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| **Application Number** | 07/2020/00373/REM |
| **Address** | Land South Of 89 Langdale RoadLangdale RoadLeylandLancashire |
| **Applicant** |  Lanley Homes Ltd |
|  |  |
| **Agent** | Mr Nathan TongeFarington HouseStanifield Business ParkStanifield LaneFaringtonLeylandPR25 4UA |
| **Development** | Reserved matters application (namely layout, scale, appearance and landscaping) pursuant to outline permission 07/2018/0334/OUT for erection of 14 dwellings and associated landscaping and infrastructure. |
| **Officer Recommendation****Officer Name** | **Approval with Conditions****Mrs Janice Crook** |
| Date application valid | 01.05.2020 |
| Target Determination Date | 31.07.2020 |
| Extension of Time | 30.09.2020 |
|  |  |
| **Location Plan** |  |

1. **Report Summary**
	1. This application seeks the approval of Reserved Matters for the layout, scale, appearance and landscaping following outline planning approval which granted the principle of development of the site for 14 dwellings with the means of access
	2. A Section 106 Agreement was entered into at the outline stage to secure commuted sums for off-site public open space and to ensure the on-site POS and adjacent woodland is maintained and managed. The Section 106 agreement also included an off-site affordable housing contribution. It was considered that off-site affordable housing was more appropriate given the location of the site and the limited number of dwellings proposed.

1.3 A number of conditions were imposed on the outline approval with two of them requiring the submission of details at Reserved Matters stage. These are condition 3 requiring a drainage scheme and drainage management; and condition 19 requiring a tree survey. Other conditions imposed are subject to a separate discharge of conditions application.

1.4 The details of the drainage scheme have yet to be resolved with the LLFA who have not responded to the amended plans at the time of compiling this report. Any comments received will be reported either verbally at planning committee or on the update sheet. However, the scheme is in line with what Highways England require to ensure the integrity of the M6 motorway.

1.5 There are a number of matters to be resolved. However, these can be done through the discharge of conditions process and therefore the application is recommended for approval subject to the imposition of conditions.

1. **Site and Surrounding Area**

2.1 The application site is 1.67ha in size and located on the eastern side of Langdale Road in Leyland. To the east is the M6 motorway and to the west and north are residential properties. To the south of the site are the playing fields and grounds of Runshaw College.

2.2 The site itself was formerly part of a larger agricultural estate which was affected by the building of the M6 motorway in the late 1950’s. Since its separation from the rest of the estate, the site has been mainly used as pasture land. A bridge connects the site to land on the west side of the rail line.

2.3 The site is relatively flat, with a slight fall from north to south. The embankment to the M6 rises from 0.5m above the site at the south east corner, up to 4m above at the north east corner. A number of trees are located within the fenced embankment area.

2.4 Immediately to the west of the application site is a small wooded area which does not form part of the application site boundary although it is within the same ownership.

1. **Planning History**

3.1 During the course of pre-application discussions, prior to the submission of the outline application, it became apparent that a drafting error had been made in terms of the identification of the application site on the Local Plan Policies Map. The site was shown as being allocated under Policy G7: Green Infrastructure whereas it should have been shown being allocated under Policy B1: Existing Built Up Areas. The woodland area between the site and Langdale Road was correctly shown as being subject to Policy G7.

3.2 Outline application 07/2018/0334/OUT for a residential development (14 dwellings) with associated access road, earth bund and the erection of 2.5m high boundary fence to the eastern side of the site was approved 16 May 2019.

3.3 07/2020/00474/DIS Submission of details of conditions 3 (Surface water drainage) 5 (Sustainable drainage) 8 (Dust management plan) 9 (Site compound/storage yard) 12 (Piling) 13 (Desk study) 18 (Invasive plants method statement) 20 (Tree protection plan) 22 (Highway improvement works) pursuant to planning permission 07/2018/0334/OUT dated 16/05/19. Condition 8 has been partially approved but can only be fully discharged on completion of the development; conditions 9, 12 18, 20, 22 have all been discharged; and conditions 3, 5 and 12 are currently pending.

