide (Jan 2008)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

7.1 The proposal relates to a detached dwelling house and detached garage in the south western corner of Churchfields cul-de-sac. The dwelling house sits in a triangular shaped plot.

The Proposal

- 7.2 Planning permission is sought for a single storey rear extension projecting rearwards 3m and spanning the full width of the property. The extension links the detached garage and house. The proposed extension has a flat roof (2.70m in height) with a large roof lantern. As part of the works a section of garage will be converted into living accommodation.
- 7.3 Also proposed are 2 rear first floor pitched roof dormer windows which have a ridge height of 5.9m and sit within the eaves level of the property.
- 7.4 A number of windows are also proposed as part of the works.

Assessment

- 7.5 This planning application is a resubmission of planning application 2016/0368/FUL “Single storey rear extension, two no. rear first floor dormers, sundry additional windows and conversion of part garage to habitable accommodation,” which was refused planning permission on the following grounds:

“The proposed dormers to the rear roof slope conflict with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and supplementary planning document 'Design Guide' (Jan 2008) in that the proposed rear dormer windows would directly overlook windows and private amenity space of the neighbouring property of number 4 Everard Close, resulting in an unreasonable loss of privacy to the detriment of the amenities of adjoining neighbour.”

- 7.6 The main difference between this planning application and planning refusal 2016/0368/FUL is the bottom of the windows in the rear dormers is 1.7m above floor level, thereby preventing overlooking of adjacent properties.
- 7.7 The main considerations in the determination of this application are;

Design / appearance / amenity
Impact upon neighbouring properties
Highways / parking

Visual appearance / design / amenity

- 7.8 Policy GN3, criterion vi of the West Lancashire Local Plan states that where proposals involve extensions to existing buildings, the design should relate to the existing building and should not detract from the character of the street scene. Supplementary Planning Document, Design Guide gives further advice for extensions to dwellings and states that extensions should be; subservient in size, scale and mass to the original dwelling and never dominate or be

disproportionate to the existing dwelling and should have a built form which relates to the character and appearance of the existing property.

- 7.9 The proposed single storey extension would be a subordinate addition to the property in terms of scale and height. Whilst the extension would run the full width of the property and link up with the existing garage I do not consider that the proposal would result in a disproportionate extension which would harm the character of the host building.
- 7.10 Similarly the proposed dormers conform to aspects contained within the SPG, Design Guide in that they are small pitched roof dormers, confined to the rear roof slope and are set and down from the ridge. The number of new openings to the dwelling would not in my opinion result in harm to the character of the host building.

Impact upon adjoining land uses

- 7.11 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.'
- 7.12 This planning application proposes 2no. rear dormers measuring 0.9m wide x 2.3m long x 1.5m high. To address the reason why planning application 2016/0368/FUL was refused the proposal shows the rear dormers 1.7m above the floor level. In my opinion this would be acceptable as the proposed dormer windows would not afford views out of the bedrooms. There are existing velux windows in the roof slope and I do not consider that proposal would worsen the situation in relation to actual overlooking. Whilst there may be an increased perception of overlooking, there are existing windows in the roof in a similar position and existing dormer windows in the Everard Close properties which are clearly visible from the application site. Given this position, I cannot conclude that the existing position would be demonstrably worsened sufficient to warrant a refusal of this application.
- 7.13 The dwellings of number 2 and 4 Everard Close are situated on land approximately 0.50m higher than the application property. The boundary treatment between these dwellings and the application property is a 1.80m high closed timber board fence.
- 7.14 The separation distance between the kitchen window at no.4 Everard Close and kitchen/dining room window in the proposed extension would be approximately 6.50m. The living room at no.4 Everard Close would be approximately 9m from the kitchen/dining room in the proposed extension. Whilst there is some overlooking between the application site and properties to the rear, this is primarily because the properties on Everard Close are at a higher level and there rear facing windows have a clear view into the application site. The issues of overlooking are somewhat mitigated by the existing boundary fence I and do not

consider the existing situation would be materially worsened as a result of the proposed single storey extension.. In terms of the impact to neighbouring dwellings I do not envisage that the form and scale of the single storey extension would result in an overbearing development or one that would result in a loss of light.

- 7.15 The application also includes alterations to the existing fenestration and the provision of 3 new side facing windows at ground floor level in the elevation facing number 8 Churchfields. The side facing lounge windows would look onto a blank gable wall, and the proposed family room window would look onto a boundary fence. I consider the proposed windows to be acceptable in principle.
- 7.16 I consider that the application as submitted addresses the reason why planning application 2016/0368/FUL was refused and the scheme would not have a significant detrimental impact on the amenities of adjoining properties.

Highways

- 7.17 The application ensures that there would be sufficient car parking within the site. Policy IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document recommends that 4 bedroom properties have 3 off street car parking spaces.
- 7.18 Whilst the proposal would result in the loss of one garage space, a single garage and drive are retained which will provide an adequate level of parking for the property.

8.0 RECOMMENDATION

- 8.1 That planning permission be GRANTED subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. All external brickwork and roofing materials shall be identical to those on the existing building in respect of shape, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference 2289/rev16/1b received by the Local Planning Authority on 25/11/16

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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.
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.

Reason for Approval

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

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.

No.2 APPLICATION NO.	2016/0279/ARM
LOCATION	Henry Alty Ltd Station Road Hesketh Bank Preston Lancashire PR4 6SP
PROPOSAL	Approval of Reserved Matters for the erection of 212 dwellings including associated infrastructure and details of appearance, landscaping, layout and scale.
APPLICANT	Persimmon Homes Lancashire
WARD	Hesketh-with-Becconsall
PARISH	Hesketh-with-Becconsall
TARGET DATE	17th June 2016

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2013/1258/OUT GRANTED (30.04.2015) Outline - Residential development across two phases, including associated garages, roads, landscaping and public realm creation in the form of a linear park and B1 employment uses. Details of access included.
- 1.2 2004/1057 REFUSED (29.07.2005) Redevelopment of land for mixed use of employment and residential incorporating the erection of a building and use of land for storage, display and sale of building and horticultural supplies, erection of a block of individual units, provision of associated car parking and vehicle manoeuvring areas, erection of 83 dwellings, new access roads and provision of public open space.
- 1.3 2003/1462 GRANTED (20.05.2004) Erection of building for the storage, sale and distribution of horticultural supplies.
- 1.4 Adjacent site 2007/0553/FUL GRANTED (19.11.2007) Erection of foodstore with tea shop, car parking, servicing, associated landscaping and creation of three ponds.
- 1.5 Adjacent site 2005/0333 GRANTED (11.07.2005) Reserved Matters - Refurbishment and two-storey rear extension to existing building to provide three shop units with flat above and provision of car park at side.
- 1.6 Adjacent site 2003/0905 GRANTED (19.05.2004) Outline – Erection of Foodstore (1765sqm); car parking; service area; new access and extension to existing shop (including details of siting and access)

- 1.7 Adjacent site 2013/0858/OUT GRANTED (14.10.2013) Outline - Three detached dwellings including details of access.
- 1.8 Adjacent site 2013/1329/OUT GRANTED (13.02.2014) Outline - Construction of 2 No. detached homes including details of access.

2.0 CONSULTEE RESPONSES

- 2.1 LCC HIGHWAYS (6/6/16) - the Highway Authority recommend changes to the internal layout. A cycle link should be provided to Astland Gardens and all off road paths should be 3.5 m wide. A turning head is required to allow refuse vehicles to turn within the site. Consideration should be given to the size of internal garages. The design of internal access roads should accord with guidance in Manual for Streets and be designed to ensure speeds are kept below 20mph. The grass verge should be removed from the site access road and relocated to the back edge of the footpath. Clarification is required regarding the phase 2 access in relation to land ownership issues and the presence of existing private car parking. Conditions recommended.

LCC HIGHWAYS (3.10.16)- In relation to the amended plans received LCC remain concerned about the southern access due to land ownership issues and require clarification that the applicant has control over all the land required for the southern access. LCC would recommend changes to the southern access to incorporate footpath provision and allow the road to be adopted. LCC recommend that off road paths are 3.5m wide rather than 3m as shown on the submitted plans. The turning head to serve plots 123-131 needs to be proved via the submission of swept path plans. The garage sizes remain below the recommended standard. There are areas where streets and paths have not been designed to adoptable standard. Other matters also require consideration e.g. access to the light railway and parking for the fishing pond/railway. (*swept path analysis and further amended plans submitted and further comments awaited*).

- 2.2 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (13.04.16) - The possibility of likely significant effects on European sites has been considered using the source-pathway-receptor model. These pathways can be sufficiently addressed by the implementation of a Construction Environmental Management Plan (CEMP) which would result in no likely significant effects. Provided a CEMP is required by condition and implemented, the proposed development will have no likely significant effects on Martin Mere SPA, Martin Mere Ramsar, Ribble and Alt Estuaries SPA and Ribble and Alt Ramsar.

The development will have a direct effect on the Hesketh Bank South Brickworks BHS and is adjacent to the Douglas Estuary Biological Heritage site. The supporting information identifies recommendations for habitat creation and mitigation. The development is unlikely to harm, the features for which the sites have been designated provided the CEMP is adhered to.

The proposed development will affect European protected species. Therefore the LPA must assess the development against the three tests set out in the Habitats Regulations. The bat report confirms that buildings 1 and 10 are used as day roosts by Pipistrelle bat. Having reviewed the proposals against the three tests, provided the measures set out in section 9 of the bat report are incorporated into the CEMP and ecological mitigation strategy the proposals will not be detrimental to maintaining the Pipistrelle bat population at favourable conservation status.

The great crested newt report confirms a medium population of great crested newt, a European protected species on the site. The proposals have been reviewed against the three tests and provided the measures set out in section 5 of the GCN report are incorporated into the CEMP and ecological mitigation strategy the proposals will not be detrimental to maintaining the GCN population at favourable conservation status. The submitted landscaping plans should be amended to include species which are more favourable for GCN and the Habitat Management Plan should be amended to include recommendations for the de-silting of the GCN ponds.

The submission of copies of Natural England Licences authorising the development to go ahead with regard to bats and great crested newts should be required by condition.

Mitigation for the loss of bird nesting and barn owl roosting habitat will be required which can be incorporated into the Ecological Mitigation Strategy. Invasive species are present on site and their removal should be dealt with within the CEMP. Guidance is provided as to what the CEMP and Ecological Mitigation Strategy should include.

Conditions recommended.

- 2.3 NATURAL ENGLAND (13.05.16) – no objections in principle. Natural England concurs with the view of MEAS that the development is unlikely to have a significant effect on European Protected sites and Appropriate Assessment is not required.
- 2.4 LEAD LOCAL FLOOD AUTHORITY (3.06.16) – no objections in principle as condition 26 on the outline approval requires the submission of drainage details as part of a discharge of conditions application. Prior to designing a surface water drainage scheme for this site, a full ground investigation should be carried out to explore the option of infiltration in preference to discharging to a surface water body. The LLFA Authority should be consulted on the discharge of conditions application when it is received.
- 2.5 DIRECTOR OF LEISURE AND WELLBEING (24/05/16) - No objections in principle to this application subject to conditions relating to the submission of a noise survey, restrictions on hours of construction and dust management.

- 2.6 UNITED UTILITIES (12.04.16) – the current housing layout impacts the public sewerage system on site therefore a solution to this matter should be agreed with UU. In accordance with the NPPF and NPPG the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. A condition is recommended for the management and maintenance of SUDS.
- 2.7 POLICE ARCHITECTURAL LIAISON OFFICER (23.03.16) comments provided regarding security considerations within the proposed development. Alterations to the design of the scheme would reduce crime risks.
- 2.8 CANAL AND RIVER TRUST (08.04.16) – no objections or comments to make on the proposed development.
- 2.9 ELECTRICITY NORTHWEST (05.04.16) – there are multiple HV and LV circuits which run through the proposed development site in addition to the existing distribution substation. The applicant is advised that care must be taken when excavating and any circuit diversions must be carried out at the applicant's expense.

