

Application Number 07/2016/0690/REM

Address Former New Mill Site
Land Off Wesley Street
Bamber Bridge
PR5 6NP

Applicant Countryside Properties (UK) Ltd

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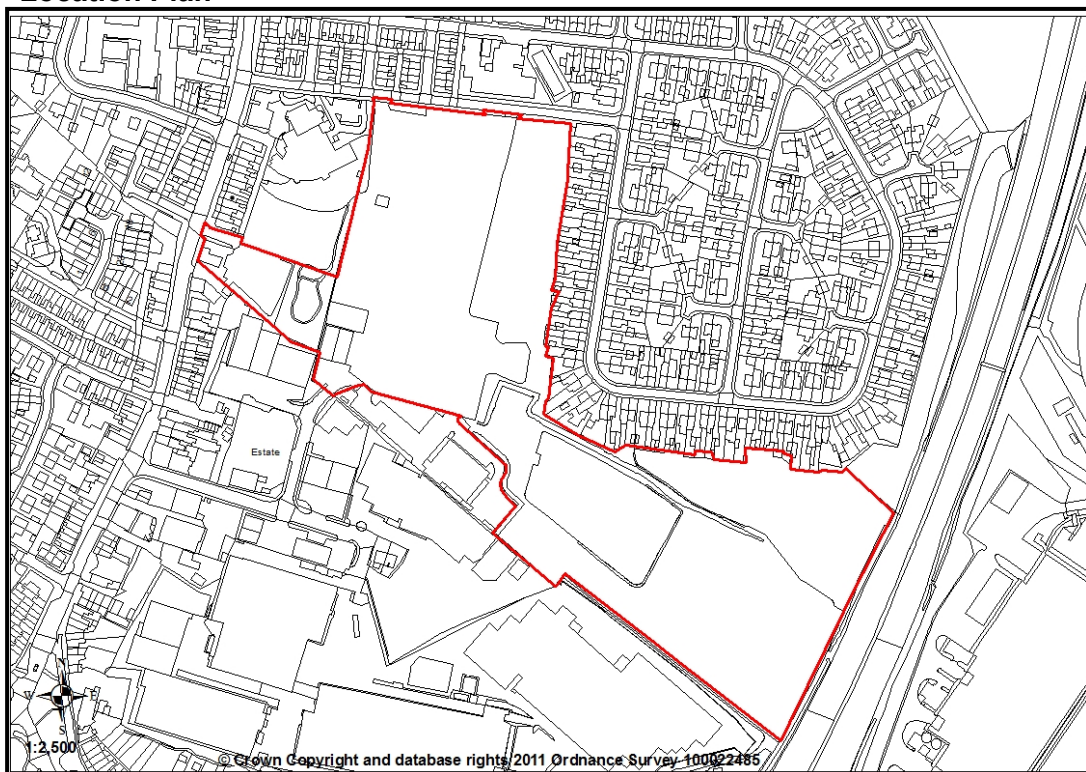
Development Reserved matters application for the erection 188 dwellings following outline approval 07/2012/0729/OUT. Matters of layout, scale, appearance and landscaping are applied for (Amended Plans)

Officer Recommendation That members be minded to approve the application with the decision being delegated to the Planning Manager in consultation with the Chairman and Vice-Chairman of Planning Committee upon successful completion of the Deed of Variation to the Section 106 Agreement and on completion of the neighbour re-consultation period following the submission of amended plans.

Case Officer Janice Crook

Date application valid 25.08.2016
Target Determination Date 24.11.2016
Extension of Time 28.02.2017

Location Plan



Addendum

Members will recall this application came before planning committee at its 7th December 2016 meeting with the committee voting to defer the decision to allow for a second opinion to be sought on the submitted viability appraisal and also for further discussion to take place with the developers concerning parking provision for existing residents on Station Road.

This short addendum report has been produced to update members on the position in respect of the parking provision and the second opinion of the viability of the site with the main report having been updated only in respect of points for clarification, the latest position or other issues that did not form the reasons for deferment.

Parking Provision

Following the deferral at Planning Committee, a meeting was held with planning officers, the developer and agents acting for the developer to discuss the parking provision for existing residents and businesses of Station Road who would lose the on-street parking to the front of their properties. Following this, the developers submitted an amended site layout plan (SK381-PL-01 Rev M refers) and neighbouring properties were notified of the amendments on 16th December 2016. The plan demonstrates 14 parking spaces, including 1 disabled space, to the front of the site adjacent the site access, 7 more than the plan which was considered by planning committee. The developer has achieved this additional parking by moving plots 1-10 further to the west and revised the housetypes to some of the plots. As such the housetype schedule at paragraph 4.2 has been updated.

One letter of representation was received following the neighbour notification, objecting on the grounds that the proposed parking changes still do not provide enough parking for existing residents and businesses.

It is considered that the proposed 14 parking spaces adequately address the number of spaces lost as a result of the proposed Traffic Regulation Order for Station Road. Highways estimated that 7 spaces to the front of 295-317 Station Road would be lost with a further 10 spaces between Smithy Street and Co-operative Street on the west side of Station Road. The replacement spaces result in a loss of just 3 spaces from the existing on-street parking.

Although it has been suggested by some residents that the proposed parking spaces should be allocated to individual properties, Highways consider this would be inappropriate and difficult to manage/enforce. At present, parking along Station Road is on a first come first serve basis with residents mainly parking in the evenings and business clients parking during the day. The parking area should operate in the same way.

Reference must again be made to the requirements of condition 30 imposed on the outline approval 07/2013/0729/OUT which required details of a scheme for the construction of the site accesses and off-site works of highway improvement to be **submitted prior to commencement of the development** with the approved scheme being constructed prior to first occupation of any part of the development. The highway works specified relate to:

- Access into the site directly from Station Road based on the approved drawing 308-04A.
- Access into the site from Wesley Street based on approved drawing 0308-02.
- Proposed traffic calming on Mounsey Street based on approved drawing 0308-05.
- Proposed traffic regulation orders in place on Wesley Street to restrict inappropriate parking.
- Proposed pedestrian crossing provision and design.
- Proposed parking provision in the vicinity of the Station Road site access.

It was recognised that the requirement for the '*proposed parking provision in the vicinity of the Station Road site access*' would have an impact on the site layout and it is for this reason

that the applicant has included these details on the plan. It must be re-iterated that the details required by condition 30 can be discharged at any time prior to commencement of the development by way of a formal 'discharge of conditions' application. The details would be subject to consultation with County Highways and are to ensure highway safety. This reserved matters application cannot be refused on access grounds as permission for the access was granted at outline stage. Nor can this application be refused in respect of the highway details, Traffic Regulation Orders, or the details of the parking provision as these matters are covered by condition 30 which has already been imposed on the outline approval and can be discharged at any time prior to commencement of the development. The developers can continue to explore possible solutions, in conjunction with County Highways, to resolve the issues raised by residents but it is officer's view that the scheme now proposed which includes 14 parking spaces, is acceptable.

Viability

The second reason for deferral was to enable a second opinion to be sought of the development scheme's viability as members were not satisfied with the reduced level of affordable housing proposed. A Residential Viability Appraisal was submitted by the Grasscroft Development Solutions on behalf of the applicants Countryside Properties and this was duly considered by the Council's specialist advisors in matters of viability, Keppie Massie in conjunction with White Young Green (WYG) who, as Quantity Surveyors, restrict their comments to matters of cost with considerations of value and overall viability carried out by Keppie Massie. WYG initially had a number of queries and requested additional details on costings from the applicant. These were provided and Keppie Massie produced a Financial Viability Report for the Council which included chapters on sources of information; financial viability in planning; a description of the development; issues for considerations; an assessment of applicant's assessment; conclusions; market value definition and their confidentiality clause. Keppie Massie concluded that on the basis of the testing that had been undertaken by them, that the offer of 18 intermediate dwellings that had been made by the Applicant is reasonable in this instance.

Following deferment, permission had to be sought from Keppie Massie in order to share their confidential Financial Viability Report. Details of costings and timescales were also sought from various sources in respect of gaining a second opinion on the viability appraisal and Keppie Massie's report, with the decision being made to retain the services of Lea Hough Chartered Surveyors for them to undertake a peer review of the work undertaken by Keppie Massie and also of the applicant's Residential Viability Appraisal. This has been done at additional cost to the Council.

Lea Hough provided a review report which considered details of the site; the planning position; the current market situation; the proposed development; comparable market evidence and values; build costs; contingencies; professional fees; finance costs; sales and marketing; the developer's return; remediation and ground conditions; the affordable housing provision and valuation assumptions. The report concluded that, in broad terms, the values outlined within the submitted Viability Appraisal are reasonable. The land values used in the report to represent a reasonable return for the landowner reflect the current market trend and would seem to be an appropriate baseline requirements. Lea Hough do highlight that some of the abnormal costs quoted vary somewhat with typical expectations, but consider them to generally be within reasonable tolerances. They also comment that "*detailed site investigation reports have not been received and specialist engineering input has not been obtained to complete this report, but the consulting engineers on behalf of the developer are well-known and competent, such that the recommendations and design might reasonably be expected to be appropriate.*"

Lea Hough go on to report that the base build costs do conform with the British Construction Industry Standards (BCIS) and WYG's assumptions and this is acceptable for the purposes of planning viability. They comment that "*whilst it would not be unreasonable to expect a*

volume housebuilder to be able to deliver houses with greater costs efficiency, it may be difficult to demonstrate this with regards to publicly available information.” Officers are aware of one large utility infrastructure ask which contributes to this.

