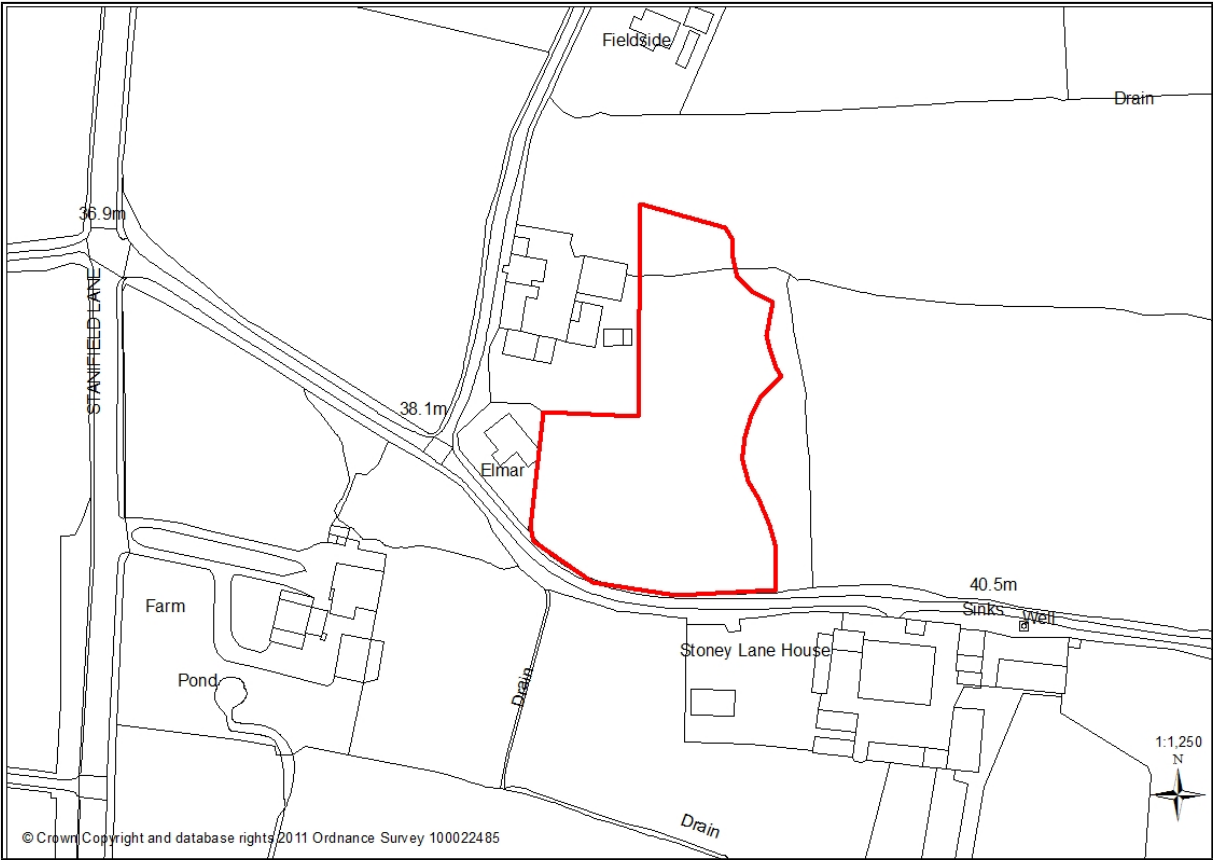


Application Number	07/2017/0333/FUL
Address	Cuerden Strategic Site, East Of Stanfield Lane, North Of Clayton Farm, West Of Wigan Road Lostock Lane Lostock Hall Lancashire
Applicant	Lancashire County Council
Agent	Mr Paul Newton 7 Soho Square LONDON W1D 3QB
Development	Excavation of land to create six ponds and associated landscaping
Officer Recommendation	Approval with Conditions
Officer Name	Mike Atherton
Date application valid	10.02.2017
Target Determination Date	12.05.2017
Extension of Time	



1 REPORT SUMMARY

1.1 The site forms part of the wider application area for the Cuerden Strategic Site. It seeks to provide wildlife ponds as suitable mitigation & compensatory habitats for Great Crested Newts. It is considered that the proposed development would comply with the relevant policies of the Core Strategy and the Adopted South Ribble Local Plan. This is subject to the receipt of satisfactory amended plans/additional information and a consultation response from the Lead Local Flood Authority (LLFA) withdrawing their concerns and stating additional planning conditions they would wish to see imposed.