3.0 OTHER REPRESENTATIONS

- 3.1 HESKETH BANK AND TARLETON ACTION GROUP (24.04.16) – object to the application on the grounds that the development does not comply with the Council's Local Plan policies. In particular the applicant is proposing to build on land designated as Coastal Zone where residential development is not permitted by policy EN2 in the Local Plan. The development does not comply with Policy EC3 as the development does not include any employment generating uses. HBTAG are concerned that it is not clear how the linear park will be provided. The proposed dwellings are generic house types and not specifically designed for the proposed location. The layout will result in loss of amenity to local residents and is out of character with the local area. The proposal represents over-development of the site and the density is too high for a site that is not well served by public transport. There is no evidence that the scheme meets the policy requirement to provide 20% of dwellings to be suitable for elderly accommodation or the required level of affordable housing. The applicant should be required to develop the brownfield site before the greenfield site. The application fails to address how the public right of way will be protected and enhanced. The scheme will have a detrimental impact on highway conditions within Hesketh Bank and Tarleton.

HESKETH BANK AND TARLETON ACTION GROUP (15.07.16) - Concern expressed about the relationship of the proposed dwellings to existing bungalows in Astland Gardens and impact on Astland Gardens streetscene. The site layout lacks imagination and does not deliver bungalows which are needed within

Hesketh Bank. Local Plan policies prohibit residential building on land designated as Coastal Zone. Proper account is not being taken by the applicant of the landscape history and coastal designations. The scheme does not include any uses other than residential and therefore does not comply with the Local Plan.

HESKETH BANK AND TARLETON ACTION GROUP (25.10.16) – Clarification required over number of dwellings. Object over the scale and orientation of development. Does not conform to national or Local Plan planning policies EN2.5 Coastal Zone, EC3 Rural Development Opportunity, IF2 Linear Park, GN3 Sustainable Development, RS1 Residential development, RS2 Affordable Housing, GN1 Settlement Boundaries. The application also affects a right of way and the increase in traffic will impact on local roads without enough infrastructure to support the proposal and there needs to be further traffic surveys. The design is standard with no link to local distinctiveness and is out of character with neighbouring properties. Density is too high and should be no more than 30 dwellings per hectare. The resultant over-development will have a detrimental impact on local infrastructure and lives of existing and future residents. The development is developer led not plan led.

3.2 In addition I have received 45 neighbour representations objecting to the development on the following grounds:

- Increased traffic along the only road into and out of Hesketh Bank
- Inadequate services in area – dentists, doctors, schools
- Loss of greenfield
- Development in the protected coastal zone (49 dwellings) contrary to Local Plan and the Independent planning Inspectors report into the Local Plan
- Loss of wildlife
- Development not needed as already lots of houses for sale in area
- Increased risk of flooding
- Insufficient drainage, water and electricity capacity in area
- Lack of affordable and specialist houses
- Main road through Hesketh Bank/Tarleton already damaged
- Housing will be too expensive
- Unsympathetic
- Will disturb existing surface water field drains
- Inappropriate to have so many two storey houses adjacent to existing bungalows
- Loss of privacy and overshadowing
- Removal of hedges
- Three storey dwellings unacceptable in this area
- Lack of delivery of a substantial part of the linear park
- Already been traffic accidents on main road and an updated traffic survey needed now that development on Plox Lane built
- Poor design
- The application should also address issues relating to business and leisure requirements of the site

- Lack of masterplanning
- Lack of intrusive investigation into contaminated land on the brownfield site
- Loss of geological heritage site
- Brownfield site should be developed first before greenfield development is undertaken
- Queries about the maintenance of the ditch along the boundary
- Flooding will occur in times of high tide
- No details provided of protection of the BHS and how the linear park will be delivered
- Lack of public transport in area
- No clarity on the provision of future access points to approved houses off Station Road
- Putting safety of pedestrians and cyclists at risk

4.0 SUPPORTING INFORMATION

4.1 The application is supported by the following information:

Habitat Management Plan
 Design and Access Plan
 Arboricultural Impact Assessment
 Statement of Community Involvement
 Planning Statement
 Bat and Barn Owl Survey
 Great Crested Newt and Amphibian Survey
 Viability Assessment
 Affordable Housing Statement

5.0 RELEVANT PLANNING POLICIES

- 5.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) (WLLP) provide the policy framework against which the development will be assessed.
- 5.2 The site is allocated as EC3 – Rural Development Opportunity site in the Local Plan. The site also includes the following designations:
 EN2.1 Nature Conservation Sites/Major Wildlife Corridor
 EN2.5 Coastal Zone
 EN2.6 Landscape of Local History Importance
 IF2.1 Linear Park
- 5.3 Relevant West Lancashire Local Plan policies:
 SP1 – A Sustainable Development Framework for West Lancashire
 GN1 – Settlement Boundaries
 GN3 – Design of Development
 GN4 – Demonstrating Viability

EC3 – Rural Development Opportunities
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire’s Built Environment

In addition the following supplementary documents are material considerations:

SPD – Design Guide (Jan 2008);
SPD – Provision of Public Open Space in New Residential Developments (July 2014); and,

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 6.1 The site comprises part of a site previously granted outline planning permission for a mixed-use development (2013/1258/OUT). The site itself includes an area of approximately 8 hectares and forms approximately two thirds of the land granted outline planning permission. The site is located within the key sustainable village of Hesketh Bank. It is bound to the north by the West Lancashire Light Railway, a Biological Heritage Site and a fishing pond. To the east is the Douglas Boatyard, public footpath and River Douglas. The southern boundary is denoted by a ditch with a small field and residential development beyond. The western boundary comprises a mix of residential properties, leading off Greenways, Astland Gardens, Station Road, Mill Lane along with Booths supermarket.
- 6.2 The site is irregular in shape and comprises the previously developed land occupied by Alty’s. There is an assortment of buildings on the site, mostly fairly old and in poor condition (brick and corrugated sheet) and used for storage and sales of horticultural material, as well as areas of hardstanding. To the south of this is a greenfield area, the northern section of which incorporates a vegetated area and Great Crested Newt mitigation ponds (required as mitigation for displacement of GCN’s on the Booths site). This area forms the Hesketh Bank Brickworks South Biological Heritage Site and the Coastal Zone. The southern section of the greenfield site is grazing land and rented to a tenant farmer. This part of the site slopes steeply down towards the River Douglas to the west and also to the south. Land along the eastern edge of the application site is also designated as the River Douglas Corridor BHS.

Background

- 6.3 Outline planning permission, with all matters reserved except access, was granted for a mixed use development on the site (comprising, residential, landscaping and public realm creation in the form of a linear park and B1 employment uses) on 30th April 2013 (Ref: 2013/1258/OUT). The outline permission includes 34 conditions and a S106 Agreement that secures the provision of affordable and specialist housing for the elderly subject to viability and an affordable housing scheme, marketing and phasing of the employment land, provision and maintenance of public open space and a primary school contribution if required. No conditions have yet been discharged; however, this Reserved Matters application seeks to include details of some conditions (namely Condition 2 – layout, scale, external appearance and landscaping; Condition 3 – access; Condition 4(c), (d), (e) (f) and (h) – materials, parking, boundary treatment, trees and landscaping including management; Condition 7 – levels; Condition 18 – tree method statement; Condition 20 (landscaping and habitat management plan; Condition 22 – bat and barn owl mitigation; Condition 23 – Great Crested Newt mitigation; Condition 24 – Amphibian Survey).

The Proposal

- 6.4 This is a reserved matters application for the erection of 212 dwellings. The application includes details of site layout, scale, appearance and landscaping. The site is separated into two distinct parts, one accessed off a proposed roundabout on Station Road, utilising the existing access to the Alty's business, the other accessed directly off Hesketh Lane, between 264 and 266 Hesketh Lane. The principle of both these access points has previously been approved under the outline permission for the site.

- 6.5 The proposed dwellings will comprise of:

15 x 2 bed apartments
11 x 2 bed dwellings
137 x 3 bed dwellings
49 x 4 bed dwellings

Of these, 24 units (15 x 2 bed apartments and 9 x 2 bed dwellings) would be provided as affordable housing. These would be shared ownership tenures due to current difficulties in obtaining grant funding for social rented accommodation. This amounts to approximately 11% of the total number of dwellings. The heights of the properties vary, with the vast majority being two storey, although the apartments are three storey and two of the house-types are two and half storey with rooms in the roofspace.

- 6.6 The two distinct residential areas served off separate access points are different in character with the northern part, on the brownfield site, being of a higher density than the southern part. The two areas are separated by public open

space, which is designated as a Biological Heritage Site and provides mitigation ponds for Great Crested Newts. A footpath/cyclepath connects the two residential areas.

- 6.7 A landscaped buffer zone is proposed along the eastern boundary of the southern part of the site, adjacent to the riverbank public footpath, which will form part of a linear park. A footpath/cyclepath is proposed in this area along with wildflower planting and hedgerows.

Principle of Development

- 6.8 The principle of a residential development on the site has already been established through the approval of outline permission under planning reference 2013/1258/OUT. Although the outline permission was for a mixed use development, the approval of the proposed residential development does not prejudice the delivery of a mixed use scheme on the remainder of the site covered by the outline permission. In this regard, the conditions pertaining to the outline permission are still applicable. There have been no significant policy changes in the interim which may have affected this decision, therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy RS1 of the Local Plan.

Affordable and Specialist Housing for the Elderly

- 6.9 Provision of 35% affordable housing is required on sites of this scale under the terms of Policy RS2 of the Local Plan in this locality. In addition to this, Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly. Policy is flexible as to how this requirement should be met, and this provision can form part of the affordable housing provision. The outline planning permission included a S106 Agreement that incorporated the above provisions and also included an 80:20 tenure split of social rented to intermediate affordable housing types.
- 6.10 However, a detailed viability assessment has been submitted by the applicant. This initially indicated that the site would not be viable with any affordable or specialist housing for the elderly provision or lifetime homes and therefore 0% was offered. I therefore instructed an independent assessment of the applicant's viability study by Keppie Massey. Keppie Massey found that, after various re-runs of the appraisal, subject to minor differences, the costs and values of the applicant's viability appraisal were acceptable – there are considerable "abnormal" costs associated with the site such as the improvements to Hesketh Lane/Coe Lane and the costs of abnormal foundations. However, they considered the land value to be too high if relocation costs of the business were included. However, this was balanced against the lower profit return to the developer of 15% (as opposed to some profits level being acceptable at 20%). The resulting agreement on viability at the point at which the applicant and landowner are willing to develop the site and the Council's advisors consider to

be acceptable has been reached at 11.3% affordable housing all as shared ownership tenure (24 units).

- 6.11 In terms of specialist housing for the elderly and lifetime homes compliance five of the ground floor apartments would be suitable and the majority of the dwellings have level access and would be constructed to comply with Part M of the Building Regulations regarding accessibility. In addition, the affordable units would be required to comply with Registered Provider's space standards.