1. **Proposal**

4.1 This Reserved Matters application seeks approval of the layout, scale, appearance and landscaping of the proposed development of 14 detached dwellings, as follows:

* Plot 1 – Lytham housetype, a 2-storey, 4-bed dwelling with detached single garage
* Plot 2 – Croston plus housetype, a 2 ½ - storey with accommodation in the roof space, 4-bed with playroom and study and detached double garage
* Plot 3 – Eccleston plus housetype, a 2 ½ -storey, with accommodation in roof space with 4-beds, hobbies room and playroom and dressing room with attached double garage with accommodation over.
* Plot 4 – Worden Plus 2-storey with accommodation in roof space with 4 bedrooms and a playroom and study with integral double garage
* Plot 5 – Fairhaven Plus, a 2 ½ storey with accommodation in roof space with 4 bedrooms playroom and study with detached single garage
* Plot 6 – Lytham Plus housetype, a 2 ½ storey with accommodation in roof space and rear dormer, 4 bedrooms, hobbies and playroom with detached single garage
* Plot 7 – Eccleston plus housetype, a 2 ½ -storey, with accommodation in roof space with 4-beds, hobbies room and playroom and dressing room with detached single garage
* Plot 8 – Fairhaven Plus housetype, a 2 ½ storey with accommodation in roof space, 4-bedrooms with playroom and study and a detached single garage.
* Plot 9 – Croston Plus housetype, a 2 ½ storey with 4-bedrooms, a playroom and study and detached single garage
* Plot 10 – Worden Plus housetype, 2 ½ storey with accommodation in the roof space, 4-bedrooms with study and playroom and an integral double garage
* Plot 11 – Lytham plus housetype, a 2 ½ storey with rear dormer and accommodation in the roof space. 4- bedrooms with playroom and hobbies room and detached single garage
* Plot 12 – Croston Plus housetype, 2 ½ storey with accommodation in the roof space, 4-bedrooms with study and playroom and a detached single garage
* Plot 13 – Fairhaven plus housetype, 2 ½ storey with accommodation in the roof space, 4-bedrooms, study and playroom and a detached single garage
* Plot 14 – Worden Plus housetype, 2 ½ storey with accommodation in the roof space, 4-bedrooms with study, playroom and integral double garage

4.2 All dwellings are provided with a minimum of three in-plot parking spaces in the form of private driveways or garages. The proposed dwellings and detached garages are to be constructed in a combination of red coloured brick and white render, with grey slate roof tiles.

4.3 An area of amenity open space is proposed to the northern part of the site, close to the access point off Langdale Road. Tree and fauna planting is proposed within this area, together with the erection of a feature stone wall at the site entrance.

1. **Submitted Supporting Plans and Documents**
* Proposed Site Layout 18-084-PO1 Rev A
* Acoustic Barrier General Arrangement and Detail 2019-166-007
* Housetype Plans: Plot 1 Lytham 18/084/P02; Plot 2 Croston Plus 18/084/P03 Rev A; Plot 3 Eccleston Plus 18/084/P04 Rev A; Plot 4 Worden Plus 18/084/P05; Plot 5 Fairhaven Plus 18/084/P06; Plot 6 Lytham Plus 18/084/P07; Plot 7 Eccleston Plus 18/084/P08; Plot 8 Fairhaven Plus 18/084/P09; Plot 9 Croston Plus 18/084/P10 Rev A; Plot 10 Worden Plus 18/084/P11; Plot 11 Lytham Plus 18/084/P12; Plot 12 Croston Plus 18/084/P13 Rev A; Plot 13 Fairhaven Plus 18/084/P14; Plot 14 Worden Plus 18/084/P15
* Single Garage 18/084/G01 and Double Garage 18/084/G02
* Landscape Proposals Plans 6212.01 Rev C and 6212.02 Rev C
* Landscape Management Plan MD/6212/LMP REV B /MAR20
* Planning Statement dated April 2020
* Noise Assessment 101448-4 dated 7th April 2020
* Habitat Management Plan (no reference)
* Invasive Species Management and Habitat Plan dated 24th March 2020
* Updated Ecological Survey and Assessment 2017-336 dated November 2017
* Flood Risk Assessment and Drainage Strategy D2094-FRA-01 dated 16th January 2018
* Geoenvironmental Appraisal 30209/1 Dated November 2019
* Hazardous Gas Risk Assessment 30209/GRA/aja/016
* Supplementary Ground Investigation–Proposed Earth Bund and Acoustic Fence 1235 Rev 0
* Arboricultural Impact Assessment and Method Statement 20/AIA/SRIBBLE/03 Rev B
* Financial Viability Update dated April 2020
* CIL Forms