2 SITE & SURROUNDING AREA

2.1 The application site is a relatively low lying, greenfield site to the north of Stoney Lane and east of Old School Lane to the south of Lostock Hall.

2.2 The area is rural in nature, characterised by agricultural land, with a number of mature hedgerows and trees along field boundaries. There is a small grouping of dwellings near the site, the closest being a house known as Elmar to the west of the site and a property known as Stoney Lane House which is due south of the site.

2.3 The site is within an area of land designated as a Major Site for Employment (Cuerden Strategic Site) under Policy C4 of the South Ribble Local Plan.

3 PLANNING HISTORY

3.1 In January 2017 a hybrid planning application (07/2017/0211/ORM) was submitted on the wider Cuerden Strategic Site for a mixture of employment, retail and residential uses including associated car parking, site access, highway works, drainage and landscaping. This application has yet to be determined.

4 PROPOSAL

4.1 Link to planning application 07/2017/0211/ORM for the development of the wider site.

4.2 The proposal is to create 6 wildlife ponds of varying dimensions:

Pond 1 would have a maximum length of 30 metres x a maximum width of 12 metres

Pond 2 would have a maximum length of 17.5 metres x a maximum width of 7.5 metres

Pond 3 would have a maximum length of 27 metres x a maximum width of 20 metres

Pond 4 would have a maximum length of 20 metres x a maximum width of 12 metres

Pond 5 would have a maximum length of 10.5 metres x a maximum width of 27.5 metres

Pond 6 would have a maximum length of 8.5 metres x a maximum width of 6.5 metres.

4.3 A cross section has been provided showing the typical depth of the proposed ponds as between 1 and 1.5 metres.

4.4 The ponds would be linked by a series of interconnecting swales and extensive grassland and tree planting would take place around the perimeter of the ponds to create a landscaped environment.

4.5 The purpose of the ponds is for ecological reasons to mitigate the loss of ponds on the wider Cuerden site and to provide a suitable habitat for the translocation of any Great Crested Newts found on the wider Cuerden Strategic Site.

5 SUMMARY OF PUBLICITY

5.1 Neighbour letters were sent to number of households and a site notice displayed.

Letters of objection

5 letters from 4 different households were received.

The issues raised were:

- The application is premature as the full application it supports has not yet been determined and the Highways Agency have requested further time to respond to the full application before it's decided;
- The masterplan for the wider site was agreed on the basis no construction traffic was to come off either Old School Lane or Stoney lane. The plans submitted outline a potential access from Stoney Lane, however, due to its narrow width, it should not take any construction traffic;
- Maintenance traffic should also be accessed from the wider site directly;
- Stoney Lane has already suffered extensive damage during the ground surveys as a result of access for machinery and the road is starting to collapse;
- Detrimental impact on local residents' health from the constant fear of planning applications and what they entail;
- This land & neighbouring dwellings already suffer from flooding which has caused damage and this issue needs to be considered before the application is determined;
- To place this amount of water on a higher ground level than neighbouring dwellings could seriously undermine preventative flood measures these dwellings have implemented;
- No satisfactory explanation & reassurance has been received from the Developers that flooding will not take place;
- Who will be responsible to make good all damage caused by flooding?