Siting, Layout and Design

- 6.12 Policy GN3 in 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 characteristic of the site and its surroundings. New development is required to have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 6.13 Concerns have been raised regarding the density of the proposed development; however, the proposed development for 313 dwellings equates to a housing density of 38 dwellings per hectare, which is reasonable for the site given its location within the settlement boundary of this sustainable village and is in accordance with Policy RS1. Various types and size of dwellings are proposed, including 2 bedrooomed apartments, 2 bedroom houses and 3, 4 and 5 bed detached houses as a mix of terraced, semi-detached and detached. The two apartment blocks are sited on the northern part of the site, close to the entrance and adjacent to the Booths site. Here, the land rises over the bridge and Booths and its associated car park are elevated so as to ensure the proposed three storeys are not prominent and out of character with the surrounding area. There is a bank of proposed car parking along this boundary, which abuts the existing Booths retaining wall.
- 6.14 Generally there is a good mix of dwellings and adequate interface distances and garden lengths have been provided which ensures acceptable privacy and amenity space standards are compliant with the Council's SPD Design Guide. The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout.
- 6.15 The creation of two access points to the site and the creation of the linear park along the eastern boundary provide an opportunity for the site to be permeable in terms of linkages. There is an existing Great Crested Newt mitigation area and Biological Heritage Site in between the two separate residential areas and this area has been treated with sensitivity through the introduction of hedging to offer protection to the area, along with the provision of more formal footpath links through it. The layout of the site ensures that public areas of amenity space are overlooked.

- 6.16 Concerns have been expressed about the design and height of some of the proposed dwellings and it is considered by some local residents that the proposed development does not fit with the character of the area. Whilst I acknowledge concerns about the uniformity of the design and the use of standard house-types and accept somewhat the fact that the use of general house-types is not an innovative design approach, since the surrounding area is not of a specific character, overall I am satisfied that the design and layout of the scheme adheres to the principles within the NPPF and the Local Plan. In terms of height of properties, there are only two house-types that are of 2 and half storey height at 9m (with the houses incorporating dormer or velux windows in the roof space). These are generally within the central part of the northern site. There is a block of 4no 2 and half storey dwellings adjacent to 20 Astland Gardens, which is a bungalow. However these are set 5m from the side boundary of this property, approximately 16m from the side elevation with an intervening shrub and tree screen. In my view, the variety of heights adds interest to the overall scheme, which breaks up the overall uniformity.
- 6.17 Each dwelling benefits from a private amenity area. These generally meet and exceed the recommended garden lengths specified in the Council's SPD, although on some of the plots this is reduced to accommodate a rear pathway. Although some gardens are narrow they are generally commensurate with the size of the dwelling proposed.
- 6.18 Although residents have expressed concerns that a more spacious layout has not been proposed on this village site close to the River with Green Belt beyond, on balance I am satisfied that design, layout and scale maximises the use of the land and complies with relevant local plan policies and the Council's Design Guide and would not significantly adversely affect the character and appearance of the local area.

Impact on Residential Amenity

- 6.19 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide.
- 6.20 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property.
- 6.21 A number of residents immediately adjoining the site have raised concerns about loss of privacy and overlooking. 30 Station Road adjoins the site at the entrance and Plots 90 and 91 sit close to the boundary. The proposed Chedworth house type on Plot 90 includes a ground floor WC and a first floor landing window on the

gable elevation, which will be conditioned to be obscurely glazed to avoid any potential for overlooking of the garden. The proposed Roseberry house type at Plot 91 faces the rear garden of 30 Station Road, however it includes an 11m rear garden and no direct views towards the existing house are afforded.

- 6.22 Planning permission has been granted for residential development at Mill Lane, bordering the site; however I am satisfied that the layout of the proposed development has taken into account development on this land and the relevant interface distances have been adhered to. Likewise, development to the rear of 266 Hesketh Lane for has been approved in outline for two dwellings and this has been taken into account in the design of the layout.
- 6.23 A number of properties along Astland Gardens abut the site. No.s 9-15 Astland Gardens have long rear gardens and interface distances of between 40m and 29m are maintained. A distance of 22m between rear facing windows is maintained to 17 and 19 Astland Gardens in accordance with the Council's SPD Design Guide. However, 19 Astland Gardens is an end property that includes windows to habitable rooms on its gable elevation. The distance between the rear facing windows on the proposed Hanbury house types at Plot 77 and 78 directly facing the gable of 19 Astland Gardens is 20m to the ground floor dining room and 21m to the first floor bedroom in compliance with the Design Guide.
- 6.24 The distance between 20 Astland Gardens and the gable of the proposed house at Plot 72 is 16m and there is one obscure glazed first floor bathroom window on the gable of the Souter housetype, therefore no direct overlooking will occur. Finally, the detached property Over Astland borders a significant length of the western boundary of the site. The blank gable elevations of two Winster housetypes face Over Astland, however the distance between the properties is 25m in compliance with the SPD Design Guide.
- 6.25 In terms of residential amenity, whilst there will be a significant amount of new residential development bordering existing properties, I am satisfied that the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.
- 6.26 The main impacts of any significant residential development in this area would be during the construction phase of development in terms of noise; and in the longer term, from increased traffic and use of local services generated by the development. Whilst some noise will be generated during the construction phases, this will be subject to environmental control and condition 17 of the outline permission requires the submission of a Construction Environmental Management Plan (CEMP) which would provide the necessary measures to control noise levels, construction traffic routing etc.

Highways and Parking

- 6.27 The proposed access points to the development from Station Road and Hesketh Lane have already been approved in principle under the outline planning permission as has the impact of the development on highway capacity and safety and there has been no material change in circumstance since this time. All the requirements of the conditions imposed on the outline permission are still applicable relating to the design and provision the accesses as well as the off-site highway improvements – eg. Provision of footways and junction improvements at Hesketh Lane/Church Road.
- 6.28 In terms of parking provision, I am satisfied that each dwelling has been afforded an appropriate parking provision. Some parking will be lost for the existing computer premises at 264 Hesketh Lane, however, three spaces have been provided outside the proposed adoptable highway boundary and access will be afforded to the rear of the property. It should be noted that this property is under the same ownership as the application site at present. Condition 16 of the outline permission requires that a Parking and Management Strategy be submitted to and approved by the Local Planning Authority. The submission of this document will deal with the management of roads and parking areas that will not be adopted by the Highway Authority as well as detailing the parking provision for users of the fishing lake, light railway and linear park on the northern parcel of land not included in this Reserved Matters application. No development to be served off the proposed northern roundabout access on Station Road will be allowed to commence until an acceptable parking strategy has been agreed.
- 6.29 In terms of manoeuvring, the proposed site layout has been considered by the Highway Authority who is satisfied that the general layout is acceptable. The Highway Authority do, however, raise a number of concerns which generally relate to turning heads and the fact that some of the site will not be laid out to adoptable standard. As such, the applicant has stated that a management company will maintain these areas (such as private “shared accesses”). I am satisfied that vehicles can manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in the local area. On this basis I am satisfied that the proposed is compliant with Policy GN3 and IF2 in the Local Plan.

Trees and Biodiversity

- 6.30 A detailed landscaping scheme has been submitted which includes the layout and planting of the linear park as well as incidental planting within the residential areas which will increase biodiversity and assimilate the development into its semi-rural surroundings. In addition, the majority of TPO trees within the site will be retained (a number of groups of lower quality trees will be removed to accommodate the development along with four TPO trees). A high quality oak tree originally proposed for removal has now been retained with a re-plan of the layout in the area to the rear of Mill Farm.

- 6.31 I am satisfied that suitable compensatory planting has been provided to mitigate for the loss of existing trees. Whilst some details of habitat management have been provided by the applicant, further maintenance details are still required in order to satisfy conditions on the outline planning permission.
- 6.32 The applicant has submitted a number of ecological surveys, which were required to be undertaken as part of the outline planning permission due to the fact that three areas within or adjacent to the site are designated as Biological Heritage Sites and are subsequently subject to Policy EN2.1 (Nature Conservation Sites/Major Wildlife Corridor) as well as being close to the Ribble and Alt Estuaries SPA and Ramsar and the Martin Mere SPA and Ramsar. The proposed development has been assessed under the Habitats Regulations with regards to European protected sites. Although there are pathways that could give rise to likely significant effects, these pathways can be sufficiently addressed by the implementation of a Construction Environmental Management Plan (CEMP). MEAS have advised that provided the correct Health and Safety procedures are in place to protect human health during construction and the CEMP is implemented, the proposed development will have no likely significant effects on the above European protected sites. This view is shared by Natural England.
- 6.33 The proposed development has also been assessed against the three tests set out in the Habitats Regulations for site's affecting European protected species, in this case, bats and Great Crested Newts. MEAS conclude that, provided the measures set out in the bat and Newt reports are implemented, the proposals will not be detrimental to maintaining the local Pipistrelle bat populations and the Great Crested Newt populations at favourable conservation status. Full details of the Habitats Regulations Assessment (HRA) for European Protected sites and species affected by the proposed development can be found on the Council's website. This can be summarised as follows:

HRA for Natura 2000 sites (Martin Mere SPA; Martin Mere Ramsar; Ribble and Alt Estuaries SPA; and Ribble and Alt Estuaries Ramsar)

- Development of the site is unlikely to result in habitat loss by direct land take for the qualifying features. There is sufficient distance between the Ribble and Alt Estuaries SPA and Ramsar sites to the north, and the development site, that the proposals will not have a direct impact on the European protected sites.
- The site is located approximately 100 metres from potentially suitable foraging habitat to the east. The noise levels are estimated to average 75 dB(A) within the site during the construction phase. It is concluded that there would be no likely significant effect as birds have been shown to tolerate continuous noise to a level of approximately 55dB(A) to 85 dB(A) and as the nearest supporting habitat is approximately 100 metres from the proposed site the continuous noise level is likely to have reduced to 35 dB(A). Moreover, the noise is likely to reduce further due to the presence of trees and a river flood bank between

the development site and area of functionally linked land; and the area of supporting habitat extends well beyond this distance offering opportunities for birds to maintain a longer distance away from the proposed works if necessary.

- It is concluded that there would be no likely significant effect on visual disturbance since the proposed site is screened by existing vegetation and an elevated river bank, the development site is 100 metres from the nearest edge of the supporting habitat (this is beyond the distance where significant displacement effects would be expected) and a large number of small boats are moored on the river between the development site and the supporting habitat. Boating activity will already create some visual disturbance; and the site is set into the existing urban landscape, it is not likely to alter the skyline sufficiently to displace feeding birds.
- General good practice and procedures in place to protect human health (such as risk assessments, spill kits and daily machine logs) together with the implementation of a Construction Environmental Management Plan (CEMP) will be sufficient to ensure the designated sites are not harmed by pollutants and therefore no likely significant effect.
- The development is likely to increase the local population by approximately 500 (5%). The development includes public open space which will absorb some of the additional recreational pressure caused by increasing the population. There is also no direct access from the site to the fields to the east. Significant additional recreational disturbance is considered unlikely and therefore no likely significant effect.

HRA – Three tests under Regulation 53 for Bats

- The three tests are:
- Test 1: Regulation 53(2)(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*”. The proposed development will significantly contribute to Local Plan policy EC3 – Rural Development Opportunity. The proposed development will bring some brownfield land back into use and secure long term bat roost provision that would otherwise be lost through continued deterioration of the derelict buildings. This test has been satisfied.
- Test 2: Regulation 53(9)(a): “*that there is no satisfactory alternative*” The buildings must be demolished to enable the erection of new dwellings to ensure the scheme delivers the appropriate number of houses on the site. This test has been satisfied.
- Test 3: Regulation 53(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*” Pipistrelle bat day roosts were recorded in buildings 1 and 10. Provided the measures set out in Section 9 of the bat report are secured by a suitably worded planning condition incorporating them within the CEMP and ecological mitigation strategy, and implemented, the proposals will not be detrimental to maintaining the local

Pipistrelle bat populations at a favourable conservation status. With this mitigation this test has been satisfied.