In conclusion, Lea Hough consider that the overall tone and outcome of the viability appraisals appear generally sound and it is likely that the overall outcome of the appraisals undertaken by both Grasscroft and Keppie Massie are suitably reliable. Lea Hough have therefore validated the view given to us by Keppie Massie.

As all documentation in respect of viability is confidential, with all containing confidentiality clauses. Therefore the documents cannot be made public and are not available for viewing. Members will appreciate that the documentation contains highly sensitive details of the applicant’s financial position which cannot be made public.

Other Matters

Since the committee report to the 7th December planning committee was compiled, a number of representations were received which were reported verbally at the committee meeting and have now been added into the body of this updated committee report. The report below is largely as the original report but with relevant sections being updated to reflect the latest position or to give more clarification to points raised during the committee meeting. However none of these issues formed the reasons for deferral other than those reported above.

These additions relate to:

- Section 4.0 ‘Proposal’ at paragraphs 4.2 and 4.3;
- Section 6.0 ‘Summary of Publicity’ at paragraph 6.3, 6.4 and 6.5;
- Paragraph 9.3.2 under ‘Highway Safety’
- Paragraphs 9.4.3, 9.4.4, 9.4.5, 9.4.6 under ‘Parking’
- Further details/clarification on parking issues on Wesley Street/Mounsey Road have been included under the Parking section at 9.4.3 to 9.4.6
- Additional paragraph 9.8.9 to update the ‘Viability and Section 106 Agreement’ section
- Additional paragraph 9.9.6 to update the ‘Trees, Landscaping and Public Open Space’ section

1.0 Report Summary

1.1 Outline approval was granted in 2013 for a residential development of up to 190 dwellings which established the principle of development of this site together with the access arrangements. A Section 106 Agreement was also entered into in respect of affordable housing, open space provision and maintenance, a sum of money for various off-site works and the transfer of land to the Cuerden Church School to replace land to be part of the development.

1.2 A Deed of Variation has been submitted along with this planning application to amend the Section 106 Agreement in respect of the amount of affordable housing to be provided as part of the scheme, due to viability issues, and also the timescales for laying out of the land to be transferred to the Cuerden School.

1.3 The proposed scheme is for 188 dwellings including 18 affordable dwelling, with matters of layout, scale, appearance and landscaping being applied for. These matters have been considered in terms of the relevant planning policy and are found to be acceptable. Therefore the application is recommended for approval and the decision be delegated to the Planning Manager in consultation with the Chair and Vice-Chair of Planning Committee upon successful completion of the Deed of Variation to the previously agreed Section 106 Agreement.

2.0 Site and Surrounding Area

2.1 The application relates to an irregular shaped parcel of land of approximately 6.72 hectares in size located off Wesley Street in Bamber Bridge. The application site also includes a parcel of land currently used as part of the Cuerden Church School playing fields.

2.2 The application site is the site of the former New Mill, Wesley Street with demolition of the mill building and associated structures having taken place between November 2013 and May 2015. The site is now vacant and overgrown.

2.3 Due to the sites irregular shape it is defined by numerous boundaries. Part of the northern boundary is bounded by Wesley Street whilst the remainder is bounded by woodland which separates the site from residential properties on Stockdale Crescent. The remaining part of the northern boundary is bounded by terraced residential dwellings on Montgomery Street and Brown Street, off Wesley Street together with a telephone exchange building.

2.4 The eastern boundary of the site is boundary bound by a combination of residential properties on Stockdale Crescent, Whitehead Drive and Langden Crescent and the M6 Motorway. The southern boundary is adjacent to the Club Street Employment Area, occupied by businesses including Glover's Bakery and Baxi Manufacturing. The western boundary of the site is adjacent a mix of commercial and residential properties on Station Road and the Cuerden Church School.

2.5 The site lies within a sustainable location and is within easy walking distance Bamber Bridge District Centre and is well connected to the local public transport network. Bamber Bridge Railway Station is located approximately 200m to the north of the site.

3.0 Planning History

3.1 A number of planning permissions have been granted on the application site dating back to the 70's which are not considered relevant to this application. Those which are relevant are as follows:

3.2 Outline planning application, 07/2012/0728/OUT for a residential development with a maximum of 200 dwellings with access off Wesley Street following demolition of New Mill and three industrial units was approved on 4 August 2014 following completion of a Section 106 Agreement.

3.3 Outline planning application 07/2012/0729/OUT for a residential development with a maximum of 190 dwellings with access off Station Road and Wesley Street following demolition of New Mill and 3 industrial units together with a replacement playing field at Cuerden Church School was approved on 30 August 2013 following completion of a Section 106 Agreement.

3.4 Application 07/2013/0314/DEM for prior notification to demolish Wesley Street Mill and associated outbuildings was agreed on 6 June 2013.

4.0 Proposal

4.1 The application relates to the reserved matters of layout, scale, appearance and landscaping following the granting of outline planning permission. The proposal is for 188 dwellings and associated works, including roads and footways, parking areas, associated engineering operations, hard and soft landscaping, public open space, walls and fences and drainage and other works associated with the construction of the proposed dwellings. 170 of the properties will be available on the open market and 18 dwellings will be provided as affordable dwellings.

4.2 The proposed dwellings comprise a mix of two, three and four bed dwellings, two storey in height with some dwellings having bedrooms in the roof space. The gross density of the development is 28 dwellings per hectare. The mix of housetypes is as follows:

6 Irwell 2-bed	13 Ashbourne 3-bed
18 Weaver 3-bed	7 Walton 3-bed
5 Grantham 3-bed	2 Foss 3-bed
28 Ellesmere 2-bed	2 Selby 3-bed
6 Life 2B4P 2-bed	3 Dee 4-bed
14 Longford 3-bed	17 Dunham 3-bed
8 Stamford 3-bed	8 Lymington 4-bed
15 New Stamford 3-bed	7 Baybridge 3-bed
1 Ellesmere UP 3-bed	1 Ribble 3-bed
6 Weaver UP 3-bed	9 Ashley 4-bed
12 Life 3B5P 3-bed	

4.3 Parking for dwellings will be provided within the curtilages of the dwellings, although some, ie plots 15 - 18, will be accessed via private driveways. Additionally, the scheme includes parking provision for 14 vehicles off Station Road for existing residents on Station Road.

4.4 A landscaping plan has also been submitted which demonstrates of an area of public open space (POS) of approximately 0.16 hectares. The POS incorporates an informative board, which will provide details on the historic use of the site.

4.5 The proposals also include the relocation of the Cuerden Church School playing field. A Section 106 was entered into at outline stage which required that the development should not commence until a scheme has been submitted in respect of the transfer of land to the Cuerden Church School to replace land to be part of the development. The Section 106 Agreement also secured the provision of a scheme for affordable housing, open space provision and maintenance and to secure a sum of money for off-site highway works, improvements to Station Road Level Crossing; off-site open space/recreation provision and any other project within the vicinity of the site to be agreed. Accompanying this planning application is a deed of variation to amend the Section 106 Agreement in respect of the reduction in the affordable dwellings provision from 20% to 10% due to viability issues and the timeframe for laying out of the land for the Cuerden School.

5.0 Summary of Supporting Documents

- Planning Statement;
- Economic Benefits Infographic;
- Public Open Space/Landscaping Scheme and Gateway Feature;
- Air Quality Assessment;
- Noise Impact Assessment;
- Travel Plan;
- Transport Statement;
- Viability Appraisal (Confidential Document);
- Tree Survey Report and Tree Protection Plans;
- Deed of Variation

6.0 Summary of Publicity

6.1 A total of 421 neighbouring properties were notified, five site notices posted in the vicinity of the site and a newspaper notice was published. Initially, a total of 12 representations were received, objecting to the proposal on the following grounds:

- Development will have an overbearing effect on the lives of those living, working and attending the neighbouring properties in terms of the junctions to Station Road and Wesley Street
- New dwellings front directly onto Wesley Street and this should be altered
- Visitor parking and deliveries will add to the congestion and grid lock to Wesley Street
- Increase in traffic and traffic pollution
- Additional traffic will add to the risk of accidents to vulnerable pedestrians
- Danger when turning right across Station Road from Mounsey Street/Wesley Street
- Traffic backs all the way along Station Road during peak travel times – proposal will compound problem
- Object to proposed access on Wesley Street which is a small street already double parked at school times.
- Additional 200 vehicles using this road as access would cause a serious accident
- Wesley Street should be only used as an emergency vehicle only access
- Plans do not show access onto Club Street
- The objective of the Travel Plan is unrealistic
- Loss of parking provision for existing residents on Station Road
- A portion of land off Mackenzie Street could be allocated for locals residents' parking
- Accurate and independent traffic study should be undertaken
- Where is the infrastructure to support the project?
- Doctors and Dentists' practices will not be able to cope with additional people
- New dwellings proximity to boundary
- Boundary consists of Oak and Hawthorn trees and bushes – will the proposed development be sympathetic to these.
- Great Crested Newts have been on the lodge area
- Will new properties have their own boundary fences?
- Object to the filling in of the existing partially drained lake on the site
- This is contrary to Policy 22 which seeks to conserve, protect and enhance the natural environment
- Impact on wildlife such as frogs, newts etc and their habitats
- Retention of part of lake could be part of the POS provision

6.2 Following submission of amended plans, neighbouring residents were re-notified with a further five letters of representation being received. Points of objection not previously raised relates to the following:

- Height of 3.5m acoustic fence to boundary with adjacent business which is twice the height of existing fence
- This will be an eyesore for new residents and existing business
- Unreasonable to have structure to this height
- Question the ability to maintain fence and the stability of the fence
- Access to Mackenzie Street, this is a single track road to provide access to rear of properties on Station Road only, this will become a rat run
- Need method to keep this road clear for residents only, ie gated access
- Proposal takes some of the school grounds, would it not be possible to take additional section to provide parking for residents to rear of Station Road
- Not enough parking provided to replace spaces lost on Station Road
- Effect on businesses on Station Road
- Effect on parking outside home of blue badge holder
- Proposed access off Wesley Street unacceptable as businesses on Mounsey Road received deliveries via large trucks and roads will be blocked.
- Wesley Street unsuitable for construction traffic
- Traffic on Station Road has increased since outline approval, Highways should reconsider use of Wesley Street for access.