6 SUMMARY OF CONSULTATIONS

6.1 Lancashire County Council – Highways

The proposed site plan identifies a potential site access from Stoney Lane to facilitate construction and maintenance. To safeguard the amenities of neighbouring properties the Highways Development Control Section request that a Construction Management Plan is submitted

The Highways Development Control Section requests the following conditions as part of the formal planning decision:-

1. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason; To prevent stones and mud being carried onto the public highway to the detriment of road safety.

2. No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- The proposed times construction works will take place
- The parking of vehicles of site operatives and visitors
- Vehicle access route
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The location of the site compound
- Suitable wheel washing / road sweeping measures
- Appropriate measures to control the emission of dust and dirt during construction
- Appropriate measures to control the emission of noise during construction
- Details of all external lighting to be used during the construction
- A scheme for recycling/disposing of waste resulting from construction works

Reason: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and policy G17 in the South Ribble Local Plan 2012-2026.

Taking the above into consideration the Highways Development Control Section does not have any objections to the proposals and is of the opinion that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

6.2 Lancashire County Council – Lead local Flood Authority

Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. The Flood and Water Management Act 2010 sets out the requirement for LLFAs to manage 'local' flood risk within their area. 'Local' flood risk refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses.

Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority (LPA) whether any such recommendations are acted upon. It is ultimately the responsibility of the Local Planning Authority to approve, or otherwise, any drainage strategy for the associated development proposal. The comments given have been composed based on the current extent of the knowledge of the LLFA and information provided with the application at the time of this response.

The planning application submitted (07/2017/0333/FUL) is part of the wider strategic application 07/2017/0211/ORM and is subject to being incorporated into the major conveyance and attenuation facilities which is to be undertaken. The ponds outfalls, once constructed, are dependent on land that lies outside the red-line site boundary and form part of the wider strategic application. Therefore, the ponds subject to this full application could be subject to change depending on the overall assessment of the wider drainage strategy. This could be in relation to size, location and outlets.

It is therefore deemed premature to determine the outcome of this application as we are still undertaking dialogue with the consultants for the management of surface water across the whole strategic site.

6.3 Lancashire Archaeological Advisory Service

An Archaeological Assessment and Walkover Survey by Oxford Archaeology North dated August 2003 identified a post-medieval field boundary ditch that is located within the proposed development area. This earthwork feature is a non-designated heritage asset, recorded as Barn Croft Field on the Lancashire Historic Environment Record (PRN373359), which relates to the southern east/west field boundary of 'barn croft' field shown on the c1700 estate map (LRO/DDGE (M)). The report noted that the boundary was grubbed out and survives as a lynchet measuring 0.3m high (the south field is higher) by 1.5m-2m wide with a very shallow U-shaped ditch 0.1m deep on the north end. The development as proposed will result in the total loss of this heritage asset.

The proposed development site is encompassed within the development area of a recent planning application (7/2017/0211/ORM). An Archaeological Desk Based Assessment by the Centre for Applied Archaeology, dated December 2016, undertaken as part of that application indicates the area surrounding the proposed development site possibly contains archaeological remains of Low (Local) and, potentially, Medium (Regional) significance. The report indicates the area contains potential remains of medieval/post-medieval agricultural landscapes, which could be considered to be of local significance. The report confirms that the area has changed little over the past 2-300 years with much of the field pattern unchanged, noting that much of the land is still agricultural.

Most significantly the report indicates that a series of cropmarks were identified which could potentially pertain to prehistoric activity and suggested the possibility of isolated artefacts should not be dismissed. Notably the report suggests that any physical evidence for prehistoric activity could potentially be of regional importance. The report also suggests there was a slight possibility of encountering sub-surface archaeological deposits associated with the projected course of the Roman road 70c Wigan to Preston (PRN26143) which is thought to lie approximately 100m west of the current proposals.