HRA – Three tests under Regulation 53 for Great Crested Newts

- The three tests are:
- Test 1: Regulation 53(2)(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*” The proposal involves the erection of 211 houses. This will significantly contribute to Local Plan policy EC3 – Rural Development Opportunity. The proposed development will bring some brownfield land back into use and secure the provision of additional Great crested newt habitat. This test has been satisfied.
- Test 2: Regulation 53(9)(a): “*that there is no satisfactory alternative*” The extent of sub-optimal terrestrial habitat must be reduced to ensure the scheme delivers the appropriate number of houses on the site. This test has been satisfied.
- Test 3: Regulation 53(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*” A medium population of Great crested newt is present on site. Provided the measures set out in Section 5 of the Great crested newt report are secured by a suitably worded planning condition incorporating them within the CEMP and ecological mitigation strategy, and implemented, the proposals will not be detrimental to maintaining the local Great crested newt population at a favourable conservation status. With this mitigation this test has been satisfied.

6.34 As well as European protected sites and species, there are other impacts on locally protected sites such as the BHS’s, barn owls and birds. Mitigation has been proposed for the loss of such species within the development through the provision of hibernacula, log piles, bat, barn owl and house martin boxes. This can be secured by condition along with the outline planning conditions that require mitigation. Subject to the imposition of these conditions, I am satisfied that the proposed development is compliant with Policy EN2 of the Local Plan.

Surface Water, Drainage and Flood Risk

6.35 In terms of drainage, there are three main issues on this site. Firstly, it is known that there are water supply issues in the Hesketh Bank area with low water pressure in many areas; secondly, the foul water system is at capacity; and thirdly, there is potential for flood risk adjacent to the tidal River Douglas. At the time the outline planning application was considered, the statutory bodies assessing the impact of the proposed development on the above matters (United Utilities (UU), Environment Agency (EA) and LCC Lead Local Food Authority) did not raise any objections to the proposal. Stringent conditions were imposed on the outline planning permission requiring details of the surface water

management scheme and compliance with the Flood Risk Assessment submitted. Full details of drainage have not been applied for under this Reserved Matters application; however, such details are required to be agreed prior to commencement of development on the site.

Other Matters

Coastal Zone

- 6.36 Concerns have been raised that residential development is proposed within the part of the southern area of the site close to the River Douglas which is designated as a Coastal Zone in the Local Plan. Policy EN2 of the Local Plan limits development within these areas to that which is essential in meeting the needs of coastal navigation, amenity and informal recreation, tourism and leisure, flood protection, fisheries, nature conservation and/or agriculture. In addition, Policy EN2.5 restricts residential development within Coastal Zones. This matter was considered at outline planning stage and it was acknowledged that the proposal was in part, contrary to this particular Local Plan policy. However, the view was taken that the construction of dwellings within this southern part of the site, still allows for the creation of a linear park close to the river bank for this purpose, and the EA was satisfied there was no issue of flood risk (subject to conditions). In this regard, part of Policy EN2.5 is satisfied. The use of part of the Coastal Zone for housing must be balanced against the need for housing towards the contribution of the Council's five year housing supply within a sustainable location and having regard to the mixed use allocation of the site to deliver up to 270 dwellings. As such, the principle of residential development in this area was considered acceptable.

Local Infrastructure

- 6.37 Local residents are also concerned about the impact of the additional population on local services such as school places and health provision. Again, these issues were considered at outline planning stage and I am satisfied that the relevant bodies were consulted and no significant impact was identified other than the need for primary school places on the basis of a contribution of £350 per dwelling. However, after re-assessing the proposal, LCC subsequently identified that there are sufficient existing primary and secondary places to accommodate the impact of the development and therefore LCC are no longer seeking an education contribution.

Public open space and Linear Park

- 6.38 Policy IF2 of the Local Plan supports the delivery of a Linear Park between Hesketh Bank and Tarleton and it is considered that the site assists in the delivery of part of the Linear Park. The proposed layout indicates that land can be made available along the river bank for the provision of the park with a pedestrian/cycle link through the central BHS (with protection included for Great

Crested Newts) and the residential area on the northern part of the site, to the northern BHS, light railway and lake. As such, the proposal is compliant with Policy IF2.

Phasing

- 6.39 Concern has been expressed about the phasing of the development and clarification regarding the deliverability of the brownfield land has been raised. In terms of the phasing of the residential development, the applicant has stated that they would commence work on the southern part of the site first. I was initially concerned that this would not offer sufficient comfort to ensure that the northern phase (including the brownfield land outside this current Reserved Matters application) would be built out in an expeditious manner. Therefore Condition 6 on the outline planning permission was imposed to ensure that no more than 50% of the open market residential development on the southern phase is commenced prior to the construction of the affordable housing and no more than 90% of the open market housing on the southern phase can be occupied until the affordable development has been completed. Condition 31 also deals with the delivery of a marketing strategy for the employment area and requires that this be submitted to the Council prior to any works commencing on site and that the development be marketed in accordance with the approved strategy. The S106 Agreement also requires that no more than 50% of the total number of dwellings on the southern part of site be constructed until the employment area has been marketed in accordance with the approved marketing scheme for a continuous period of 12 months. Only if the marketing exercise has been completed and no demand been evidenced by employment uses can residential development on the site be completed.

Landscape Character Area

- 6.40 A further concern raised by neighbouring residents is that part of the site lies within a landscape character area of local importance since this site contains the only remaining example of the Hillhouse Coast Boulder Clay Cliff (a shallow cliff cut into the boulder clay as the level of the Irish Sea rose after the retreat of the glaciers). The fact that the area lies within this Landscape Area of Local Importance does not in itself prohibit building upon it and the principle of residential development on the site has been accepted by approval of outline planning permission. I am satisfied that the scale and layout of development is designed to limit the impact on the wider open countryside on the eastern side of the river by development in this instance being limited to two storey and a wide landscaped buffer being provided by the implementation of the linear park between the residential development and the river.

Masterplanning

- 6.41 As was the case when considering the outline planning application, concern has been raised in relation to the requirement by Policy EC3 to prepare a masterplan.

There is no set definition of what constitutes a masterplan or how a masterplanning exercise should be conducted and whilst the indicative masterplan submitted with the outline planning submission did not provide full details of the development of the site, the actual submission of a planning application meant that the process of masterplanning the site began with setting broad parameters for a sustainable mixed development on the site. This subsequent Reserved Matters application, although for only approximately two thirds of the site, clearly deals with the spatial arrangement of residential areas, public open space and the linear park. Whilst the remaining northern part of the site has not been included, I am satisfied that the conditions imposed on the outline permission will ensure that there is the structure yet flexibility in a changing market to ensure a mixed use site is delivered in accordance with Policy EC3 of the Local Plan.

Planning Obligations

- 6.42 The Outline permission granted for the redevelopment of this site is the subject of a S106 agreement requiring the developer to provide a viable level of affordable and specialist housing for the elderly, on-site public open space, marketing and phasing of the employment land and a primary school contribution. These obligations reflected the relevant policy requirements at the time outline permission was granted and remain part of the proposed development which must be delivered in line with the terms of the agreement. Lancashire County Council has confirmed that there is no longer a need for a primary school contribution and therefore a deed of variation is required to remove that obligation from the S106 Agreement.

Summary

- 6.43 In summary, it is considered that the proposed development is acceptable in terms of layout, appearance and scale and that the proposed landscaping scheme will assimilate the development into its surroundings. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I find that the proposed development is compliant with the Local Plan and Habitat Regulations in respect of ecology. The development remains subject to the conditions imposed under the approved outline scheme.

7.0 RECOMMENDATION

- 7.1 That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation (Deed of Variation) under S106 of the Town and Country Planning Act 1990 being entered into as set out in paragraph 6.41 of the report.

- 7.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 7.1 above be subject to the following conditions:

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference JB-HB-PL01 Rev F (Planning Layout) received by the Local Planning Authority on 31st October 2016;

Plan reference HB-303 (surface treatment plan) received by the Local Planning Authority on 31st October 2016;

Plan reference HB-308-01 (affordable housing plan) received by the Local Planning Authority on 26th October 2016;

Plan reference HB-ESL-01 (engineering plan) received by the Local Planning Authority on 14th March 2016;

Plan reference HB-SPS (site parking plan) received by the Local Planning Authority on 14th March 2016;

Plan reference HB-IFD-01 (interface distances) received by the Local Planning Authority on 18th March 2016;

Plan reference DWFD.01 (dwarf wall) received by the Local Planning Authority on 14th March 2016;

Plan reference SDF05 Rev A (fence) received by the Local Planning Authority on 14th March 2016;

Plan reference SDF12 (fence) received by the Local Planning Authority on 14th March 2016;

Plan reference SDF11-08 (fence) received by the Local Planning Authority on 14th March 2016;

House type plans The Hanbury, The Chedworth, The Hatfield, The Clayton, The Winster, The Souter, The Morden, The Moseley, The Roseberry, The Rufford, The Clandon, The Apartments all received by the Local Planning Authority on 24th March 2016;

House type plan The Kendal received by the Local Planning Authority on 22nd November 2016;

Plan reference 4711.03 Rev D (Tree Protection Plan 1 of 2) received by the Local Planning Authority on 23rd November 2016;

Plan reference 4711.04 Rev D (Tree Protection Plan 2 of 2) received by the Local Planning Authority on 23rd November 2016;

Plan reference 4711.09 Rev B (Landscape proposals Sheet 1 of 5) received by the Local Planning Authority on 31st October 2016;

Plan reference 4711.10 Rev B (Landscape proposals Sheet 2 of 5) received by the Local Planning Authority on 31st October 2016;

Plan reference 4711.11 Rev B (Landscape proposals Sheet 3 of 5) received by the Local Planning Authority on 31st October 2016;

- Plan reference 4711.14 Rev B (Landscape proposals Sheet 4 of 5) received by the Local Planning Authority on 31st October 2016;
- Plan reference 4711.15 Rev B (Landscape proposals Sheet 1 of 5) received by the Local Planning Authority on 31st October 2016;
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, porches, garden sheds, out buildings, greenhouses, swimming pools, or means of enclosure to the frontage of plots shall be erected or undertaken without the express written permission of the Local Planning Authority.
 3. Prior to the occupation of the dwelling on plot 90, (as shown on plan JB-HB-PL01 Rev F received by the Local Planning Authority 31.10.2016), the ground and first floor gable windows shall be fitted with obscure glass (Pilkington level 3 or equivalent) and shall be non-opening or top hung and shall remain thus fitted at all times thereafter.
 4. Prior to the occupation of the dwelling on plot 72, (as shown on plan JB-HB-PL01 Rev F received by the Local Planning Authority 31.10.2016), the first floor gable window shall be fitted with obscure glass (Pilkington level 3 or equivalent) and shall be non-opening or top hung and shall remain thus fitted at all times thereafter.
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added to the gable elevation facing 20 Astland Gardens on Plot 72 (as shown on plan JB-HB-PL01 Rev F received by the Local Planning Authority on 31.10.2016) hereby approved until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
 6. The development hereby approved shall be undertaken in accordance with the Materials Schedule received by the Local Planning Authority on 22nd November 2016.
 7. The development hereby approved shall be carried out in accordance with the measures identified within the Arboricultural Impact Assessment and Method Statement (Revision D) received by the Local Planning Authority on 23rd November 2016.
 8. The measures contained within the Habitat Management Plan received by the Local Planning Authority on 14th March 2016 shall be implemented throughout the duration of the development.
 9. The mitigation measures outlined at section 5 of the Great Crested Newt and Amphibian Survey and Mitigation Strategy received by the Local Planning Authority on 14th March 2016 shall be implemented throughout the duration of the development.
 10. The mitigation measures outlined at sections 5 and 10 of the Licensed Bat and Barn Owl Survey and Assessment received by the Local Planning Authority on 14th March 2016 shall be implemented throughout the duration of the development.