5.1 Additional plans/documents submitted 20 August 2020:

* Geoenvironmental Assessment
* Greenfield runoff plan
* Proposed surface water model results
* Proposed surface water model volumes
* Proposed pond layout and details
* Proposed impermeable areas plan
* Proposed exceedance routes plan
* Existing pond details
* CCTV survey
* Langdale Road Plan
* Manhole details
* Plan
* Existing culvert route
* Proposed drainage layout plan
* Proposed drainage details plan
* Swale and acoustic mound drainage details
1. **Summary of Publicity**

6.1 Neighbouring properties were notified, a site notice posted in the vicinity of the site and a press notice published in the local newspaper. One letter of representation was received, objecting to the proposal on the following grounds:

* Another access road coming onto Langdale Road
* Langdale Road is an extremely busy road
* Buses accessing Runshaw College plus students’ cars coming and going
* Langdale Road uses as a cut through road
1. **Summary of Consultations**

7.1 **County Highways** base their comments on all the information provided by the applicant to date. The principle of development and access were approved as part of the outline planning application 07/2018/0334/OUT. The internal road layout and proposed level of parking (driveways and garages) as shown on drawing 2019-166-006 B is acceptable and therefore County Highways have no objections.

7.2 **Highways England** initially raised concerns relating to the security of the site in relation to the motorway and to the form and construction of the proposed earth bund and acoustic fence. They advised that there were some aspects on which further information was required in order to form a view on the proposals and therefore this application should not be determined until this information is provided and reviewed.

7.3 Correspondence and discussions between the applicant and HE then took place. As a result, additional plans and details were submitted. Highways England were reconsulted and confirmed that their concerns on tree protection and the site compound had been addressed but that details were required on the drainage system to be used together with details of the maintenance regime to be used.

7.4 Following the submission of further details and clarification by the applicant’s drainage consultants and further discussions, Highways England reached agreement with the developer and confirmed that they had no objection subject to the condition that works are executed in accordance with the revised drawings and statement letter concerning the positioning of the boundary fence. This can be secure by conditions as recommended by Highways England.

7.5 **Environmental Health** recommend a number of conditions are imposed to ensure the development is carried out in accordance with details outlined in the Invasive species management and habitat management plan by ALM Consult andthe Hazardous Gas Risk Assessment Report by ALM Consult.

7.6 Environmental Health initially advised that, in respect of conditions 6 and 7 imposed on the outline permission, the details provided within this Reserved Matters application would not satisfy the requirements of those conditions and therefore further details are required. The applicant was made aware of these comments and provided additional details.

7.7 Environmental Health reviewed these details and confirmed that the development should be carried out in accordance the standards and mitigation measures outlined in the Noise Assessment Report by Miller Goodall dated 7th April 2020, Ref 101448-4. A condition can be imposed to ensure these measures are carried out and the inclusion of such a condition would serve to replace Condition 7 of the outline permission.

7.8 In terms of condition 6, Environmental Health consider it would be necessary for the developer to submit the management and maintenance plan, as per the wording of the condition, before it can be considered to have been satisfied. The condition required a maintenance management plan be submitted prior to first occupation of the properties and therefore does not need to be addressed as part of this Reserved Matters application. However, details were included on the plan dwg 2019-166-007A entitled ‘Proposed Acoustic Barrier General Arrangement and Details of Mound and Fence’ which was further considered by Environmental Health who confirmed that, further to the provision of the plan detailing the maintenance and management of the acoustic fence they have no objection providing that the acoustic barrier is fully completed and maintained throughout the life of the development.