Given the above there is a potential for below-ground remains to be encountered by any ground disturbance in the proposed development area. Consequently should the Local Planning Authority be minded to grant planning permission to this or any other scheme, Lancashire Archaeological Advisory Service would recommend that a programme of archaeological investigation is undertaken. This should be carried out prior to any development of the site and secured by means of the following condition:

Condition: No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Note: A phased programme of field investigation should be undertaken. The first phase should include the recording and collection of palaeoenvironmental samples from the post-medieval field boundary ditch and archaeological topsoil stripping from the areas where the ponds and other earthworks are proposed. Subsequent phases of work should then be designed to address the issues revealed by these initial investigations. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

6.4 Tameside Ecology

No objection on nature conservation grounds. While there is a possibility that great crested newts could be found elsewhere on the site, the probability that they would be found within the application site is so small that I would not consider that any precautions as regard newts are justified during the course of any agreed construction.

6.5 SRBC – Environmental Health

This application has the potential to adversely impact on the surrounding land uses and as such conditions relating to a Construction Nuisance Prevention Plan, hours of construction & hours of deliveries/removal of construction waste are required.

The submission has included a contaminated land desk study report. Unfortunately this report covers the entire area of the larger site and is not specific to the development site. This report highlights the following recommendations:

- An environmental ground investigation is completed to investigate the soils and groundwater for potential contamination. This ground investigation should include ground gas monitoring to allow a ground gas risk assessment to be produced for the Site (or per development Zone);
- In tandem with the environmental investigation, a geotechnical investigation and assessment to assess the ground conditions present beneath the Site for geotechnical design purposes;
- Confirmatory sampling of soils should take place to confirm the absence of contamination prior to development of the areas around farm buildings and infilled ponds;
- Ground conditions are monitored by a suitably qualified person during the redevelopment works. If any unexpected contamination or infilled ground is identified during the course of the development works, then further assessment may be necessary;
- Sediment traps should be used during redevelopment works to prevent the excessive discharge of sediment to the tributaries of the River Lostock;
- A stand-off distance at the south of the should be confirmed by the Client through liaison with the manager of the adjacent Lydiate Lane Quarry; there is a potential risk of slippage of the quarry face as a result of the ground investigation works adjacent to the boundary which should be considered; and,
- Soakways are considered unlikely/likely to be a suitable drainage option at the Site.

It is recommended that the applicant provides a contaminated land phase 1 report for the specific area in question, alternatively in line with the recommendations of their consultant the above actions should be undertaken prior to any work on site and a suitably worded condition attached to any permission granted.

6.6 SRBC – Arboriculturalist

No objections.

7 POLICY BACKGROUND

7.1 Core Strategy

Policy 18 – Green Infrastructure

Policy 22 – Biodiversity and Geodiversity

Policy 29 – Water Management

7.2 Adopted South Ribble Local Plan

Policy C4 – Cuerden Strategic Site

Policy G16 – Biodiversity & Nature Conservation

Policy G17 – Design Criteria For New Development

8. MATERIAL CONSIDERATIONS

8.1 Local Plan Allocation

The site forms part of the wider C4 – Cuerden Strategic Site allocation in the Adopted Local Plan which provides for a range of different types of development. This proposal is linked to that major development as it seeks to provide compensatory ecological habitat for the wider site. Therefore, the principle of development is considered acceptable.

8.2 Flood Risk & Ecology

The purpose of the proposed ponds is for ecological reasons. Great Crested Newt Surveys were undertaken on the wider Cuerden development site and whilst no newts were found, their DNA was found in 3 ponds. Given the presence of this European Protected Species, mitigation and compensatory amphibian habitat creation is required should planning permission for the wider site be granted. Therefore, the aim of the proposal is to mitigate the loss of ponds on the wider Cuerden site and to provide a suitable habitat for the translocation of any Great Crested Newts found.

Whilst the application drawings, refer to the ponds being fed from the wider surface network, the proposed ponds are intended to be for wildlife and not for the purposes of drainage.