11. Before first occupation of any dwelling on the site, details of signage to be erected to inform the public of the central area of the Biological Heritage Site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, details of size, number, location and wording shall be provided. The agreed signage shall be implemented in full prior to occupation of the first dwelling.
12. No development shall take place until a construction method statement setting out how Pollution Prevention Guidelines will be followed throughout the construction period to prevent harm to the protected sites has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction phase of development.
13. No dwelling shall be occupied until details of how the mitigation required under Conditions 9 and 10 above will be managed and funded in perpetuity have been submitted to and approved in writing by the Local Planning Authority. The agreed management shall be implemented thereafter unless otherwise agreed in writing by the Local Planning Authority.
14. 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, the garage shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.

Reasons

1. 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.
2. The character and location of the properties are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To protect the privacy 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.
4. To protect the privacy 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.
5. To protect the privacy 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.
6. 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.
7. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.

The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.

All forms are available at <http://www.westlancs.gov.uk/planning/planning-policy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to CIL@westlancs.gov.uk.

Further information on CIL can be found at www.westlancs.gov.uk/CIL or by contacting the Council's CIL and S106 Officer on CIL@westlancs.gov.uk or tel: 01695 585171.

2. Your attention is drawn to the fact that the Conditions that were imposed on the Outline planning permission for this development still apply and must be complied with in the implementation of this approval.

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 - Design of Development
GN4 - Demonstrating Viability
EC3 - Rural Development Opportunities
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Built Environment

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

No.3 APPLICATION NO.	2016/0832/FUL
LOCATION	Former Silver Birch Hotel Flordon Birch Green Skelmersdale Lancashire WN8 6PB
PROPOSAL	Demolition of existing vacant commercial building and construction of mixed use development comprising 4 no. retail/commercial units and 18 no. self-contained apartments with associated car parking and landscaping.
APPLICANT	Berrington Hall Ltd
WARD	Birch Green
PARISH	Unparished - Skelmersdale
TARGET DATE	24th November 2016

1.0 CONSULTEE RESPONSES

- 1.1 ENVIRONMENTAL HEALTH OFFICER (30/9/16) – No objection in principle, however, some concerns that the residential units above the retail units could be subjected to noise from the units below. As such, conditions are recommended that address details of noise protection measures for the future occupants along with restrictions on the hours of opening/deliveries for the retail units, restriction of the construction hours and details of a lighting scheme.
- 1.2 LCC HIGHWAYS (4/10/16) – No objections in principle. Recommend conditions relating to a wheel wash facility, marking out and surfacing of the car park and external lighting being screened from the view of drivers and pedestrians.
- 1.3 UNITED UTILITIES (21/9/16) – No objection subject to conditions being attached which require the drainage of foul and surface water on separate systems, the submission of a surface water drainage scheme based on the hierarchy of drainage options in the NPPF and details of a sustainable drainage management and maintenance plan.
- 1.4 PRINCIPAL DRAINAGE ENGINEER (26/10/16) – No objection subject to conditions being attached for details of a foul and surface water drainage scheme and details of a sustainable drainage management and maintenance plan.
- 1.5 SCIENTIFIC OFFICER (27/10/16) – No objections in relation to any possible contamination issues relating to the former use of the site.

- 1.6 LCC PLANNING CONTRIBUTIONS – SCHOOL PLANNING TEAM (17/11/16)
No education contribution required.

2.0 OTHER REPRESENTATIONS

- 2.1 None.

3.0 RECENT RELEVANT PLANNING HISTORY

- 3.1 2012/0718/FUL GRANTED - Single storey side extension. Formation of 2 no. additional windows and bricking up existing garage to front. Formation of additional door to side elevation.

4.0 SUPPORTING INFORMATION

- 4.1 The following documents have been submitted in support of the planning application:

Affordable Housing Viability Statement
Arboricultural Impact Assessment
Ecological Survey
Bat Survey and Assessment
Planning, Design and Access Statement

5.0 LOCAL PLAN ALLOCATION

- 5.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.
- 5.2 The site is located within Regional Town of Skelmersdale with Upholland as designated in the West Lancashire Local Plan DPD 2012-2027. The following policies are therefore relevant:

National Planning Policy Framework (NPPF)

Building a strong, competitive economy
Ensuring the vitality of town centres
Promoting sustainable transport
Delivering a wide choice of high quality homes
Requiring good design
Promoting healthy communities
Conserving and enhancing the natural environment

West Lancashire Local Plan (WLLP) 2012-2027 DPD

GN1 - Settlement Boundaries
GN3 - Criteria for sustainable development
GN5 – Sequential Tests

EC1 - The Economy and Employment Land
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF1- Maintaining Vibrant Town and Local Centres
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN4 - Preserving and Enhancing West Lancashire’s Natural Environment

Supplementary Planning Document – Design Guide (January 2008)

6.0 OBSERVATIONS OF DIRECTOR OF PLANNING AND REGENERATION

The Site

- 6.1 The site comprises of the former Silver Birch Public House and car park which has been vacant for approximately two years. It was in the process of being converted to an Indian restaurant, however the building suffered significant fire damage during its conversion and works for its conversion have now ceased. It is located on a corner plot with Flordon and Birch Green Road and occupies an elevated position above Birch Green Road. There is a large car park to the east of the site with a public footpath and a block of residential flats to the south. To the west is a grassed area with a belt of trees upon it. This grassed area slopes down to Birch Green Road. There is a residential block of flats beyond on the opposite side of Birch Green Road.

The Proposal

- 6.2 Planning permission is sought for the demolition of the existing two-storey building and redevelopment of the site with a four-storey ‘L’-shaped building comprising of 4 no. ground floor retail units and 18 no. apartments. The building has been designed predominantly with a flat roof, however a mono-pitched roof is included over the southern aspect of the building and part of the northern aspect. The maximum height of the building is 13.1m. The retail units are of varying size with the southern unit being the largest at 187.1m². All of the 4 retail units have their shop frontage overlooking the car park. The apartments above are split over 3 levels with 6 no. apartments on each level. The existing access off Flordon will be modified as will the existing car park.

Principle of Development

Principle of Development - Loss of Community Facility

- 6.3 Policy IF3 in the WLLP states that the loss of any community facilities such as pubs, post offices etc. will be resisted unless it can be demonstrated that the facility is no longer needed, or can be relocated elsewhere that is equally accessible by the community.

- 6.4 The Planning, Design and Access Statement submitted with the application states that the premises have been vacant for approximately two years. Therefore, the loss of the pub as a community facility has already occurred in this locality some time ago. I accept this argument. In addition, my observations of the site are that it has become an eyesore within the community and attracts anti-social behaviour. The proposed development will provide the opportunity for 4 separate retail businesses to locate on the site which will provide facilities for the existing community and the future occupants of the proposed apartments. Consequently, I am satisfied that the proposal is compliant with Policy IF3.

Principle of Development - Residential

- 6.5 Policy GN1 of the WLLP states that within settlement boundaries, development on brownfield land will be encouraged subject to other relevant Local Plan Policies being satisfied.
- 6.6 Policy RS1 of the WLLP states that residential development will be permitted within the Regional Town of Skelmersdale.
- 6.7 The principle of residential development in this location is therefore acceptable.

Principle of Development - Retail

- 6.8 Members should be aware that if this planning application had not been submitted for the redevelopment of the site, the last use of the premises as an A4 (Public House) could change to Class Use A1 (Retail) without the need to acquire planning permission as this would be permitted development under Part 3, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.9 Policy GN5 of the WLLP and paragraph 24 of the NPPF set out a sequential approach to the location of new retail development. Paragraph 24 of the NPPF requires a sequential test where planning applications for '*main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan*'. Applications for main town uses should be located, where possible, within town centres in the first instance. The order of preference for the sequential approach is:-

first, locations within existing town centres
second, edge of centre locations, with preference given to accessible sites that are well connected to the centre; and then
out-of-centre sites, only in circumstances where there are no in-centre or edge-of-centre sites available. Preference should be given to accessible sites that are well-connected to the town centre.

- 6.10 The application site is not within or on the edge of an existing centre, therefore the proposed retail units are in principle unacceptable in this location if there are available and suitable sites within or on the edge of existing centres in Skelmersdale.
- 6.11 The application is not supported by a sequential search for alternative sites in the preferred locations as set out by Policy GN5 and the NPPF. The Planning, Design and Access Statement states that it would be unreasonable to refuse planning permission due to the absence of a sequential search, given the fallback position of the existing building being able to be converted to retail use without the need for planning permission. The statement goes on to say that although 4 separate retail units would be created, the actual increase in the total amount of potential retail floorspace is nominal at 7m².
- 6.12 The 'fallback' position is a material planning consideration when determining planning applications; therefore this argument does carry some weight. However, the proposed scheme could not be achieved through permitted development. Therefore, the Local Planning Authority needs to consider whether the proposal warrants a refusal due to the lack of a sequential search.
- 6.13 This area of Skelmersdale is not served by any local centre within walking distance (the nearest local centre is Ashurst to the far north). In fact, the town centre would be the nearest option for residents within this area requiring retail goods. Owing to the size of the proposed retail units it is likely that they will serve as convenience stores for the local residents and would not necessarily take custom from the town centre. This is because the retail units within The Concourse are generally larger and attract the more well-known chain stores.
- 6.14 When taking the aforementioned points into consideration along with the reality that a retail use could be provided on this site without any jurisdiction from the Local Planning Authority, I consider that a sequential search is not necessary in this instance. Furthermore, by allowing the proposed development the Local Planning Authority gain some control over the site and will be in a position to control noise, hours etc. which is important on this site due to the neighbouring residential properties. In addition, the proposed development would provide employment within this area, would generate much needed housing and would remove premises that have become an eyesore within the area attracting anti-social behaviour. Therefore, on balance, I consider that a departure from the need for a sequential search is justified in this instance.

Affordable Housing

- 6.15 Policy RS2 of the WLLP requires 20% of the units within developments of 15 or more to be affordable in this area of Skelmersdale. The proposal does not include any affordable housing and has been supported by a Viability Assessment. This has been independently assessed by external Consultants who concur in their

report that the development is not financially viable to support any affordable housing.

Design, Scale and Layout

- 6.16 Policy GN3 of the WLLP together with the Council's SPD Design Guide state 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.
- 6.17 The proposed building will be four-storeys high and will incorporate a staggered roofline and elevations. This creates a building with varying facades and of a contemporary appearance. A combination of brickwork, render, powder-coated aluminium and timber cladding will form the elevations which will assist in creating an aesthetically pleasing building within this area.
- 6.18 The surrounding area is characterised by residential development that is a mix of four-storey blocks of flats and two-storey properties which are finished in a buff/cream render. Therefore, although the building will be four-storeys high (max 13.1m) I consider that this will not appear overly dominant within the area, particularly given the close proximity of the residential block immediately to the south of the site which is approximately 1.5m lower than the tip of the proposed building. Sitting relatively central within the plot the proposed building will not appear dominant or over bearing when viewed from Birch Green Road to the west or Flordon to the east.
- 6.19 A small landscaped garden will be provided to the west and a separate access to the apartments is located off the eastern elevation. Separate areas for domestic storage and refuse have been indicated on the site layout plan.
- 6.20 Overall therefore, I am satisfied that the design, scale and layout of the building is acceptable and in accordance with Policy GN3 of the WLLP and the SPD Design Guide.