7.9 **United Utilities** advise that they reviewed the submitted Drainage Layout Drawing, prepared by Graham Schofield Associates, Ref: 2019-166-001, Rev: C, Dated: 14.04.2020 and confirmed the plans are acceptable in principle. However, whilst the drainage layout plan is acceptable in planning terms, it would not be considered for adoption due to a number of reasons, including that the drainage is located within gardens, rather than the highway and the site wide drainage appears to be accepting overland flow which United Utilities will not accept into public sewer networks. UU also advise that, without effective management and maintenance, sustainable drainage systems can fail or become ineffective. They therefore recommend a condition is imposed requiring the submission of a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. However, a condition was imposed on the outline approval requiring that 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. The condition included a number of matters which the management and maintenance plan needs to include and is currently being dealt with as part of discharge of conditions application 07/2020/00474/DIS and therefore it is not considered necessary to re-impose this condition.

7.10 **Local Lead Flood Authority (LLFA)** initially objected to the proposals, commenting that the site lies within Flood Zone 1 defined by the Planning Practice Guidance as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. The lack of detailed information in relation to surface water drainage means the LLFA cannot assess whether the development proposal meets the requirements of the NPPF or PPG in principle. The LLFA provided details of what would be required to overcome their objection and this was passed to the applicant’s agent for action.

7.11 Further plans and details were then submitted and the applicant’s drainage consultants GSA clarified certain points. The LLFA were re-consulted but had not responded at the time this report was compiled and any comments received will be reported verbally to planning committee or on the update sheet issued ahead of the meeting.

7.12 **Environment Agency** did not respond to the consultation request.

7.13 **Strategic Housing** comment that the affordable housing provision was agreed at outline stage and is to be provided by way of off-site financial contribution. This Reserved Matters application maintains the proposals for off-site contribution. A financial contribution will support and enable the delivery of affordable housing at alternative location(s) across the borough.

7.14 **Greater Manchester Ecology Units (GMEU)** advised that the most important features of ecological value on the site are the small areas of woodland at the eastern and western site boundaries. These areas will be retained, but the trees and woodland will need to be protected and maintained in future. Although some management proposals for the woodland have been proposed in both the habitat management plan and the proposals for controlling invasive plant species, these proposals are rather limited.

7.15 GMEU note the proposal to restore the ponds within the woodland as SUDs features. Although SUDs ponds can function as valuable habitats this will require sensitive design and management of the ponds. Therefore, GMEU recommend a condition to secure details of the creation, function and management of these ponds. However, the applicant has confirmed they are not looking to reinstate the ponds as they are already there and that is where surface water already runs off to.  There is a culvert at both ends of the woods, so there is nothing particularly to design as it will just be a SUDS system through the woods as it already is.

7.16 They also consider that the woodland could benefit from the introduction of woodland flora and the landscape plan should be amended to include this. However, the applicant does not consider this is appropriate given that additional flora in the woodland was not requested by GMEU when they responded to the outline application. Therefore, there was no relevant condition requiring for this to be included. Moreover, they are already providing significant additional trees to the POS and replacement of some trees in the woodland as per the arboriculture impact assessment. Therefore, it is considered inappropriate now to require such measures.

7.17 In respect of the measures proposed for the control of Himalayan balsam on the site, GMEU has no objections to the proposals providing they are implemented in full as part of the development.

7.18 Finally, details of the proposal to erect bat and bird boxes on the site are required and can be secured by a condition.

7.19 **Arboriculturist** comments that, on the western side of the site are mature protected trees which will have a significant impact on the amount of available light throughout the year. The future growth of these trees will only exacerbate this situation and may lead to unjustifiable requests for pruning works to protected trees. Additionally, any boundary fencing should be constructed using sleeves to house the concrete to prevent seepage into the surrounding area. Therefore, the Arboriculturist requires a condition be imposed in order to minimise damage to tree roots and prevent seepage into the soil. Conditions are also required to ensure the erection of protective fencing in accordance with drawing 03 of 20/AIA/SRIBBLE/03 (Rev B) April 2020 prior to development commencement; to ensure signage is provided; that any permission for access into the RPA should be agreed in writing with the local authority prior to entry; that existing ground levels should be retained within the RPA and excavated by hand; that all newly planted trees should have a replacement condition attached for replanting on a like for like basis for a minimum of five years and that no machinery, tools and equipment should be stored within the RPA of any trees on site.