6.3 It was necessary to re-consult neighbouring residents again as the site layout plan was further amended in respect of the highway marking and Traffic Regulation Order proposal on Station Road, following confirmation from County Highways that the 3 parking spaces shown on Station Road would have to be removed in order to provide the required sight lines. Further comments received were reported verbally at planning committee on 7th December 2016. These comments again raise issue of parking along Station Road, will comments including:

- Latest amended now proposes no parking whatsoever on Station Road
- 7 parking bays within new development will not assist residents living on Station Road or the businesses
- Residents cannot part to rear of their houses on McKenzie Street so where are they supposed to go?
- Impact on podiatry business which is used by elderly patients.
- Will result in business not compiling with legislation for the Disabled if people cannot park in front of business
- Impact on value of property
- Would not have bought house if there was to be no parking to front
- Suggest traffic lights at new access and parking bays along Station Road rather than double yellow lines
- Lack of publicity for the proposed highway changes
- Impact on parking for property where disabled child lives and where regular healthcare workers visit
- Suggests further additional spaces are created on the land at the rear on the school playing field
- Car parking area proposed needs a residents parking scheme to ensure the spaces are available for residents
- No plans of proposed highway measures on Wesley Street required by condition 30
- No reference to how policy G17 can be addressed in respect of the Cuerden Church and Community Centre; the 100 plus terrace properties using Wesley Street and Mounsey Road access that have no garages or parking spaces; the Mounsey Road industrial estates and the Cuerden Church School and Nursery with access onto Wesley Street.
- The layout shows dwelling s fronting onto Wesley Street, this will be a source of increased traffic movements, compromising highway safety
- Visitor parking and deliveries to new housing fronting Wesley Street will add to congestion.
- Congestion problems on Wesley Street at beginning and end of school day.
- Congestion in area when rail barriers are down.
- Residents should be consulted on condition 30 with opportunity to discuss the measures being taken
- New parking provision should be providing for spaces lost on Wesley Street as has been on Station Road

6.4 Following the deferment at planning committee, a further amended plans was submitted and neighbouring properties were notified of the amendments on 16th December 2016. The plan demonstrates 14 parking spaces, including 1 disabled space, to the front of the site adjacent the site access and revisions to the location and houstypes to some plots along the site access road. One further letter of representation was received objecting on the grounds that the proposed parking changes still do not provide enough parking for existing residents and businesses.

6.5 Additionally, at planning committee, it was verbally reported that Baxi had withdrawn their objection. However, there was a misunderstanding and they had actually confirmed the objection would be withdrawn once they were satisfied that air had been fully dealt with. They had discussions with the applicants but have now confirmed that their objections stands and therefore have submitted the objection again. In summary, they raise concerns in

respect of future complaints from occupiers of the development in respect of noise, odour and fumes due to the proximity of properties to the boundary. This is as per the original report and is discussed in the 'Relationship to Neighbouring Properties/Residential Amenity' section of this report.

7.0 Summary of Consultations

7.1 **County Highways** initially commented that the proposed site layout, for the most part, was acceptable but requested that a number of points be addressed prior to determination of the application. These included parking provision for a number of dwellings as the integral garages did not meet the minimum dimensions of 6m by 3m to be acceptable as a parking space and additionally some of the parking areas were below standards.

7.2 These comments were forwarded to the applicant and an amended plan was subsequently submitted. County Highways confirmed that driveways have been expanded to accommodate two cars, however the proposed inclusion of sheds to address the undersized garages is not acceptable to the Highway Authority. Therefore a number of plots still do not meet the car parking standards. This issue is discussed in the 'Parking' section of this report, along with issues of displaced parking for existing properties on Station Road.

7.3 Access to the site was determined with the outline planning approval. However, County Highways initially requested that the footway and grass verge to the south side of the access road from Station Road are swapped over so that the footway is adjacent to the highway. This is for adoption purposes. The amended plans has addressed this concern.

7.4 **Highways England** was previously consulted on the outline application and raised no objections. However, the matters of landscaping, noise mitigation and boundary features subject of this application have direct relevance to the operation of the M6 motorway. Consequently, Highways England make a number of recommendations in the interests of maintaining the safety and integrity of our M6 motorway asset. These matters are set out in the 'Other Highway Issues' section of this report.

7.5 **Network Rail** confirm that they submitted comments at outline stage as they had concerns on the impact upon the Bamber Bridge level crossing. As the proposal is now at the reserved matters stage Network Rail further comment that 188 dwellings could result in increased traffic onto Station Road and that Bamber Bridge is one of Network Rail's high risk crossings, due to the existing amount of traffic traversing it each day. Therefore the request that the developer undertake a traffic survey of the level crossing to assess the expected increase in traffic usage. They also request that both the Local Planning Authority and County Highways consider alternations to the bus stop on the down side of the crossing where the old post office used to be. Network Rail's comments are discussed in more detail in the 'Other Highway Issues' section of this report.

7.6 **Environmental Health** consider that this site has the potential to be adversely affected by noise, reduced air quality and dust impacts during the construction phase. As such they require conditions be imposed in respect of air quality monitoring; the submission of a Travel Plan; that electric vehicle recharge points be incorporated into the development; that cycle storage be provided; the submission of a Construction Method Statement and an investigation and details of any required remedial work in respect of contaminated land be submitted. Environmental Health also require details be submitted of the long term maintenance and suitability of the proposed mitigation measures in respect of noise reducing measures.

7.7 It is noted that a number of conditions were imposed on the outline approval, including the requirements for a Construction Method Statement; a Travel Plan and a Air Quality Assessment.

7.8 **Sport England** comment that the proposal is not considered to fall within their statutory remit and therefore have not provided a detailed response. However, they do comment that, if existing sports facilities do not have the capacity to absorb the additional demand this new development will create, new sports facilities should be secured and delivered in accordance with local policy and standards set out in the Playing Pitch Strategy.

7.9 **Housing** comment that the developers are reducing the level of affordable housing from 20% to 10%, and are also moving from a mixed development of social rent and shared ownership to all shared ownership. This is due to issues of viability but would be satisfied with the views of the Council's advisors with regards to viability.

7.10 Housing also initially raised an issue with the wording of the Deed of Variation to the Section106 Agreement. It refers to Intermediate Affordable Housing as "*First Buy*" or "*Rent to Buy*". Housing considered this terminology to be redundant, and should refer to "*Help to Buy: Shared Ownership*" to reflect the current position.

7.11 Housing's comments were forwarded to the developer who confirmed the proposed amendments to the wording were acceptable and the Deed of Variation would be amended accordingly. However, the wording of the Deed of Variation has no bearing on the outcome of this Reserved Matters application but is more an issue of negotiation between Legal Services, Strategic Housing and the developer.

7.12 **Police Architectural Liaison Officer** comments that, in the last 12 month period, there have been 13 auto-crimes, 18 burglaries and 53 criminal damage offences reported in the area around this site. Due to the scale of this proposed development, it is essential to consider crime reduction in order to reduce the threat of crime affecting the development when complete. Therefore a number of Secured by Design principles should be incorporated the development. These are outline in the 'Crime and Disorder' section of this report and can be incorporated during the construction phase of the development.

7.13 **United Utilities** had no comments to make on this Reserved Matters application.

7.14 **Environment Agency** confirm they have reviewed the submitted details and have no further comments to add to those they made in response to the outline application.

7.15 **Local Lead Flood Authority** considered the information provided by the applicant and also the Environment Agency's response to the outline application, dated 21 January 2013. In addition to the conditions requested by the Environment Agency, the LLFA consider that the applicant has not demonstrated why the Planning Practice Guidance Hierarchy for the disposal of surface water has not been followed and that the surface water from the development should, as far as reasonable practical, be managed on site through infiltration or attenuation. Therefore the LLFA suggest additional/replacement conditions to secure the submission of an appropriate surface water drainage scheme; the submission of a management and maintenance plan for the sustainable drainage system; and the submission of details of how surface water and pollution prevention will be managed during construction.

7.16 **Arboriculturist** comments in respect of the landscape plan and considers that ash species are replaced by another suitable large native deciduous species. Following the submission of further details in respect of the removal of trees, the Arboriculturist confirms that there is no objection to the removal of trees, identified on the submitted plans.

7.17 **Electricity North-West** were consulted due to the proximity to an electricity sub-station. However, no response was received.