Impact upon Residential Amenity

- 6.21 As referred to above, the building immediately adjacent the site on its southern aspect is a four-storey block of flats. This is located approximately 9m away from the proposed building and has principal windows on its facing elevation. The proposed building also incorporates windows on its elevation facing towards these neighbouring flats. However, the siting of the building is such that it is set back from the adjacent residential block, therefore there will be no direct overlooking between the two premises and it should not appear overbearing for occupants of the neighbouring flats.

- 6.22 The retail units have the potential to create additional noise within this locality. Therefore, conditions will be attached to control noise for the existing neighbouring residents and the future occupants of the proposed apartments. Hours of opening of the retail units will also be restricted. Consequently, there should be no detrimental impact upon the residential amenity of the neighbouring properties or the future occupants of the proposed apartments.

Car Parking and Highway Safety

- 6.23 The car parking area will remain on the western side off the site and will be accessed via Flordon. Based on the proposed floorspace of the retail units, a minimum of 18 no. car parking spaces and a maximum of 25 no. car parking spaces would be required (dependent on their retail use) to serve the retail aspect of the development. For the residential aspect, as the car parking will be communal, 12 no. car parking spaces are required. This therefore results in a minimum of 30 no. car parking spaces to serve the proposed development.
- 6.24 A total of 29 no. car parking spaces including 1 no. disabled space are shown on the site layout plan. Secure cycle storage/parking is also provided. Therefore, whilst the development is marginally short of the recommended car parking standards as defined in Policy IF2 of the WLLP, given the low percentage of car ownership within Skelmersdale, the accessibility of the site by foot to a large population and the close proximity of the site to a bus stop on Birch Green Road, I am satisfied that adequate car parking has been provided for the proposed development.

Drainage

- 6.25 In terms of the principle of development relating to flood risk, the application site is entirely within Flood Zone 1, the least susceptible to flood risk. The application form states that the final drainage scheme will be confirmed as part of the construction phase. Such a scheme can be secured by condition and will require the NPPF's hierarchical approach to be applied.

Ecology

- 6.26 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, make provision for their needs. Given the proximity of the building to a band of semi-mature trees and the proposed demolition of the building, an Ecological Survey and Bat Assessment have been undertaken. The bat survey concluded that the building has moderate bat roost potential but no bats were currently roosting in the building at the time of the survey in June 2016. Recommendations have been made to maintain the local bat population at a favourable conservation status. Other recommendations are made within the preliminary Ecological Survey to protect breeding birds. On

this basis, I am satisfied that the proposal is compliant with Policy EN2 of the WLLP.

Trees

- 6.27 The site has a double row of trees consisting of semi-mature Limes and Hornbeams on the Birch Green Road side. The Limes on the inside of the site have been previously topped and have approximately 5 years regrowth. The north west corner of the proposed apartment block extends close to two of the Lime trees and there is some encroachment in to the Root Protection Area (RPA) as detailed and shown on the tree constraints plan in the AIA.
- 6.28 The Council's Arboricultural Officer has assessed the proposed development in relation to the trees and considers it feasible to undertake works in the RPA with limited risk to the health of the adjacent trees.
- 6.29 In the future there may be pressure to remove one or two trees where the building is close to the trees due to potential conflicts with shading and light obstruction. In the event of this, the Arboricultural Officer has advised that some removal in response to daylight issues would not lead to any significant loss of amenity. On this basis I do not consider that there will be a detrimental impact on the neighbouring trees and the proposal complies with Policy EN2 in this respect.

7.0 SUMMARY

- 7.1 The residential element of the proposed development is acceptable and based on the viability assessment there is no requirement to provide any affordable housing. The retail units do conflict with Policy GN5 in that no sequential search has been carried out for alternative sites in the town or local centres. However, this has been justified on the basis that the change of use of the premises to retail is in fact permitted development, and the proposed retail aspect would support much needed housing whilst also retaining an employment generating use on the site and removing an eyesore from the area. Subject to conditions, adequate levels of residential amenity will be provided for the future occupants of the apartments and the existing residential properties that neighbour the site. The proposed level of car parking is satisfactory within this location. The proposed development will preserve protected species and their habitats through the imposition of conditions. Drainage of the site will also be secured by condition. Therefore, the proposal complies with relevant policies in the WLLP and the relevant paragraphs of the NPPF.

8.0 RECOMMENDATION

- 8.1 That planning permission be GRANTED subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference 1484 PL012 received by the Local Planning Authority on 5th August 2016.

Plan reference 1484 PL013 Rev A received by the Local Planning Authority on 24th August 2016.

Plan reference 1484 PL014 Rev A received by the Local Planning Authority on 24th August 2016.

Plan reference 1484 PL016 received by the Local Planning Authority on 24th August 2016.

Plan reference 1484 PL017 received by the Local Planning Authority on 24th August 2016.

3. Before any works take place on the construction of the building, details and samples of the proposed materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used to construct the building.
4. 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.
5. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
6. Before works commence on the building a scheme detailing the proposed lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Any external source of lighting shall be effectively screened from the view of a driver and pedestrians on the adjoining public highway. All external lighting shall be installed and maintained in accordance with the agreed scheme
7. No part of the development shall be occupied until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.
8. Foul and surface water shall be drained on separate systems.

9. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to the Greenfield run-off rate.
10. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, 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.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
11. Prior to the commencement of the use details of any mechanical ventilation or other plant to be installed in the premises shall be submitted and approved in writing by the Local Planning Authority. No other systems shall be installed thereafter without the express written consent of the Local Planning Authority. The details required by this condition shall include measures to ensure that any such systems are acoustically isolated from the fabric of the building to minimise the possibility of structure borne sound and vibration.
12. Before development commences details of the measures to protect the proposed residential dwellings from noise from the retail ground floor uses and internal lift shall be submitted to and approved in writing by the Local Planning Authority. The Scheme should include the standard for constructing the party floor/ceiling between the ground floor and the first floor, the standard for constructing the internal wall separating the lift shaft and bedroom accommodation and acoustic glazing of habitable room windows together with acoustic ventilation. The approved details shall be implemented prior to occupation of any of the residential dwellings and shall thereafter be retained.

13. Deliveries of goods/services and collections of waste from the premises shall only take place between the hours of 0800 and 2000 Monday to Saturday and at no time on Sundays and Bank Holidays.
14. The retail use hereby permitted shall only take place between the hours of 0800 hours and 1900 hours Monday to Friday and 0900 hours and 1800 hours on Saturdays, Sundays and Public/Bank Holidays.
15. The recommendations contained in section 7.0 of the Preliminary Ecological Appraisal by Ascerta (June 2016) and the recommendations contained within section 6.0 of the Bat Survey and Assessment by Ascerta (August 2016) shall be implemented in full throughout the duration of the development.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the 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. 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.
5. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To avoid glare, dazzle or distraction to passing motorists and pedestrians.
7. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development and so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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:

GN1 - Settlement Boundaries

GN3 - Criteria for sustainable development

GN5 - Sequential Tests

EC1 - The Economy and Employment Land

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF1- Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN4 - 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.

No.4 APPLICATION NO.	2016/0769/ARM
LOCATION	Land To The East Of Whalleys Road Skelmersdale Lancashire
PROPOSAL	Approval of Reserved Matters - Residential development of 202 units comprising 2, 3 and 4 bed properties with associated roads, footpaths and landscaping.
APPLICANT	Keepmoat Homes Ltd
WARD	Ashurst
PARISH	Unparished - Skelmersdale
TARGET DATE	15th November 2016

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2013/1050/WL3- Outline application (with all matters reserved) for a residential development consisting of up to 630 dwellings together with associated open space and landscaping. GRANTED 28.08.2014
- 1.2 1999/0772 - Outline - Residential development and footpath/bridlepath. Withdrawn 02.08.2005
- 1.3 1998/0216 - Outline - Residential development. Withdrawn 02.08.2005
- 1.4 1994/0258 - Outline - Residential development (including means of access and landscaping). Refused 23.06.1994
- 1.5 Dalton Park (adjacent to site) - 1996/0382 (Granted 16.10.1996) Reserved Matters - Residential development (104 dwellings) with public open space & estate road.
- 1.6 Dalton Park (adjacent to site) -1993/1165 (Granted 15.03.1995) Outline - Residential development including details of access points.

2.0 CONSULTEE RESPONSES

- 2.1 LCC HIGHWAYS (25.10.16) - the Highway Authority has no objections in principle to the proposed development. However the proposed access has been relocated 70-80 m south to the position indicated on the outline scheme and due to the tight right angled bend on the proposed access off Whalleys Road, the applicant should provide a swept path analysis to prove large twin axle vehicles can pass without conflict. The position of the revised site access means that the

position of the Toucan crossing will need to be reconsidered along with the addition of a link footpath on the western side of Whalleys Road to link the bus stop with the Toucan Crossing. This will need to be approved by the Highway Authority as part of a S278 Agreement.

- 2.2 The applicant will need to demonstrate that sight lines of 2.4m x 43m can be provided in both directions on land within the applicant's control or over the adopted highway. Pedestrian crossing points are required at the new access. The footpath linking to Whalleys Road should be a 3.5m wide shared use footpath/cycleway. Additional cycle links should be provided to link with the proposed cycle path on Beacon Lane. Traffic calming measures inside the site should take the form of junction tables with bollards. The submitted plans show adequate off road parking is provided for the proposed dwellings. Conditions recommended.
- 2.3 THE COAL AUTHORITY (9/9/16) – the application falls within a high risk area and the site is likely to have been subject to historic unrecorded coal mining at shallow depth. Records show the presence of a recorded mine shaft in or within 20m of the site boundary. The Coal Authority notes that the outline permission was subject to a condition requiring intrusive site investigation works. Although the Coal Authority notes that a survey has been carried out they are of the opinion that it fails to address the situation regarding the mine entry within the site.
- THE COAL AUTHORITY (10/10/16) - On the basis that the recorded mine entry does not affect the proposed site layout and that all other coal mining legacy related issues are able to be addressed as part of the discharge of conditions process, the Coal Authority withdraws its objection to this planning application.
- 2.4 UNITED UTILITIES (22/09/16) - No objections subject to the imposition of recommended conditions.
- 2.5 LEAD LOCAL FLOOD AUTHORITY (31.10.16) - The LLFA Authority object to the proposed development as it would result in excessive culverting and building adjacent to an ordinary watercourse. The applicant has not demonstrated that overland flow from the east of the development site can be responsibly captured and dealt within in a manner that does not increase flood risk on and off the development site. The applicant has also failed to provide adequate information to assess the principle of the surface water drainage of the proposed development site as it has not been clearly demonstrated how surface water will be managed on site, satisfying the principles of paragraph 103 of the NPPF and paragraph 80 of section 10 of the PPG. (*Amended plans have been received showing revised scheme.*)
- 2.6 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (25.10.16) - The applicant has submitted an ecological survey and report which is acceptable in principle and identifies that no evidence of bat roosts was recorded within the

site. However if works to trees are not completed by May 2017, an updated bat and breeding bird survey will be required. The proposed bat mitigation works are acceptable in principle. The landscaping scheme requires some amendment in order to fully enhance biodiversity on site. Conditions recommended.

- 2.7 DIRECTOR OF LEISURE AND WELLBEING (22.10.16) - no objections to the application in principle. However further ground monitoring has been requested. Conditions recommended.