7.20 **Keppie Massie** the Council’s advisors on viability assessments, have advised that, based on their testing, they consider that the development can support an affordable housing contribution of £103,832. This is only a marginally greater sum than the value that is already detailed within the relevant S106 Agreement Affordable Housing sum of £103,750.

7.21 It is on the basis of the above that the sum that is already contained within the S106 Agreement at £103,750 is reasonable, and they agree with the Applicant’s FVA that considers that there is limited scope to increase the proposed affordable housing contribution based on the current scheme proposals that have been submitted as part of the Reserved Matters Application. This is discussed in more detail in the Viability section of this report.

7.22 Following the submission of amended plans/housetypes, the CIL contribution, based on the floor area of the dwellings, was amended and Keppie Massie re-ran the figures based on the new floor area. Any further comments will be reported either verbally at planning committee or on an update sheet.

7.23 **Police Architectural Liaison Officer** did not response to the consultation request.

1. **Policy Background**

8.1 **Central Lancashire Core Strategy**

* **Policy 1: Locating Growth** concentrates growth and investment in specified areas, including the key service centre of Leyland/Farington.
* **Policy 4: Housing Delivery** will be managed by setting applying minimum annual requirements. The South Ribble minimum requirement is for 417 dwellings per annum.
* **Policy 5: Housing Density** requires that densities are to be in keeping with local areas.
* **Policy 7: Affordable and Special Needs Housing** requires 30% affordable housing be provided on sites of over 15 dwellings or with a site area of over 0.5 hectares.

8.2 **Central Lancashire Supplementary Planning Documents**

* Design Guide
* Open Space and Playing Pitches
* Affordable Housing

8.3 **South Ribble Local Plan (2012-2026)**

* **Policy B1: Existing Built-Up-Areas** permits the re-use of undeveloped and unused land within the defined built-up areas, provided the proposal meets parking and other standards, is in keeping with the character and appearance of the area and will not adversely affect the amenities of nearby residents.
* **Policy G7: Green Infrastructure – Existing Provision** seeks to protect and enhance all areas of Green Infrastructure.
* **Policy G8: Green Infrastructure – Future Provision** requires all new development to provide appropriate landscape enhancements; conserve important environmental assets, natural resources, biodiversity and geodiversity; the long-terms use and management of such areas; and access to well-designed cycleways, bridleways and footways to help link local services and facilities
* **Policy G10: Green Infrastructure Provision in Residential Developments** requires all new residential development resulting in a net gain of five dwellings or more to provide sufficient Green Infrastructure to meet the recreational needs of the development. This should normally be provided on-site. Off-site provision will be at the Council’s discretion and delivered by developer contributions.
* **Policy G11: Playing Pitch Provision** requires all new residential development resulting in a net gain of five dwellings or more to provide playing pitches in South Ribble, at a standard provision of 1.14 ha per 1000 populations. Contributions will also be sought to fund or improve associated facilities (eg changing rooms).
* **Policy G13: Trees, Woodlands and Development** prevents planning permission being permitted where the proposal adversely affects trees, woodlands and hedgerows which are protected by a Tree Preservation Order.
* **Policy G17: Design Criteria for New Development** permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, 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.
1. **Material Considerations**
	1. **Site Access**

9.1.1 The Outline permission 07/2018/0334/OUT established the principle of residential development for this site together with the means of access. The access is off Langdale Road opposite the junction with Bleasdale Close. Langdale Road is an unclassified road with a speed limit of 30 mph fronting the site.