7.18 The Council's Financial Advisors, in terms of the submitted viability appraisal, consider that, on the basis of the testing that they have undertaken, the offer of 10 intermediate dwellings that has been made by the Applicant is reasonable in this instance. This is discussed further in the 'Viability' section of this report.

8.0 Policy Considerations

8.1 Central Lancashire Core Strategy

Policy 1: Locating Growth supports development at Bamber Bridge focussing on the regeneration of the district centre and brownfield sites.

Policy 4: Housing Delivery seeks to provide a minimum of 417 dwellings per annum within South Ribble during the period 2012 to 2026.

Policy 5: Housing Density advises that the density of development should make efficient use of land whilst also maintaining with the character of local areas.

Policy 6: Housing Quality supports the provision of accessible housing, neighbourhoods and the use of higher standards of construction.

Policy 7: Affordable and Special Needs Housing requires the provision of 30% affordable housing within urban areas and 35% in rural areas for sites providing 15 or more dwellings, subject the financial viability considerations and contributions to community services.

Policy 17: Design of New Buildings provides guidance for the design of new buildings. Designs should consider a number of criteria including the character and uses of the local area, minimise opportunity for crime, be inclusive, adaptable to climate change and the achievement of 'silver' or 'gold' Building for Life ratings.

Policy 22: Biodiversity and Geodiversity promotes the conservation and enhancement of biodiversity and the safeguarding of ecological networks and geological assets.

Policy 26: Crime and Community Safety encourages the use of Secure by Design principles in new development.

Policy 27: Sustainable Resources and New Development requires the incorporation of sustainable resources into new dwellings. The design of new homes should minimise energy use, maximise energy efficient and be flexible enough to withstand climate change. Further, appropriate facilities should be provided for the storage of recyclable waste and composting.

Policy 29: Water Management aims to improve water quality, water management and reduce the risk of flooding through a number of measures.

Policy 30: Air Quality seeks to improve air quality through the use of green infrastructure initiatives.

8.2 South Ribble Local Plan

Policy B1: Existing Built-up Area permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment providing that the development complies with the requirements for access, parking and servicing; is in keeping with the character of the local area and would not adversely impact the amenity of nearby residents.

Policy D1: Allocation of Housing Land provides a schedule of housing allocation sites. The application site is identified as Site R: Land off Wesley Street, Bamber Bridge. It identifies that the site extends to 6.9ha and has capacity for up to 195 dwellings. It is noted that the site includes land which forms part of the playing fields of Cuerden Church School and proposals should provide a replacement playing field.

Policy D2: Phasing and Monitoring of Housing Land Supply has regard to the phasing of housing development, advising that delivery will be monitored on an annual basis.

Policy F1: Parking Standards advises that parking and servicing space should accord with the adopted parking standards. Any variation from the standards should be supported by a transport statement based on local evidence.

Policy G10: Green Infrastructure Provision in Residential Development requires residential development with a net gain of 5 or more dwellings to provide sufficient Green Infrastructure, which should be provided on-site, though off-site provision can be made via developer contributions. Residential developments are normally required to meet the needs

for equipped children's play area which are generated by the development, either as part of the integral design or by developer contributions.

Policy G11: Playing Pitch Provision requires residential development with a net gain of 5 or more dwellings to provide playing pitches at a standard provision of 1.14 ha per 1,000 population. The stated standards are to be flexible and appropriate for each individual development.

Policy G13: Trees, Woodlands and Development prevents development that will adversely impact on protected trees, ancient woodlands, trees in conservation areas or recognised conservation sites. The policy supports the retention and enhancement of existing trees and hedgerows and the provision of replacements for any trees on a 2 for 1 basis.

Policy G14: Unstable or Contaminated Land supports the redevelopment of previously developed land and advises that applications should be supported by satisfactory site investigations and mitigation measures where required.

Policy G15: Derelict Land Reclamation supports the reclamation of derelict land for employment and residential development. Provision should also be made for maintaining and improve the environment and landscape.

Policy G16: Biodiversity and Nature Conservation seeks the protection and enhancement of biodiversity assets, with the use of appropriate mitigation measure where required.

Policy G17: Design Criteria for New Development permits new development provided that, the proposal does not have a detrimental impact on neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

Policy H1: Protection of Health, Education and Other Community Services and Facilities protects health, education and other community services through CIL and/or developer contributions.

8.3 **Supplementary Planning Documents**

Affordable Housing; Design Guide; Open Space and Playing Pitch; Renewable and Low Carbon Energy; Biodiversity and Nature Conservation

9.0 **Material Considerations**

9.1 **Principle of Development**

9.1.1 The principle of development of this site was established with the outline permission 07/2013/0729/OUT for a residential development with a maximum of 190 dwellings, accessed off Station Road with an additional access off Wesley Street. The permission included the demolition of New Mill and 3 industrial units. However, the demolition was carried out under a separate prior notification of demolition notice 07/2013/0314/DEM. The outline permission also included a replacement playing field at Cuerden Church School and was subject to a Section 106 Agreement.

9.1.2 This Reserved Matters application seeks permission for the detailed design of a scheme for 188 dwellings with matters of layout, scale, appearance and landscaping being applied for. These matters are considered in further detail below with reference to the relevant planning policies. However, the background in respect of the access together with traffic, parking and wider highway implications is discussed first as, although the access to the site has been agreed, these issues have raised a number of objections to this current application.

9.2 Access

9.2.1 As indicated above, access was agreed at outline stage. The main site access is off Station Road adjacent to 317 Station Road and includes Mackenzie Street and the site of the former Mackenzie Arms public house. There is also a secondary site access off Wesley Street. As part of the outline approval 07/2013/0729/OUT, condition 30 was imposed which required details of a scheme for the construction of the site accesses and off-site works of highway improvement to be submitted prior to commencement of the development with the approved scheme being constructed prior to first occupation of any part of the development. The highway works specified relate to:

- Access into the site directly from Station Road based on the approved drawing 308-04A.
- Access into the site from Wesley Street based on approved drawing 0308-02.
- Proposed traffic calming on Mounsey Street based on approved drawing 0308-05.
- Proposed traffic regulation orders in place on Wesley Street to restrict inappropriate parking.
- Proposed pedestrian crossing provision and design.
- Proposed parking provision in the vicinity of the Station Road site access.

9.2.2 As access has already been established with the outline approval, County Highways have no comment to make in respect of the access other than a request that the footway and grass verge to the south side of the access road from Station Road are swapped over so the footway is adjacent to the highway. This is for adoption purposes only. An amended plan was therefore submitted to demonstrate this requirement and County Highways confirm this is now acceptable.

9.2.3 A number of objections have been received to this Reserved Matters application which relate to access issues. Residents comment on the proposed dwellings which front directly onto Wesley Street and they consider these should be altered so that access is from within the site. Residents also consider visitor parking and deliveries will add to the congestion on Wesley Street; that Wesley Street is a small street which is already double parked at school times; and that an additional 200 vehicles using this road as access would cause a serious accident.

9.2.4 Sixteen plots, 140 to 155, directly access Wesley Street, each with their own driveway, 2.5m by 10m. This is sufficient to enable two vehicle to park off the highway. This is considered acceptable, provides the required number of off street parking spaces for the size of dwellings and has the additional benefit of providing an active frontage to Wesley Street. County Highways have no objection to the use of Wesley Street for a secondary access or that private driveways directly access Wesley Street. However, condition 30 of the outline permission does require details of proposed traffic regulation orders to be put in place on Wesley Street to restrict inappropriate parking. The details of the scheme would be submitted as part of 'Discharge of Conditions' application for agreement by the Local Planning Authority in conjunction with the Highway Authority at the appropriate time.

9.2.5 Residents and businesses along Station Road in the vicinity of the main site access have also raised objection in respect of the loss of on-street parking due to the proposed traffic regulation order required to provide sight lines from the access. As a

result the applicant has submitted a Highways Note by Croft Transport Solutions and an amended site layout plan demonstrating the required sight lines, the crossing point and road markings. It also provides a dropped crossing to ensure that residents can access the rear of properties 305-317 Station Road and a parking area for 14 vehicles adjacent the site access. County Highways have considered this proposal and confirm there are no highway issues with the proposed parking area. The site access details, as demonstrated on the submitted site layout plan, are largely in line with the scheme agreed at outline stage, referenced in condition 30 as Dwg No 308-04 Rev A with the main change being the inclusion of the 14 space car parking area. As the site access has been granted permission at outline stage, it is not for consideration as part of this Reserved Matters application.

9.3 Highway Safety

9.3.1 Objections have also been received in respect of highway safety issues with residents considering the proposal will result in an increase in traffic and this additional traffic will add to the risk of accidents to vulnerable pedestrians. They also consider the proposal will result in a danger to motorists when turning right across Station Road from Mounsey Street or Wesley Street. They comment that traffic backs all the way along Station Road during peak travel times and the proposal will compound this problem.

9.3.2 Again, issues of highway safety, the road network and the wider implications of the redevelopment of this site was considered at outline stage. County Highways required a number of measures to be implemented as part of a S278 Agreement, and these formed the basis of outline planning condition 30, as indicated above in the 'Access' section. No details of the proposed traffic regulation orders for Wesley Street have been provided as part of this Reserved Matters application. However, condition 30 of the outline approval required details of the proposed revised layout of the existing TRO to be submitted prior to commencement of the development and these details will be submitted at Discharge of Conditions stage before works commence. It is noted that two potential revised TRO schemes were submitted with the outline application but were not referenced in the condition with the condition requiring these details to be submitted at Discharge of Conditions stage following consultation with County Highways. The final details of the Wesley Street access and the traffic calming measures on Mounsey Street would also need to be submitted at Discharge of Conditions stage and these would be broadly in line with the plans that were referenced in condition 30, Wesley Street Access 0308-02 and Traffic Calming on Mounsey Street 0308-05.