The Applicant has explained the ponds are proposed to be a closed system and will not be fed from the drainage system. This should ensure there is not the potential for harm to wildlife from pollutants flowing into the pond. Lancashire County Council in their role as the Lead Local Flood Authority (LLFA) have raised concerns about the prematurity of determining the proposal, however, it is their understanding from their own discussions with the Applicant that revised plans will be prepared, which will show no 'inflows' from other drainage networks, just an outflow at a controlled rate into existing drainage ditches which means there will be no adverse impact on ecological grounds.

A Great Crested Newt Survey has been submitted with the application and no objections have been raised by the Council's Ecological Advisors on nature conservation grounds including the impact on Great Crested Newts, (a European Protected Species), arising from the habitat of the proposed ponds.

The LLFA's concern with regard to determining the application at this stage relates to the proposed ponds being incorporated into the major conveyance and attenuation facilities for the wider site. The ponds subject to this full application could be subject to change depending on the overall assessment of the wider drainage strategy. However, the LLFA have met with the Applicant and requested the following information to address their concerns.

1. Construction drawings to be supplied showing:-
 - Existing
 - Proposed
 - Cross section
 - Long section
2. Confirmation that ponds will be designed for a 1 in 100year storm +30% climate change
3. Further information to be supplied on discharge of water for extreme storm conditions if 'off line' system.
4. Information required on groundwater levels – The permeability of the pond shall be less than 1×10^{-9} m/s. If permeability is greater than this the pond shall be lined with a Geosynthetic clay liner, impermeable HDPE liner or an engineered clay liner, which meets the 1×10^{-9} m/s criteria.
5. Information on bunds proposed including flow paths
6. Maximum side slope below permanent water line to be 1 in 3
7. Maximum side slopes above permanent water level to be 1 in 4 for maintenance (if adopted by LCC)

The LLFA's principal concern about the ponds is that due to the impermeability of the ground, the storm water will eventually fill up the ponds and it will overspill in an uncontrolled manner, which would be unacceptable. They have therefore requested that an outflow be provided into the exiting ordinary watercourse (ditch) that crosses the site at a controlled rate.

However, they have indicated that if the satisfactory amended plans and additional information are received and assessed before Committee, they will be more confident that what is being proposed will not cause a future flood risk. They would then send an amended response withdrawing their concerns but including any relevant planning conditions which they would wish to see imposed if planning permission was granted.

The Applicant's Agent has also sought to clarify the position by stating that the proposed ponds would be on a closed system which would remove the LLFA's initial concern about prematurity, as the ponds would not be reliant on the overall surface water drainage strategy for the site. This will be highlighted in the Applicant's in the response to the LLFA and will also demonstrate that the ponds themselves will not cause a flooding problem particularly in

extreme events as the design will include an overflow pipe and provision for bunds to protect nearby residential properties.

8.3 Landscape & Visual Impact

The proposal would be situated in a low lying landscape and by their nature, the proposed ponds would be set into the ground and would not have a detrimental visual impact, nor would there be any conflict with the prevailing landscape character. The development would also include a detailed landscaping and habitat creation scheme, which would ensure it is in keeping with the surrounding area. Therefore, it is not considered there would be a detrimental impact on the character of the countryside.

8.4 Relationship to Neighbours

Whilst there will be some disturbance during the construction phase, it is not considered the proposed ponds and the landscaping of the site will have a detrimental impact on residential amenity as they will not generate a loss of privacy for neighbours. Also, there will not be any significant adverse impacts relating to noise from the proposed use of the land.

8.5 Highways

The use of the land for ponds will not in itself, generate significant levels of traffic, however, there is potential for increased traffic using narrow roads during the construction phase and this has been raised as an issue by residents. Lancashire County Council (LCC) Highways and the Council's Environmental Health Officer in their consultation responses have both requested the imposition of a planning condition regarding a Construction Management Plan including details of the routing of construction vehicles. If planning permission is granted, the Applicant would therefore have to submit details of construction access to the site to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority. This would afford a satisfactory degree of control regarding the impacts on the highway & the nearest residents during construction.