* + 1. At outline stage, County Highways commented that the available sight lines from the access onto Langdale Road were acceptable and fully achievable over the existing adopted highway and within the applicant's control. However, they did raise the matter of the existing bus stop located adjacent to the proposed access which has the potential to have a negative impact on the available sightlines of vehicles exiting the site. County Highways therefore requested that the bus stop be relocated away from the proposed junction as part of a Section 278 agreement. This was subject to Condition 22 “*No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvements (bus stop relocation and surfacing of footpath 23 from Langdale Road to the proposed pedestrian link) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority”*
		2. As part of this Reserved Matters submission, a Section 278 Works Layout Plan has been provided. This shows the new location of the lighting column. However, County Highways have advised that condition 22 of the outline approval should be subject of a discharge of conditions application, with the details regarding the access and off-site highway improvements to be submitted then. Discharge of conditions application 07/2020/00474/DIS includes condition 22 of the outline approval and County Highways have confirmed the documents submitted are acceptable to discharge condition 22 although the proposed works within the adopted highway will need technical agreement and be undertaken as part of a section 278 agreement of the Highways Act.

9.1.4 A letter of objection has been received raising the issue that this will introduce another access road coming onto Langdale Road which is an extremely busy road, particularly with buses and student vehicles accessing Runshaw College. They also comment that Langdale Road is used as a cut through road for delivery vehicles. However, as indicated above, the access was part of the outline determination and County Highways as Highway Authority, have no issues with this additional access.

* 1. **Internal Road Layout**
		1. The submitted Planning Statement advises that the proposed carriageway has a width of 5.5.m and 2m footpath and this is demonstrated on the submitted plans. The layout includes a turning head at the southern end of the site. As demonstrated on the submitted swept path analysis, the turning head will allow for the turning of vehicles such as a twin axle refuse vehicle. County Highways comment that the internal road layout as shown on drawing 2019-166-006 B is acceptable and have no objections.

**9.3 Strategic Road Network Impact**

9.3.1 Highways England are appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such they work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

9.3.2 The application site is immediately adjacent to the M6 motorway and Highways England’s concern relates to the security of the development site in relation to the motorway and the form and construction of the proposed earth bund and acoustic fence. At outline stage, they advised on 8 points which were included as informative notes on the outline decision notice. These were:

*1. There shall be no direct vehicular or pedestrian access of any kind between the site and the M6 motorway. To this end, a close-boarded fence or similar barrier of not less than 2 metres high shall be erected along the boundary of the site and the M6 motorway that has been agreed with and constructed to the satisfaction of Highways England and the Local Planning Authority. Any fence or barrier shall be erected a minimum of one metre behind the existing motorway boundary fences on the developer's land and be independent of the existing motorway fence.*

*2. There shall be no development on or adjacent to any motorway embankment that shall put any embankment or earthworks at risk.*

*3. There shall be no earthworks within one metre of the motorway boundary fence.*

*4. No works pursuant to this application shall begin on site until such time as the design, materials and construction methods to be adopted for the proposed acoustic barrier and earth bund have been subject to the full requirements of the Design Manual for Roads and Bridges standard BD2/12 'Highway Structures: Approval Procedures and General Design Approval Procedures', have been given Technical Approval by a competent and independent Technical Approval Authority appointed by the applicant and that this technical Approval has been agreed in writing with Highways England.*

*5. No drainage from the proposed development shall run off into the motorway drainage system, nor shall any drainage adversely affect the motorway embankment.*

*6. No works relating to the construction of the facility shall require any temporary closure to traffic of the M6 motorway.*

*7. Access to the site for the purposes of maintaining the existing motorway boundary fence, embankment and motorway boundary landscape planting shall not be withheld to Highways England and its representatives.*

*8. No construction works associated with this planning application shall be carried out on land in the ownership of the Highways England Company Limited under Title LA40987.*

9.3.3 With regards to this Reserved Matters application, Highways England initially advised that this application should not be determined until at least 29th July 2020 as there were some aspects that they required further information on before they could provide a view on this application. These are set out below:

* Design detail of the noise attenuation bund and fence
* Clarification of the solution to be employed to appropriately transfer the wind load from the fence into the embankment
* Assessment of the potential settlement on the motorway embankment once the dimensions of the bund and its proximity to our embankment are known.
* Details of the drainage system to be used in order to ensure that surface water runoff from the embankment is managed without affecting the stability of the adjacent motorway embankment.
* Clarification as to how the roots of the trees on the motorway embankment would be protected during construction of the shallow swale drain along the outer line of the existing trees on the M6 verge.
* Details of the maintenance regime to be used for the swale to ensure they continue to perform as expected without any impact on Highways England’s assets
* Details of the additional fencing required to provide security between the development and the motorway