9.4 Parking

9.4.1 County Highways initially confirmed that the proposed site layout, for the most part, was acceptable, but a number of dwellings did not meet the recommended parking provision. This was in respect of the integral garages not meeting the minimum dimensions of 6m x 3m in order to be counted as parking spaces. Additionally, the minimum dimension for a parking bay should be 2.4m wide by 4.8m long and all private drives fronting garages should be a minimum of 6m long and this must not include any of the required 2m wide service verge.

9.4.2 These comments were discussed with the applicant who submitted an amended site layout plan to demonstrate the provision of garden sheds as additional storage for those plots with integral garages below the 6m x 3m standard. Other amendments in respect of parking provision include the increase in the size of shared driveways; the re-plan of some plots; the change of housetypes to some plots and changes to detached garages. County Highways confirm that a number of driveways have been expanded to accommodate two cars but the proposed inclusion of sheds to address the undersized garages is still not acceptable to the Highway Authority. However, this

issue is something that has been raised on a number of other residential developments in the Borough and this Council has accepted the provision of garden sheds in order to provide storage for cycles etc, leaving the garage for the sole use of vehicle parking. It would be inappropriate to penalise this developer for something that has been accepted for many other developments.

- 9.4.3 It is recognised that a number of residents and businesses along Station Road will lose their on-street parking due to the site access and associated TRO. The applicant proposes a parking area fronting Station Road for 14 vehicles, including one disabled space. Whilst it is accepted that this parking will not replace all the displaced parking spaces along Station Road, it will provide parking for the estimated 7 spaces to the front of 295-317 Station Road and most of the 10 spaces between Smithy Street and Co-operative Street on the west side of Station Road. The replacement spaces result in a loss of just 3 spaces from the existing on-street parking and the applicant considers it meets the requirements of condition 30. County Highways confirm the site layout plan revision M is acceptable.
- 9.4.4 No details of replacement parking was requested for residents of Wesley Street as this was not considered to have any affect of the proposed site layout as did the Station Road situation. Traffic Regulation Orders already exist along Wesley Street which restrict parking on the highway. Details of the proposed revisions to the existing TRO scheme have not been provided at part of this Reserved Matters application as the details form part of condition 30 which requires the details to be submitted at Discharge of Conditions stage. Further, only 3 existing dwellings are located fronting onto Wesley Street, close to its junction with Station Road and therefore residents parking outside their properties is not compromised. Whilst it is recognised that there are a large number of vehicles that park along Wesley Street in the vicinity of the proposed access, the site access is not considered to compromise the parking of residents of Wesley Street itself.
- 9.4.5 The side roads between Wesley Street and Mounsey Road where residential properties are located do not have TRO's and none are required as part of this development. It is noted that traffic calming is proposed, again covered by condition 30. There are therefore no restrictions to stop residents parking to the front of their properties on these streets.
- 9.4.6 Mounsey Road does not have TRO's in place along the majority of its length although double yellow lines exist close to the junction with Station Road. There are no proposals for a TRO scheme to be put in place along Mounsey Road although some traffic calming measures are required, as per condition 30.

9.5 **Wider Transport Considerations**

- 9.5.1 The wider transport impacts of the development were considered at outline stage. However, due to the proximity of the site to the motorway network, Highways England were consulted on this Reserved Matters application and they commented that, although they raised no objections to the development at outline stage, they consider that the matters of landscaping, noise mitigation and boundary features subject to this application have direct relevance to the operation of the M6 motorway. Therefore they highlight a number of points for the developer to consider, and these are included as an informative note on the planning decision notice. The point relate to no direct vehicular or pedestrian access to the M6 motorway; no drainage from the development to connect into the motorway drainage system; no development on or adjacent to the M6 motorway embankment; no works that require any temporary closure to the M6 motorway; access be provided to Highways England to a one-metre wide strip of land adjoining the motorway boundary for the purposes of maintaining the M6 motorway boundary fence, embankment or landscape planting; that effective

steps are taken to mitigate the impact of noise emanating from the M6 motorway on the development; the existing motorway boundary fence shall not be altered in any way; no planting or obstruction of the surface of the site within one metre of the motorway boundary fence; no planting of species that, when mature, shall be of a height that should they fall down, could fall onto the motorway carriageway; no encroachment of the site or any boundary feature onto motorway land owned by the Highways England.

9.5.1 Network Rail also submitted comments on the outline application and raised concerns over the impact of the development on the Bamber Bridge level crossing. In respect of this reserved matters application, Network Rail further comment that the 188 dwellings could result in increased traffic onto Station Road; Bamber Bridge is one of Network Rail's high risk crossings due to the existing amount of traffic traversing it each day; request that the developer undertake a traffic survey of the level crossing to assess the expected increase in traffic usage from the development; request that the LPA and LCC Highways consider alterations to the bus stop on the down side of the crossing where the old post office used to be.

9.5.3 These comment can be considered by the developer in association with the requirements of Condition 30 imposed at outline stage and also in relation to the requirements of the Section 106 Agreement. Additionally, the final comment relating to the bus stop is something that has been explored with the Council's Regeneration Team who are currently carrying out works of improvement to the centre of Bamber Bridge. Unfortunately, they report it would not be possible to re-locate further bus stops as some have already been re-located as part of the regeneration works.

9.6 **Relationship to Neighbouring Properties/Residential Amenity**

9.6.1 In terms of the site layout and detailed design, this is assessed in terms of potential impact on existing neighbouring properties. Two storey semi-detached dwellings are located along Stockdale Crescent to the north-western boundaries of the site. The proposed dwellings are to be a mix of detached and semi-detached dwellings, mainly two storey with some plots having accommodation in the roof space. However, these properties, the Stamford and Dunham housetypes, have rooflights in the roof slopes not dormer windows. The site layout achieves above the normally required separation distance between the existing properties and proposed dwellings in order to prevent overlooking/loss of privacy issues.

9.6.2 The proposed dwellings fronting onto Wesley Street will face the gable ends of properties on Montgomery Street and Brown Street. These are blank gables with just one property, 9 Brown Street having a small first floor window in the gable end, not an original window. Facing will be plots 147 and 148 with the 'Life 2B4P' housetype, a semi-detached two storey dwelling with first floor bedroom window facing at a distance of 14.5m. This is below the normally required 21m separation distance between first floor facing windows in respect of habitable rooms. However, it is unclear what room the window serves and the window is not an original window. It is likely that the window is a secondary window to a bedroom with the main window to the front or rear or a window to a landing area. Furthermore, no representation has been received from the occupant of that property. In view of this, the relationship is considered acceptable in this instance.

9.6.3 The southern boundary of the site is adjacent to the Club Street Employment Area, occupied by Glover's Bakery and Baxi Manufacturing. Although these are not residential properties and therefore the residential amenity of the occupant is not compromised, a letter of objection was received on behalf of Baxi commenting that the Baxi foundary operates 24 hours a day and they consider the noise and air mitigation measures are cause for concern. Core Strategy Policy 17 seeks to ensure

that the amenities of occupiers of new development will not be adversely affected by neighbouring uses and vice versa and in this case the objector is concerned about an existing use affecting the occupiers of the new development. The issue is something that Environmental Health have also raised, commenting that this site has the potential to be adversely affected by and to adversely affect surrounding land uses, in particular from noise, reduced air quality, and dust impacts but specify this would be during the construction phase. Environmental Health confirm that Baxi have a duty to ensure that odour does not travel beyond their boundary and therefore the issue of odour should not create problems in terms of residential amenity. In terms of noise, Environmental Health consider the mitigation measures in the form of a 3m high acoustic fence to the common boundary with the industrial estate will be sufficient. However, Environmental Health require details be submitted of the long term maintenance and suitability of the proposed mitigation measures in respect of noise reducing measures

- 9.6.4 To the western boundary are residential properties on Station Road together with the Cuerden Church School. The proposed development will introduce a number of properties adjacent to the school's boundary and also the proposed replacement school field. The access road will be located to the south of the new playing field with properties on the opposite side of the access road facing towards the replacement field. An area of landscaping is proposed to the playing field boundary which will effectively screen the field from the proposed dwellings and vice versa.
- 9.6.5 Further properties will be located adjacent to the new playing field's eastern boundary with their rear gardens up to the boundary. Against, planting is proposed to the common boundary which will effectively screen the two uses from each other.
- 9.6.6 The properties on Station Road are a mix of residential and commercial. 317 Station Road is a hairdressing business and the access road is immediately adjacent and plots 1 and 2 beyond. Plot 1 is a Stamford housetype, 2.5 storey in scale with one ground floor and one first floor windows facing the gable end of 317 which in turn has two ground floor and one first floor windows facing. It is unclear whether the first floor is in residential use or associated with the ground floor business. A 16m separation will be achieved between the two properties. Given that the first floor window is to a bathroom and will therefore be of obscure glazing then no impact is envisaged in terms of overlooking/loss of privacy.
- 9.6.7 To the south of plot 2 is the Autosave business with its associated car parking. Given that this is a commercial premises, the proposed development will have no undue impact in terms of loss of residential amenity.
- 9.6.8 Following the assessment in terms of neighbouring properties and the impact of amenity, it is considered the proposal is compliant with Core Strategy Policy 17 and G17 of the South Ribble Local Plan and will have undue impact in terms of overlooking, loss of privacy, or over-dominance.