8.6 Archaeology

The Council's archaeological advisors suggest that there is the potential for below ground remains to be encountered by any ground disturbance in the proposed development area. Consequently, they have recommended a planning condition be imposed that a programme of archaeological investigation should be undertaken.

8.7 Other matters

A resident has raised concerns that it is premature to determine this application in respect of the Highways England consultation response to the wider application on the Cuerden Strategic site. Highways England were requesting that the application for the major development on the remainder of the site is not determined until May 2017 at the earliest to enable them to undertake their proper assessment of that application. It should be noted that this Agency's remit relates to consideration of highway impacts on their network which includes motorways and trunk roads. Therefore, it is considered inappropriate not to determine an application for ponds at this stage, when it falls outside the jurisdiction of Highways England.

9 CONCLUSION

9.1 It is considered that the proposed development would comply with the relevant policies of the Core Strategy and the Adopted South Ribble Local Plan as it would provide suitable mitigation and compensatory measures for wildlife including a Protected Species. This is subject to the receipt of satisfactory amended plans/additional information and a consultation response from the LLFA withdrawing their concerns and stating additional planning conditions they would wish to see imposed.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A Report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development. Should no adverse ground conditions be encountered during site works and/or development, a Verification Statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building(s), which confirms that no adverse ground conditions were found.
REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026
3. The development shall not begin until a scheme detailing the boundary treatments for the site has been submitted to and approved in writing by the Local Planning Authority. The commencement of the use shall not occur until the fencing has been erected in accordance with the approved details. Any fencing/walling erected pursuant to this condition shall be retained at all times thereafter.
REASON: To ensure the provision and retention of adequate screening in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
4. No development shall take place until the Applicant, or their Agent or successors in title, has secured the implementation of a programme of archaeological work. This must be undertaken in accordance with a written scheme of investigation which shall have been submitted to, and approved in writing by, the Local Planning Authority.
REASON: To ensure and safeguard the recording and inspection of matters of archaeological and/or historical importance associated with the site in accordance with Policy 16 in the Central Lancashire Core Strategy
5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - I. the proposed times construction works, deliveries of materials and removal of waste will take place
 - II. the parking of vehicles of site operatives and visitors
 - III. loading and unloading of plant and materials
 - IV. storage of plant and materials used in constructing the development
 - V. the location of the site compound
 - VI. suitable wheel washing/road sweeping measures
 - VII. appropriate measures to control the emission of dust and dirt during construction

- VIII. appropriate measures to control the emission of noise during construction
 - IX. details of all external lighting to be used during the construction
 - X. a scheme for recycling/disposing of waste resulting from demolition and construction works .
 - XI. the routeing of construction & delivery vehicles.
- REASON: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. No site clearance, site preparation or development work shall take place until detailed habitat re-establishment and enhancement proposals, including enhanced habitat connectivity, have been submitted to and approved in writing by the Local Planning Authority. The approved proposals should be implemented in full. It should be demonstrated that the habitat re-establishment and enhancement proposals would adequately off-set all unavoidable habitat losses and deliver overall enhancement of biodiversity. All habitats that would be lost, damaged, re-established or enhanced should be quantified and clearly mapped. Habitat creation proposals should comprise only native species appropriate to the locality. Proposal for the aftercare and long-term management and maintenance of retained and re-established habitats should also be submitted and agreed in writing by the Local Planning Authority.
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
7. That all planting, seeding or turfing comprised in the approved details of a Landscaping Plan shall be carried out in accordance with BS4428 1989. With stock complying to the specification of BS3936-1 1992. The planting shall be implemented in the first planting and seeding seasons following the commencement of the development or such extension of this time as may be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, or are removed or become significantly damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the amenity and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G13 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

Core Strategy

- Policy 18 – Green Infrastructure
- Policy 22 – Biodiversity and Geodiversity
- Policy 29 – Water Management

Adopted South Ribble Local Plan

- Policy C4 – Cuerden Strategic Site
- Policy G16 – Biodiversity & Nature Conservation
- Policy G17 – Design Criteria For New Development