3.0 OTHER REPRESENTATIONS

- 3.1 CPRE West Lancashire District Group (14.09.16) - request that the proposals be rejected and the Council seek an improved design for the site. The outline application was for the erection of up to 630 dwellings on the whole of the Whalleys site. The indicative number of houses proposed on this site was 177. The application does not appear to include sufficient buffer planting to the north or east of the site. The screen planting to the Beacon Lane frontage is limited and the cycleway/footway will impact on the existing hedge boundary at this point. The proposed site access is dangerous. The layout seems to allow access to the protected land to the east. Three storey development on the highest parts of the site is regrettable and would be visually intrusive. The development density is too high for a site at the rural/ urban fringe.

- 3.2 DALTON PARISH COUNCIL (15.09.16) - the Parish Council comments can be summarised as follows:

Traffic-the development will encourage traffic to use Beacon Lane and routes through Dalton Village, with significant detrimental impact on traffic movements through the village. The roads through Dalton are totally unsuitable for the high number of vehicle movements which would be generated by the development.

Eastern boundary-the buffer planting zone is in the adjoining field and not in the application site. There appears to be access to the neighbouring field which is protected land. Doubt is cast as to whether the development maintains or enhances the distinctive character and visual quality of the landscape character area.

Northern boundary- Beacon Lane is one of Lancashire's historic sunken roads so is of great significance. It is also designated as a wildlife corridor and the proposal should adhere to the relevant policy in the Local Plan. The development encroaches on this wildlife corridor and a wider buffer zone is needed as it would soften the rural/urban boundary and benefit biodiversity. The cycleway is too close to existing trees and will result in removal of hedgerow.

Number and type of houses- there has been a significant increase in the number of houses from 186 on the indicative plans at outline stage to 202. Affordable housing should be close to amenities and not on the outskirts of a settlement.

The density is too high for the rural/urban fringe and 3 storey houses would be too prominent and visually harmful.

- 3.3 I have received a substantial number of representations from local residents (68) in respect of this application. The objections received can be summarised as follows:

There has been a 25% increase in the number of dwellings proposed on the site since the start of the outline planning application process.

Not enough buffer areas around the site.

Too high density.

Layout relies heavily on frontage parking with hardly any garages – not a mixed development.

No advantage taken of orientation to take advantage of solar gain.

Minimal tree planting.

Doesn't respect character of local area.

Will make flooding problems worse in local area.

Insufficient public open space on the site.

Lack of a buffer zone fronting Beacon Lane.

Obvious skyline development such as that existing on Kestrel Mews was said to never be allowed to happen again yet it is on this development.

Layout allows for easy extension into protected land in the future, which is not the intention of protected land.

Layout fails to take into account shallow mine workings.

Beacon Lane is already busy and the proposed cyclepath just empties onto it and there are no pedestrian footpaths so it is an accident waiting to happen.

The layout blocks the potential for any bridlepath link between Tawd Valley Park and Beacon Park.

The development does not compliment and enhance any attractive attributes of its surroundings through sensitive design and the development is at odds with the intentions of all involved throughout the consultation.

This is a wasted opportunity to develop a valuable, visible and strategic site with the best that planning and design should be able to provide.

Beacon Lane and Whalleys Road frequently look like rivers and properties west of the site frequently flood, this is even with the site acting like a large soakaway, so this water has to go somewhere, which can only be downhill onto surrounding estates.

Lack of communication and consultation.

The culvert the surface water is intending to go to gets blocked and cannot take any more water.

Loss of wildlife on the site.

More should be done to encourage wildlife on the site, such as frogs and hedgehogs.

Inadequate SuDs system proposed.

Increased traffic, particularly travelling along Beacon Lane and Higher Lane through Dalton.

Insufficient capacity in local schools/shops/doctors to accommodate the development.

Loss of agricultural land.

Dalton's country lanes should not be used as a rat run.

The 20m buffer zone and surface water pipes should not be put in the protected land but should be put in the actual site.

Proposed houses and cyclepath along the northern boundary encroach into the adopted wildlife corridor (Policy EN2).

Substantial trees will be removed along the northern boundary encroaching onto the historic sunken road of Beacon Lane.

The site is highly visible from the A59 in Burscough to Parbold and everything possible needs to be done to minimise the impact of the site and three storey houses are not appropriate.

Construction traffic will disrupt the local roads.

Increase in anti-social behaviour.

The site and protected field are within an Area of Landscape History and should be protected.

Not convinced all the conditions on the outline permission will be complied with.

Detrimental impact on the highway surfaces in the area, which aren't maintained and will suffer more traffic.

Landscape will be blighted especially when viewed from Dalton Church.

Lack of public transport.

Building housing here will merge Skelmersdale with Dalton and fails to protect boundaries.

No recent traffic survey has been undertaken of the traffic impacts on the lanes of Dalton.

Beacon Lane should be closed or made one way to avoid increased traffic and being used as a rat run.

Loss of privacy.

Increased noise intrusion.

Increased pollution.

Loss of view towards Beacon.

Potential mining subsidence to future occupiers and surrounding properties.

Not enough jobs in the area for occupiers.

The Dome has already flooded and this development could make the situation worse.

Hedges will be destroyed.

- 3.4 I have also received a 30 signature petition from residents of Kestrel Mews objecting to the development on grounds of increased flooding, loss of wildlife and agricultural field, inadequate consideration of coal mining issues, increased traffic, increased noise and pollution, two storey houses too high, increase in number of dwellings from 177 in outline permission to 202, loss of privacy, impact on local service (NHS, police, schools), poor public transport, lack of jobs in the area, shouldn't be a link through to protected land.

4.0 SUPPORTING INFORMATION

- 4.1 The application is supported by the following information:
- Flood Risk Assessment
 - Planning Policy Compliance Statement
 - Crime Impact Statement
 - Arboricultural Impact Assessment and Method Statement
 - Highway Technical Note
 - Ecological Assessment
 - Landscape and Visual Impact Assessment
 - Design and Access Statement
 - Geo-technical Ground Investigation Report

5.0 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF)

Section 1 Building a strong, competitive economy
Section 4 Promoting sustainable transport
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Section 10 Meeting the challenge of climate change, flooding and coastal change
Section 11 Conserving and enhancing the natural environment
Section 12 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

- 5.3 Additionally the following supplementary planning documents are relevant:

Key Principles for Residential Development at Whalleys, Skelmersdale (Sep 2012)

SPG – Whalleys Housing Site, Skelmersdale Plus Mixed Development (updated July 2007)

SPD – Design Guide (Jan 2008)

SPD - Open Space/Recreational Provision in New Residential Developments (April 2009).

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 6.1 The application site relates to a parcel of undeveloped greenfield land in north Skelmersdale, adjacent to Ashurst and approximately 2km north of the town centre. The site forms one of four parcels of land located in Whalleys and within the Skelmersdale settlement boundary that are allocated for residential development. The site is approximately 6 hectares and slopes steeply from the south-east to the north-west. It is bound to the north by Beacon Lane with Green Belt and agricultural land beyond and to the west (fronted by a mature tree belt) is Whalleys Road with existing residential development beyond. To the south of the site is St James’s Primary School and properties on Kestrel Mews. To the east lies arable farmland forming Protected Land (Policy GN1 of the Local Plan). This site is currently in arable crop production. Along the northern boundary are a number of mature TPO oak trees and along the western boundary there is a mature tree belt, also with a TPO.

Background

- 6.2 Outline planning permission, with all matters reserved, was granted for residential development on the site, along with 3 other parcels of land at Whalleys. The outline planning permission 2013/1060/WL3 was granted for up to 630 dwellings across the 4 sites, together with open space and landscaping on 28th August 2014. The outline permission includes 30 conditions and a S106 Agreement that secures the provision of 30% affordable housing and 20% specialist housing for the elderly across all the sites, public open space, transport contributions and biodiversity mitigation and enhancement. No conditions have yet been discharged; however, this Reserved Matters application seeks to include details of some conditions (namely Condition 3 – access, layout, scale, external appearance and landscaping; Condition 5 – levels, Condition 7 – bats, Condition 8 – landscaping, Condition 11 – surface water drainage, Condition 13 – coal investigation, Condition 23 – highways assessment, Condition 30 – gas governor).

The Proposal

- 6.3 This is a reserved matters application for the erection of 202 dwellings. The application includes details of site layout, scale, appearance and landscaping. The site access is off Whalleys Road, the principle of which has previously been approved under the Outline permission for the site. The proposed dwellings will comprise of:

11 x 4 bed dwellings
135 x 3 bed dwellings
55 x 2 bed dwellings

Of these, 60 units (24 x 2 bed and 36 x 3 beds) would be provided as affordable housing. These would be all shared ownership tenures (rather than the 80% social rent/20% shared ownership required under the S106 Agreement) due to current difficulties in obtaining grant funding for social rented accommodation. The required level of specialist housing suitable for the elderly is also provided in the form of bungalow accommodation and properties built to lifetime homes standard. These properties are pepper-potted throughout the development. The heights of the properties vary, with 10 bungalows included along with 2 and 2 and half storey dwellings.

- 6.4 A 20m wide landscaped buffer zone is proposed along the eastern boundary, on land outside of the application site but within land in the same ownership. An attenuation basin is proposed within the south-west corner of the site and an overland flow catchment ditch is proposed within the eastern landscaped buffer. A 3m joint pedestrian/cyclepath is proposed along the northern edge of the site, inside the existing row of TPO trees alongside Beacon Lane. This path continues alongside Whalleys Road, linking in with an existing footpath to St James' School.
- 6.5 Access is intended from Whalleys Road via a curved roadway through the existing tree belt, this is proposed in order to address site level differences. Parking is provided for each property on a 2:1 basis with some additional visitor spaces incorporated within the layout, resulting in a total of 424 spaces across the site.

Principle of Development

- 6.6 The principle of a residential development on the site has already been established through the approval of outline permission under planning reference 2013/1060/WL3. There have been no significant policy changes in the interim which may have affected this decision, therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy RS1 of the Local Plan.

Siting, Layout and Design

- 6.7 Policy GN3 in 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 characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 6.8 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. A mixture of property styles is proposed, varying from bungalows to two-storey with dormers in the roof space. Whilst the number of dwellings is more than that illustrated in the outline planning application documentation, this was illustrative only and the density of development at 35 dwellings per hectare is reasonable for the site given its location within the settlement boundary of the Borough's regional town. The increase in number of dwellings on this site is not contrary to the outline permission, since this only specifies an overall limit across all 4 sites of up to 630 dwellings.
- 6.9 The layout includes the provision of a 20m landscaped buffer strip along the eastern edge, providing a separation from the agricultural land whilst also ensuring the development is screened from outwith the site. There is also the provision of a 15m buffer strip to Beacon Lane to the north. Existing TPO trees will be retained along this boundary and a 3m wide cycle/pedestrian path will be incorporated along the boundary. The majority of the dense tree belt to the west of the site along Whalleys Road will be retained, although a strip will be removed to accommodate the 3m wide cycle path and the access into the site.
- 6.10 The design of properties is generally standard and incorporates traditional red brick and black or brown roof tiles. Some house-types include rendered elevations which introduces some variation. There are 10 bungalows on the site and 20 taller properties with rooms in the roofspace. These have been referred to by objectors as three storey and whilst they have three floors, they are two storey to the eaves with tall roofs incorporating dormers, with an overall height of 9m. Whilst I acknowledge concerns about the height of these dwellings, particularly along Beacon Lane, there are only three of this house-type located along this 6 dwelling frontage, which allows for space between the dwellings. In addition, all six dwellings fronting Beacon Lane would sit back from the highway boundary, behind protected trees, reducing their visual impact from the surrounding countryside. The number of 2 and a half storey dwellings within the scheme is limited and on balance I consider they can be acceptably accommodated within the mix of dwelling types without significant detriment to the visual amenity of the area.
- 6.11 Elsewhere in the site, I am satisfied that the proposed dwellings relate well to one another and whilst there is general uniformity in terms of layout, there is also a

welcome irregularity to the siting of dwellings with bungalows spread across the site and a varying mix of heights.