9.7 **Design, Appearance and Character of the Area**

- 9.7.1 The proposed dwellings comprise a mix of two, three and four bed dwellings which are mainly two storey in height, although some dwellings have rooms within the roof space. The gross density of the development is 28 dwellings per hectare. This is considered to be appropriate for this sustainable location and is similar in density to other existing residential development in the area. The area consists of predominately semi-detached and two storey residential dwellings with commercial properties interspersed along Station Road. The scale of the proposed development is therefore considered commensurate with existing residential development in the surrounding area.

9.7.2 In terms of the appearance of the development, the internal street scenes and the frontage to Wesley Street are considered to accord with the existing character of the area. The predominant materials used in the existing houses in the area around the site are red brick and grey roof tiles. The proposed materials will reference the local vernacular with the palette consisting of red brick, red multi brick and buff multi brick with selected plots being partially rendered in ivory to provide further variety within the street scene. Interlocking grey and red roof tiles will be used for the roofs. Dwellings predominately face the street with articulation of corners achieved by the use of additional windows which ensure blank gables to the street are avoided.

9.7.3 Overall it is considered that the appearance of the proposed dwellings accords with Policy G17 in that it has no undue impact on the character and appearance of the area and is of a design and appearance that is acceptable in this area.

9.8 **Viability and Section 106 Agreement**

9.8.1 A Deed of Variation to the Section 106 Agreement has been submitted alongside this planning application. Essentially, the DoV proposes the following changes to the original obligation:

- Reducing the overall affordable housing provision from 20% to just under 10%;
- Altering the proposed tenure of the affordable dwellings to 100% intermediate; and
- Altering the trigger for commencement of development in relation to the replacement playing field land for the adjacent school

9.8.3 Affordable Housing

The Section 106 Agreement at outline stage secured the provision of 20% affordable housing on site. However, due to issues of viability, the developer has submitted a Deed of Variation to reduce the number to 10% affordable. Eighteen affordable dwellings are proposed, although it is noted that 19 dwellings would equate to 10%. The Deed of Variation is to amend Paragraph 2.3.1 to read:

“Identify up to a maximum of 10% of the Dwellings to be constructed within the Development as Affordable Housing Units of which all will be Intermediate Affordable Housing, “First Buy” or “Rent to Buy” or any future alternative Government affordable homes initiative or the developer’s own equity share scheme as long as the scheme is counted as affordable housing for the purposes of the new homes bonus”

9.8.4 The reason for the reduction in the amount of affordable housing is due to issues of viability and a confidential viability appraisal has been submitted. This report has been considered by Keppie Massie, the Council’s consultant advisors on issues of viability. They confirm that, on the basis of the testing that they have undertaken, the offer of 10 intermediate dwellings that has been made by the applicant is reasonable in this instance.

9.8.5 The Housing Services Manager comments that the developers are reducing the level of affordable housing from 20% to 10%, and they are also moving from a mixed development of social rent and shared ownership to all shared ownership, effectively making a lower contribution per unit. However, as the issue is one of viability, the Housing Services Manager will be advised by Keppie Massie’s finding.

9.8.6 Keppie Massie provided a robust 22 page report which sets out the sources of information they have used in their assessment, the issues considered, an assessment of the viability appraisal report, the likely costs and revenues associated with the proposed development, and whether the proposal to provide 18 affordable dwellings represents a reasonable offer to the Council.

- 9.8.7 Keppie Massie consider that the sales revenues that have been adopted within the Viability Assessment form a reasonable basis against which to assess the financial viability of the proposed development. They also consider that the construction costs that have been adopted by the applicant are reasonable.
- 9.8.8 In conclusion, Keppie Massie consider that, based on the results of the viability testing that they have carried out, the proposed offer of 18 intermediate dwellings that has been made by the Applicant is reasonable. This provides both the Applicant and Site Owner with a sufficient level of return from the development, and note that if any further affordable dwellings were required then a reduced residual land value would be provided, which would not provide the landowner with a competitive return.
- 9.8.9 Following the planning committee meeting on 7th December 2016 where the decision was deferred to enable a second opinion to be sought on the site's viability, permission was sought from Keppie Massie to share their confidential Financial Viability Report. Details of costings and timescales to get a second opinion were also sought with the decision being made to retain the services of Lea Hough Chartered Surveyors to undertake a peer review of the work undertaken by Keppie Massie and also of the applicant's Residential Viability Appraisal. They made some comments as to the accuracy of the costs particularly, as they are based on BCIS and therefore consider a developer can build more cheaply. However, that is difficult to prove with publicly available data and the costs are broadly within tolerance, such that the overall outcome is fairly reasonable. With the information submitted the outcome and proposed Affordable Housing offer is generally conservative, but justifiable.

I WILL COMPLETE THIS ONCE I RECEIVE THE REPORT

9.8.10 Cuerden Church School Playing Field

The proposed scheme includes the relocation of the Cuerden Church School playing fields with the replacement playing pitch and associated areas extending to approximately 0.2 hectares. The Section 106 Agreement included, at paragraph 5.1 details that development should not commence until the replacement playing field had been laid out for education purposes. The DOV seeks to vary this to allow some initial development to take place from the Wesley Street access which would not impact upon the existing playing field at the school. The agreement as worded would prevent any development taking place until the playing field land has been replaced. Given that the loss of playing field only occurs at the point at which the new road and units are delivered from the Station Road access to the site, the developer considers that the replacement playing field should be only required prior to this part of the site being brought forward. The proposed change would allow for early delivery of some infrastructure and the proposed affordable units, which are along the Wesley Street frontage and access.

9.9 **Trees, Landscaping and Public Open Space**

- 9.9.1 In addition to the replacement school playing field, the proposal includes the laying out of an area of Public Open Space of approximately 0.16 hectares. This is located to the end of the site access road off Station Road. The requirement for POS is covered under the S106 Agreements which required a scheme for the provision of the POS and the execution and completion of the POS works and at 1.1.1 required '*details of the quantum and location(s) including a plan of the POS area*'.
- 9.9.2 Additionally, the existing woodland to the site's northern boundary which is protected under TPO 1992 No 19, is to be retained with an informal footpath through it. Trees along the edge of this woodland are to be thinned out, as identified in the Tree Report. It will also be necessary for the woodland area to be maintained and managed once the development is complete and the S106 Agreement will ensure

this. The two areas of POS combined are considered to meet the requirements for amenity open space provision for new residential development with the replacement playing field for the school meeting the playing pitch requirements.

- 9.9.2 The POS incorporates an informative board, which will provides details on the historic use of the site. Originally, a gateway feature was to be provided and this was secured by Condition 28 of the outline planning consent which required the inclusion of artefacts from the mill building. However, during the demolition of the mill building, the artefacts were found to be fragile and were unfortunately destroyed during the demolition and therefore the developer proposes this sign board to mark the history and past industrial use of the site.. It should be noted that the mill building was demolished under a prior notification of demolition notice and not as part of the outline planning approval and was carried out by the owners of the site, not the applicant of this current proposal.
- 9.9.3 Landscaping of the site includes additional tree planting to the area of open space together with a wildflower seeded area and some thicket planting. Thicket planting is also proposed along the boundary with the replacement school playing field and shrub planting is proposed along the site access together with a number of trees. Existing trees to the school boundary along the replacement playing field are to be retained.
- 9.9.4 There are a number of trees along the boundary with existing residential dwellings on Stockdale Crescent that are to be removed with the submitted Tree Report indicating the majority to be Category C – Trees of low quality and value with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. However, there are a number of Category A and B trees also to be removed, together with a number of trees within the woodland to the north-eastern part of the site. The Tree Survey Report indicates that *“Some trees within the site could be removed due to their poor form and conditions and parts of the woodland would benefit from thinning.”*
- 9.9.5 The Council’s Arboriculturist has no objections to the proposal other than to comment that ash species originally proposed must be replaced by another suitable large native deciduous species.
- 9.9.6 Since the application was deferred at the planning committee meeting of 7th December 2016, an updated ‘Landscaping Masterplan’ has been submitted. The developers have been in consultation with Lancashire County Council and the Cuerden Church School in respect of the requirements for the replacement school field. The Masterplan demonstrates a tarmac surfaced kick-about area with mesh fence around; a timber outside classroom and limestone gravel path together with the school’s relocated ‘paladin’ fence, and a 2.5m high acoustic boundary fence between the proposed dwellings and the school field, as agreed between the three parties.

9.10 **Ecology**

- 9.10.1 The Council’s Ecological Advisors confirm that the site does not appear to have substantively improved in ecological terms since the outline permission was granted and generally the existing conditions imposed at outline stage cover any concerns. These remain to be discharged at the appropriate time.

9.11 **Community Infrastructure Levy**

- 9.11.1 The Community Infrastructure Levy (CIL) was introduced by the government in April 2010 with the Council’s CIL Charging Schedule becoming effective on 1st September 2013. As the outline planning permission was granted prior to this, the development is not liable.

9.12 **Drainage and Flood Risk**

- 9.12.1 The outline application was accompanied by a Flood Risk Assessment which included a number of mitigation measures. Condition 8 was imposed on the outline planning permission requiring the development be carried out in accordance with the FRA and the mitigation measures detailed within it; condition 4 required details of a surface water drainage scheme based on sustainable drainage principles; condition 5 required a strategy be submitted outlining the general system of drainage for foul and surface water flows arising from the site; condition 6 required details of the foul drainage scheme and condition 7 required that no building be erected within 6.5m of public sewers that run through the site.
- 9.12.2 The Environment Agency were consulted on this RM application and they confirm they have reviewed the submitted details and have no further comments to add to those they made in response to the outline application. However, they do highlight that Lancashire County Council, as the Lead Local Flood Authority are now the lead statutory consultees for major development with surface water flooding impact. Although conditions for the surface water drainage scheme was imposed at outline, any details in relation to these would now be for the LLFA to review.
- 9.12.3 The LLFA have looked through the information provided by the applicant and also the Environment Agency's response to the outline application in January 2013. The LLFA consider that the applicant has not demonstrated why the Planning Practice Guidance Hierarchy for the disposal of surface water has not been followed.
- 9.12.4 Although the requirements for drainage were covered under conditions imposed at outline stage, it would now be for the LLFA, as the lead statutory consultees for major development with surface water flooding impact, to review and comment on the drainage schemes for the site. Therefore it is considered appropriate to impose the conditions required and as worded by the LLFA as these reflect the current position in terms of drainage. This will ensure that the drainage schemes submitted at discharge of conditions stage are appropriate for the site and the area and reflect the updated position in terms of the LLFA's drainage requirements.
- 9.12.5 The LLFA also required a condition in respect of the submission of a surface water lifetime management and maintenance plans and a construction phase surface water management plan. Again it is considered appropriate to impose these conditions given that the LLFA are now the statutory consultees. However, it is noted that the applicant considers that the LLFA conditions just repeat the conditions already imposed on the outline approval and that any additional conditions would be unnecessary and unrelated to the actual application that is now being considered. It is officer's view that the conditions proposed by the LLFA are relevant and reflect the current position in terms of site drainage and should be imposed.

9.13 **Noise**

- 9.13.1 This site has the potential to be adversely affected by noise and therefore an Environmental Noise Report was submitted with the application. The site layout also includes the provision of a 3.5m high acoustic fence on a 2m high bund to the boundary adjacent to the motorway and a 3.5m high acoustic fence to the boundary with the industrial estate.
- 9.13.2 Environmental Health have considered the submitted details and comment that the report suggests that the maximum façade levels of the properties following the erection of the proposed acoustic barrier will be 63dB(A) during the daytime and 60dB(A) at night. It suggests that a standard 4/16/4 glazing unit offering 30dB $R_w + C_{tr}$ attenuation

will be sufficient to meet the recommended internal levels of 35dB(A) during the day and 30dB(A) at night.

- 9.13.3 External amenity sound levels are predicted to range from <50dB(A) to 57dB(A) while the guideline value is 50dB(A) an allowance and high level of 55dB(A) is acceptable. Therefore Environmental Health consider further mitigation measures are required to the plots on the east of the site whose amenity areas are 57dB(A). As a result of this comment, the applicant confirms that the modelling has been updated for the amended site plan. The results indicate that the re-orientation of properties in this area provide additional screening such that all garden spaces contain areas below 55dBA with the exception of plot 87 which experiences a sound level of 56dBA. However, there is an area within this garden that is predicted to be below 55dBA. These are deemed to be the lowest practicable noise levels in these spaces following mitigation in the form of site layout, bunding and fencing up to 5.5m adjacent to the M6.
- 9.13.4 It should also be noted that BS8233 states that *“it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.”*
- 9.13.5 The current proposal would have just 1 plot where the higher noise range would be experienced and that would only be for part of the garden. On this basis it is not considered that any further mitigation measures over and above those detailed in the submitted noise assessment are required.
- 9.13.6 Environmental Health also had concern over the long term maintenance and suitability of the proposed mitigation measures and requested further information on the provisions for maintenance of the acoustic barrier, suggesting that information relating to the acoustics glazing/ventilation requirements is made clearly available to the future residents possible even including the information within the deeds to the properties.
- 9.13.7 The applicant confirms that the future management and longer term maintenance of the bund and acoustic fence would be the responsibility of a management company which would be funded by way of a service charge on individual properties. They also agree that information regarding the glazing and ventilation measures is made available to future residents such that the sound insulation of the properties is not compromised by potential future glazing replacement. However, under freehold ownership, the developer cannot retain responsibility for the actions of future residents over the life of the properties.
- 9.13.8 One of the neighbouring businesses on the Employment Area site has objected to the proposed 3.5m high acoustic fence in terms of its visual appearance, stating it will be an eyesore for both the residents and his business. They also raise concerns in respect of its stability and access for routine maintenance. It is accepted that the proposed 3.5m acoustic fence is not an ideal boundary fence treatment for residential properties, but it is to serve the purpose of protecting the future occupants from noise generated from the Employment Area and conversely, protects the businesses from future complaints in terms of noise.

9.14 Air Quality

9.14.1 An air quality assessment has been carried out and submitted with the reserve matters application as required by condition 10 of the outline approval. The conclusions are split into two categories:

9.14.2 Construction Effects

The assessment of dust effects from the construction phase of the development was subject to a qualitative assessment following standard guidance. Effective mitigation measures for dusts would be implemented under site management controls by the development company and would include the production of a Dust Management Plan. With mitigation in place, the assessment carried out has shown that any off-site impacts from dust emissions during the construction phase would be not significant.

9.14.3 Operational Effects

The assessment of operational effects considered impacts on existing residents and future receptors from increased road traffic emissions associated with the development. In accordance with the recognised guidance, the impact of the development on all existing receptor locations is considered to be negligible and the effects associated with emissions from road traffic at all assessed receptor locations are considered to be not significant.

9.14.4 In conclusion, overall the assessment demonstrates that local air quality impacts are not considered to be a constraint to the proposed site development. Environmental Health have consider the document and comment that it suggests a negligible impact on the air quality in the area, based on DEFRA background maps and the anticipated fall in pollutant levels over the next few years. CHECK DO THEY HAVE ANY OBJECTIONS????

9.15 **Contaminated Land**

9.15.1 Environmental Health comment that the original outline permission included a number of conditions, one of which, condition 9, related to the investigation of the previous use of the site and the potential for the site to be contaminated. No information has been submitted with this Reserved Matters application and this condition remains to be discharged at the appropriate time. The investigation and any required remedial work would need to be completed prior to the commencement of any construction work.

9.16 **Travel Plan**

9.16.1 The submitted Travel Plan, as required by condition 31 of the outline approval, has been considered by Environmental Health. They comment that the document is fairly basic should have included additional measures, for example the provision of a hybrid/electric car as part of a car sharing scheme or the provision of a cycle scheme. Therefore Environmental Health, require conditions be imposed in respect of the provision of Electric Vehicle Recharge Points and the provision of cycle storage.

9.16.2 It should be noted that the Travel Plan was something required by County Highways who have not made comment on the submitted document. However, in considering the wording of condition 31, the developer was only required to submit "*the principle strategies set out in the submitted Residential Travel Plan Framework shall be progressed and a Full Travel Plan be submitted for approval by the Local Planning Authority.....*"

9.16.3 It is considered that the developer can progress the Travel Plan for submission as part of a discharged of conditions application and that the requirements for Reserved Matters stage have been met. The provision of cycle storage has been considered in association with County Highways comments regarding the size of integral garages and the affected plots have been provided with a storage shed within the garden areas

which can be utilised for cycle storage. The requirement for the provision of Electric Vehicle Recharge Points can be included as a condition on the decision notice.

9.17 Crime and Disorder

9.17.1 The Police Architectural Liaison Officer comments that, in the last 12 month period there have been 13 auto-crimes, 18 burglaries and 53 criminal damage offences reported in the area around this site. Due to the scale of this proposed development, it is essential to consider crime reduction in order to reduce the threat of crime affecting the development when complete. To achieve this, a number of Secured by Design principles should be incorporated into the development. These include windows to be fitted with restrictors to prevent intruder access; access to rear garden must be restricted from the front elevation by a 1.8m lockable gate; rear dividing boundary treatments to achieve a minimum height of 1.5m; rear perimeter boundary treatments should be a minimum height of 1.8m and designed to deter climbing; all external doors to meet the PAS 24:2012 security standards; link doors from garage to dwelling to meet the PAS 24:2012 security standard; ground floor windows must meet the PAS 24:2012 security standard; lighting installed at external doors; where sheds are provided they should be located in visible areas of the garden and not have windows; 13 amp non-switched fused spurs should be installed to enable easy installation of an intruder alarm by the homeowner. These recommendations can be incorporated into the development during the construction phase in order to create a safe environment.

10.1 Conclusion

- 10.1 The proposed redevelopment of the former New Mill site on Wesley Street was a long-term objective of this Council, particularly due to the visual appearance of the site. The mill building had fallen into a derelict state of repair which had a negative impact on the local environment. Demolition of the buildings and site clearance was carried out over a long period of time, again having a negative impact on the local area.
- 10.2 The proposed development of 188 dwellings will provide new dwellings in what is considered a very sustainable location and will help meet the Council's housing target of 417 dwellings per annum; provide some new affordable dwellings; provide a replacement school playing field, open space and landscaping, but overall will bring this brownfield, derelict site into use. Although a number of issues have been identified and outlined in this report, it is considered that that overall benefits the redevelopment of this site will bring outweigh those concerns and the application is therefore recommended for approval subject to the imposition of conditions and subject to the successful completion of the Deed of Variation to the S106 Agreement.