- 6.12 Each dwelling benefits from a private amenity area. These generally meet and exceed the recommended garden lengths specified in the Council's SPD. The layout also incorporates some side parking to break up the built form of the development.
- 6.13 Although residents have expressed concerns that a more spacious layout has not been proposed on this prominent sloping site adjacent to the Green Belt and close to the rural village of Dalton, on balance I am satisfied that design, layout and scale maximises the use of the land and complies with relevant local plan policies and the Council's Design Guide and would not significantly adversely affect the character and appearance of the local area.

Impact on Residential Amenity

- 6.14 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide. The Design Guide states that there should be a minimum distance of 21m between dwellings with principal windows in each elevation and a distance of 12m between main elevations and those that do not contain primary windows of habitable rooms.
- 6.15 In terms of the relationships between the proposed dwellings, I am generally satisfied that the proposed layout accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property.
- 6.16 The proposed development site is located adjacent to properties to the south on Kestrel Mews. I am satisfied that the relationships which would be formed between the new properties and the existing properties on Kestrel Mews are acceptable, as the requisite interface distances is achieved.
- 6.17 On balance therefore I am satisfied that the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.

Highways and Parking

- 6.18 The site access off Whalleys Road has already been approved in principle under the outline planning permission as an access to this site was identified on the illustrative layout. The original access point utilising an existing gap in the tree belt has proven too steep for vehicular access and as such, the access is now closer to St James' school. Swept path analysis indicates the curvature of the access road can accommodate twin axel refuse vehicles and the required

visibility splays can be accommodated. As part of the outline permission, a toucan crossing point is to be provided south of the access and the footway along the western side of Whalleys Road extended to meet the toucan crossing point. A 3m wide joint cycle/footpath is also to be provided along the eastern side of Whalleys Road to meet with an existing footpath leading to St James' school.

- 6.19 The accompanying legal agreement requires the applicant to provide a financial contribution of £120,000 for the diversion of a bus route to serve the development payable prior to the occupation of the 100th dwelling.
- 6.20 In terms of parking provision, a mixture of frontage and side parking is proposed. I am satisfied that each dwelling has been afforded an appropriate parking provision.
- 6.21 In terms of manoeuvring, the proposed site layout has been considered by the Highway Authority who is satisfied that the layout is acceptable. On this basis I am satisfied that vehicles can manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in the local area. On this basis I am satisfied that the proposed is compliant with Policy GN3 and IF2 in the Local Plan.

Trees and Biodiversity

- 6.22 A detailed landscaping scheme has been submitted which includes a 20m native landscape strip along the eastern boundary which will increase biodiversity and assimilate the development into its semi-rural surroundings. In addition, the majority of TPO trees along the northern Beacon Lane boundary will be retained (a small number will be removed to accommodate a 3m side cycle/footpath). The existing tree belt fronting Whalleys Road will also be retained, save for the proposed access cutting into the woodland. The existing hedge forming the boundary with properties along Kestrel Mews will also be retained and additional tree planting will be incorporated within the development, as will native hedgerows to the frontage of plots.
- 6.23 I am satisfied that suitable compensatory planting has been provided to mitigate for the loss of existing trees. Whilst some details of habitat management have been provided by the applicant, further maintenance details are still required in order to satisfy conditions on the outline planning permission.
- 6.24 The applicant has submitted an ecological survey report which states that no evidence of bat roosts was recorded within the site and therefore the Council does not need to consider the proposals against the three tests contained within the Habitats Regulations. It is recommended that all ground works are completed prior to March 2017 in order to avoid the need for further surveys. The conclusions and mitigation proposed regarding protected species, namely bats, is accepted by the Council's ecological advisors and habitat proposals are in accordance with the requirements of the outline planning conditions. A condition

is recommended on any approval to require pre-commencement checks for badgers. The report acknowledges that ground nesting Skylark will be permanently displaced by the development; however, it is concluded that this is unlikely to harm the local ground nesting bird population due to the large extent of alternative habitat within the area. As such, the Council's ecology advisors consider mitigation for the loss of ground nesting bird habitat is not required. Overall the ecological strategy is considered to be acceptable and its implementation would be secured by a planning condition.

- 6.25 Subject to the imposition of conditions, I am satisfied that the proposed development is compliant with Policy EN2 of the Local Plan.

Drainage

- 6.26 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The applicant has confirmed that foul water from the development would discharge to the public sewer system. Although this connection would require approval from United Utilities, I am satisfied that the principle is acceptable. However, in terms of surface water, there is a significant concern in the local area that instances of flooding already exist and that the proposed development will make this worse.
- 6.27 In order to address this matter a Flood Risk Assessment and detailed surface water drainage scheme has been submitted. The original drainage proposal for the site has been amended in order to satisfy the requirements of the Lead Local Flood Authority (LLFA) in accordance with the NPPF.
- 6.28 The applicant proposes that surface water from the field to the east would be directed to a catchwater ditch running along the eastern boundary within the landscaped buffer. Originally, it was proposed to carry the water through a culverted water pipe down the southern boundary of the site within rear gardens of the proposed dwellings. This was unacceptable to the LLFA as it would have resulted in maintenance issues with a potential for flood risk. As such, the surface water drainage scheme has been amended to take the water from the catchwater ditch along the northern and western boundaries of the site within areas of open space and landscape buffer, therefore avoiding future maintenance issues. The culverted watercourse will then discharge, at an attenuated rate, to an existing ditch in the south-west corner of the site, which then leads under Whalleys Road and discharges downstream to the River Tawd. In addition, to deal with surface water from the site, one large and one small attenuation basin is proposed in the south-west corner of the site. Here, surface water would be held and released into the existing ditch at an attenuated rate of 4l/sec.
- 6.29 Paragraph 103 of the NPPF requires priority use to be given to SUDS in respect of new developments and that means that the preferred means of surface water drainage for any new development is via infiltration. The second preferred means is via a watercourse. In this case the applicant has suitably discounted infiltration

due to ground conditions within the site and therefore I am satisfied with the principle of the method of surface water drainage now proposed which ensures that the proposed development can be adequately drained and that there is no flood risk on or off the site. The drainage infrastructure is required to be implemented before any development takes place and this can be secured by condition. In addition to this, I recommend that driveways are constructed in porous material rather than tarmac as proposed and this can be dealt with by condition.

Planning Obligations

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

Summary

- 6.31 The Outline permission granted for the redevelopment of this site is the subject of a S106 Agreement requiring the provision of 30% of the units as affordable housing, 20% as specialist housing for the elderly, an area of on-site public open space on Cobbs Clough/Site 2, an off-site public open space contribution and a financial contribution towards highway improvements which include the provision of bus stop, provision of an off road cycle lane from Cobbs Brow Lane to Summer Street and provision of funding for the diversion/creation of a bus route and ecology mitigation and enhancement. These obligations reflect the relevant policy requirements at the time outline permission was granted and remain part of the proposed development which must be delivered in line with the terms of the S106 Agreement. The developer has requested some changes to the terms of the S106 Agreement in relation to the tenure of the affordable housing and the public open space. Agreed changes will need to be set out in a deed of variation.

7.0 RECOMMENDATION

- 7.1 That the decision to grant planning permission be delegated to the Director of Planning and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a Deed of Variation (planning obligation)

under S106 of the Town and Country Planning Act 1990 being entered into as set out in paragraph 6.31 of the report.

- 7.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 7.1 above be subject to the following conditions:

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
 - Plan Ref: 01074A_S_03 Rev K Planning Layout received by the Local Planning Authority on 23rd November 2016;
 - Plan Ref: ENG001 Drainage Layout received by the Local Planning Authority on 17th October 2016;
 - Plan Ref: 5236.07 Rev C Landscape Proposal - full site received by the Local Planning Authority on 15th July 2016;
 - Plan Ref: 5236.03 Rev C Landscape Proposal - received by the Local Planning Authority on 18th July 2016;
 - Plan Ref: 5236.04 Rev C Landscape Proposal - received by the Local Planning Authority on 18th July 2016;
 - Plan Ref: 5236.05 Rev C Landscape Proposal - received by the Local Planning Authority on 15th July 2016;
 - Plan Ref: 5236.06 Rev C Landscape Proposal - received by the Local Planning Authority on 18th July 2016;
 - Plan Ref: 5236.01 Tree Survey and Root Protection Area received by the Local Planning Authority on 15th July 2016;
 - Plan Ref: 5236.02 Rev B Tree Protection Plan received by the Local Planning Authority on 4th October 2016;
 - Plan Ref: 4012-KHNW-110 Materials and boundary received by the Local Planning Authority on 20th July 2016;
 - Plan Ref: ENG008-04 Rev P3 Engineering Works Layout received by the Local Planning Authority on 3rd November 2016;
 - Plan Ref: ENG008-03 Rev P2 Engineering Works Layout received by the Local Planning Authority on 3rd November 2016;
 - Plan Ref: ENG008-02 Rev P3 Engineering Works Layout received by the Local Planning Authority on 3rd November 2016;
 - Plan Ref: ENG008-01 Rev P3 Engineering Works Layout received by the Local Planning Authority on 3rd November 2016;
 - Plan Ref: 880941 Drw 10-01 Rev P4 Engineering Appraisal received by the Local Planning Authority on 15th July 2016;
 - Plan Ref: 01074A_D_01 Gas Governor Elevations received by the Local Planning Authority on 10th November 2016;
 - House Type Plans, Elevations and Perspectives 621, 622, 651, 740, 832, 842, 851, 857, 867, 955, 1054, 1062, 1118, 1178, 1216, 1224 received by the Local Planning Authority on 15th July 2016
2. Details of the mitigation measures outlined in sections 4.3.5 and 4.3.10 of the Ecological Assessment by Avian Ecology received by the Local Planning

Authority on 15th July 2016 shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed mitigation shall be implemented and retained for the duration of the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
4. Immediately prior to commencement a joint survey shall be carried out between the developer and the Highway Authority to determine the condition of Whalleys Road. A similar survey shall be carried out within six months and the final inspection within one month of the completion of the last house, and the developer shall make good any damage to Whalleys Road to return it to the pre-construction situation.
5. Prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
6. If works to the trees are not completed by the beginning of May 2017, an updated bat survey shall be submitted to and approved in writing by the Local Planning Authority to determine the presence or absence of the species and any mitigation required to maintain the population at favourable status. Any mitigation measures shall be provided on site in accordance with a timetable to be agreed in writing with the Local Planning Authority and thereafter be so retained.
7. Notwithstanding the plans hereby approved, all driveways shall be constructed using a porous material, the details of which first be submitted to and approved in writing by the Local Planning Authority.

Reasons

1. 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.
2. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The character, location and size of garden area of the properties are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To maintain the construction of Whalleys Road in the interest of highway safety and in accordance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. In order to enhance sustainable transport choice and to accord with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. Your attention is drawn to the fact that the Conditions that were imposed on the Outline planning permission for this development still apply and must be complied with in the implementation of this approval.
2. 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 the Community Services for further information by emailing the County Council's Highways Development Control Section on lhscustomerservice@lancashire.gov.uk or by writing to the Highways Development Control Manager, Winckley House, Cross Street, Preston PR1 3LT, quoting the planning application number in either case.

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:

GN1 Settlement Boundaries
GN3 Criteria for Sustainable Development
RS1 Residential Development
IF2 Enhancing Sustainable Transport Choice

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.