11.0 Recommendation

- 11.1 That members be minded to approve the application with the decision being delegated to the Planning Manager in consultation with the Chairman and Vice-Chairman of planning committee upon successful completion of the Deed of Variation to the Section 106 Agreement and on completion of the neighbour re-consultation period following the submission of amended plans.

12.0 Recommended Conditions

1. The development hereby approved shall be begun either before the expiration of 3 years from the date of the outline permission, or before the expiration of 2 years from the date of the permission herein.
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

2. The development, hereby permitted, shall be carried out in accordance with the approved plans Dwg SK381-PL-01 Rev M Planning Layout; SK381-LP01 Location Plan; SK381-BP-01 Boundary Plan; SK381-SS-01 Streetscenes; DFD/WSBB/L1 Rev C Landscape Masterplan; NSD 9001 Wall Types 1 to 4; NSD 9102 Fence Types A to D; RSD 9105 Post & Rail Fence Detail; SHARED GA-01 Shared Garage; SINGLE GA1-01 Single Garage T1; LIFE-2B4P(77)/01 Floor Plans (Rev.A); LIFE-2B4P(77) 6.0(A) 2B4P 6.0 Brick Elevations (Semi) A; LIFE-3B5P(90)/01 3B5P Floor Plans LIFE-3B5P(90)/6.0/04 Elevations; LIFE-3B5P/01 SA Floor Plans; LIFE-3B5P/02 SA Elevations; ASHB(14)-01 Ashbourne Ground Floor Plan (Rev.C); ASHB(14)-02 Ashbourne First Floor Plan (Rev.A); ASHB(14)-6.1 FCT Ashbourne 6.1 Render Elevations FCT (Rev.B); ASHB(14)-6.0 Ashbourne 6.0 Brick Elevations (Rev.B) ASHL(14)-02 Ashley First Floor Plan (Rev.A); ASHL(14)-03 Ashley Second Floor Plan (Rev.A); ASHL(14)-01 Ashley Ground Floor Plan; ASHL-B(14)-6.0 Ashley Brick Elevations (Rev.A); BBDGE(14)-02 Baybridge First Floor Plan (Rev.B); BBDGE(14)-6.1 Baybridge Render Elevations (Rev.C); BBDGE(14)-01 Baybridge Ground Floor Plan (Rev.D); DUN-B(14)-01 Dunham Ground Floor Plan (Rev.A); DUN-B(14)-03 Dunham Second Floor Plan (Rev.A); DUN-B(14)-02 Dunham First Floor Plan (Rev.A); DUN-B(14)-6.0 Dunham Brick Elevations (Rev.A); DUN-B(14)-6.2 Dunham Tile-hung - Brick Elevations (Rev.A); FOSS(14)-01 Foss Floor Plans (Rev.A); FOSS(14)-FCT-6.1 Foss 6.1 Render Elevations FCT (Rev.A); LONG(14)-01 Longford Ground Floor Plan (Rev.A); LONG(14)-6.0 Longford 6.0 Brick Elevations (Rev.A); LONG(14)-02 Longford First Floor Plan (Rev.A); LYMI(14)-02 Lymington First Floor Plan; LYMI(14)-01 Lymington Ground Floor Plan; LYMI(14)-6.0 Lymington 6.0 Brick Elevations; RIBB(14)-01 Ribble Ground Floor Plan (Rev.A); RIBB(14)-6.0 Ribble Brick Elevations (Rev.A); RIBB(14)-02 Ribble First Floor Plan (Rev.B); SEL(14)-6.0 Selby Brick Elevations; SEL(14)-02 Selby First Floor Plan; SEL(14)-01 Selby Ground Floor Plan; NSTAM(14)-6.0 New Stamford Brick Elevations; NSTAM(14)-01 New Stamford Floor Plans; WALT(14)-6.0 Walton 6.0 Brick Elevations; WALT(14)-01 Walton Floor Plans; DEE-01 Dee Floor Plans; DEE-6.0-DET Dee Elevations; ELLES(14)-6.0-SEMI(A) Ellesmere Brick Elevations (Semi) Alt; ELLES(14)-01 Ellesmere Floor Plans; ELLE-01 Ellesmere Floor Plans (Rev.A); ELLE-6.0-SEMI(A) Ellesmere Brick Elevations Semi (Rev.A); ELLE(UP)-6.0-4Blk Ellesmere Underpass 6.0 Brick Elevations (4 Block) Rev.A; ELLE-UP-01 Ellesmere Underpass Floor Plans (Rev.A); GRWE-6.1-SEMI Grantham Weaver 6.1 Brick Render Elevations; GRWE-01 Grantham Weaver Ground Floor Plans; GRWE-02 Grantham Weaver First Floor Plans; GR-WE(UP)-01 Grantham Weaver Underpass Ground Floor Plans; GR-WE(UP)-02 Grantham Weaver Underpass First Floor Plans (Rev.A); IRWL-6.0(SEMI) 6.0 Brick Elevations; IRWL-01 Floor Plans; STAM-6.0 Stamford Brick Elevations (Rev A); STAM-01 Stamford Floor Plans (Rev B); WEAV-01 Weaver Floor Plans; WEAV-6.0-SEMI Weaver 6.0 Brick Elev (Semi); WEAV(UP)-6.0-4Blk Weaver Underpass 6.0 Elevations 4 Block (Rev.B); WEAV(UP)-01 Weaver Underpass Floor Plans (Rev.A) or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Prior to the first occupation of any dwelling hereby approved, that dwelling shall be provided with an electric vehicle recharging point and the EVR point shall be retained for that purposed at all times thereafter.
REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 in the Central Lancashire Core Strategy.

4. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

REASON: In order to satisfy the Local Planning Authority that the details of the drainage scheme are satisfactory before works commence on site as drainage works are an early activity in the construction process and to ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in accordance with Policy 29 in the Central Lancashire Core Strategy

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

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

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

REASON: In order to satisfy the Local Planning Authority that the drainage scheme can be satisfactorily managed and maintained before works commence on site as drainage works are an early activity in the construction process and to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system, in accordance with Policy 29 in the Central Lancashire Core Strategy

6. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.
 REASON: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies, prior to commencement of the development, in accordance with Policy 29 in the Central Lancashire Core Strategy
7. Prior to first occupation of the development hereby approved, details of the long term management and maintenance of the acoustic fencing to the south-eastern boundary with the M6 motorway and the south-western boundary with the Club Street Employment Area shall be submitted to the Local Planning Authority for approval in writing. The acoustic fencing shall be maintained in accordance with the approved management and maintenance scheme at all times thereafter.
 REASON: To ensure the provision and retention of adequate acoustic screening in the interest of amenity and to safeguard the living conditions of future residents of the development and to accord with Policy 17 in the Central Lancashire Core Strategy

13.0 **Relevant Policy**

Central Lancashire Core Strategy

- 1 Locating Growth
- 4 Housing Delivery
- 5 Housing Density
- 6 Housing Quality
- 7 Affordable and Special Needs Housing
- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 26 Crime and Community Safety
- 27 Sustainable Resources and New Developments
- 29 Water Management
- 30 Air Quality

Supplementary Planning Documents

- Affordable Housing
- Design Guide
- Open Space and Playing Pitch

South Ribble Local Plan

- B1 Existing Built-Up Areas
- D1 Allocations of housing land
- D2 Phasing, Delivery and Monitoring
- F1 Car Parking
- G10 Green Infrastructure Provision in Residential Developments
- G11 Playing Pitch Provision
- G13 Trees, Woodlands and Development
- G15 Derelict Land Reclamation
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development
- H1 Protection of Health, Education and Other Community Services and Facilities

14.0 **Informative Notes**

1. Highways England wish to bring the following points to the developer's attention:
 - There shall be no direct vehicular or pedestrian access of any kind between the site and the M6 motorway.
 - No drainage from the proposed development shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M6 motorway.
 - There shall be no development on or adjacent to the M6 motorway embankment that shall put any embankment or earthworks at risk.
 - No works relating to the construction of the facility shall require any temporary closure to traffic of the M6 motorway.
 - Access to the site along a one meter wide strip of land adjoining the motorway boundary for the purposes of maintaining the M6 motorway boundary fence, motorway embankment or motorway boundary landscape planting shall not at any time be withheld to Highways England and its representatives.
 - The applicant shall not ignore the need to ensure that effective steps are taken to mitigate the impact of noise emanating from the M6 motorway upon the development to the satisfaction of the local planning authority; such steps Highways England Planning Response (HEPR 16-01) January 2016 being entirely independent of the M6 motorway and implemented at the expense of applicant.
 - The existing motorway boundary fence shall not be altered in any way and any damage to it sustained during construction shall not be left uncorrected by the applicant.
 - There shall be no planting or obstruction of the surface of the site within one meter of the motorway boundary fence so as to establish a buffer zone for maintenance.
 - There shall be no planting of species that, when mature, shall be of a height that should they fall down, could fall onto the motorway carriageway.
 - There shall be no encroachment of the site or any boundary feature onto motorway land owned by the Highways England Company Limited under Title LAN79170.