9.3.4 The applicant was informed of Highways England requirements and following correspondence and discussions between the applicant and HE then took place. As a result, a Supplementary Ground Investigation report for the proposed earth bund and a plan of the acoustic fence were submitted together with revisions to the Arboricultural Impact Assessment which shows Heras root protection fencing all the way down the motorway side as well as the woodland side, and a revised site compound plan and updated CEMP which now refers to the trees and arboriculture report and the relevant plan in that report, which also shows the motorway trees fenced.

9.3.5 HE were then reconsulted and confirmed that their concerns on tree protection and the site compound had been addressed. However, they still had concerns regarding the drainage of the earth bund slope facing the motorway, commenting that: ‘*Whilst the applicant has proposed to omit the swale drain along this section of the bund in order to protect the roots of the adjacent trees, HE considers this is likely to result in the water not being able to drain away due to the presence of clay in the underlying ground.’*  Highways England therefore formally recommended that the holding period be extended until the 25th September 2020.

9.3.6 Following this, the following plans and reports were submitted:

* Geoenvironmental Assessment
* Greenfield runoff plan
* Proposed surface water model results
* Proposed surface water model volumes
* Proposed pond layout and details
* Proposed impermeable areas plan
* Proposed exceedance routes plan
* Existing pond details
* CCTV survey
* Langdale Road Plan
* Manhole details
* Plan
* Existing culvert route
* Proposed drainage layout plan
* Proposed drainage details plan
* Swale and acoustic mound drainage details

9.3.7 The applicant’s drainage consultants GSA also clarified that they have:

* Complied a set of Hydraulic Model Calculations for drainage scheme outline previously with the reprofiled pond, which have been simulated as requested for 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year + 40% Climate Change, included volumes in the pipes and available in the pond as requested.
* Provided a report from the HR Wallingford Greenfield Runoff Estimation tool for the greenfield runoff calculations
* Produced additional drawings for the Proposed Pond Details, this includes a long section and cross sections for the proposals along with construction details indicating top water levels for 1 in 30 year and 1 in 100 year + 40% Climate Change  and a volume analysis. Also provided is a drawing indicating the volume of the existing ponds, again with long and cross sections.  Also included is a drawing indicating the line of the existing culvert which discharges to Shaw Brook with photographs of the existing headwall in the pond and the outfall in Shaw Brook.  Drain Alerts survey information is also included for completeness.
* As previously noted, a drainage model is produced demonstrating that for the 1 in 100 year + 40% Climate Change there is a small amount of exceedance to the surface which is acceptable, however, an exceedance route drawing to demonstrate where this would flow to within the site is also provided.
* Provided construction details for the drainage and details for the swale and the acoustic mound as requested.

9.3.8 Following further discussions with the applicant regarding the drainage of the earth bund slope facing the motorway, Highways England confirm they had reached agreement with the developer and have no objection to this reserved matters application subject to the condition that works are executed in accordance with the revised drawings and statement letter concerning the positioning of the boundary fence. This can be controlled by conditions, as recommended by Highways England, as follows:

1. *The design and management of the earth bund and associated drainage is carried out in accordance with Drawing 2019-166-014 Rev. B (Proposed Drainage Details), Drawing 2016-166-013 Rev A (Acoustic Mound and M6 Embankment Drainage Details) and Drawing 2019-166-001 Rev F (Drainage Layout) and the Management and Maintenance Plan Issue 3.*
2. *The layout of the permanent site boundary fencing is done in accordance with Drawing 18-084-P01A Rev A with a minimum 1 metre set-back from the motorway boundary.*

9.4 **Flood Risk and Drainage**

9.4.1 Condition 3 of the Outline approval required the submission of a surface water drainage strategy as part of the reserved matters application. This condition was requested by LLFA and stated:

*‘As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority. Surface water drainage scheme which as a minimum shall include:*

*Information about the lifetime of the development design storm period and intensity (1 in 1, 1 in 2, 1 in 30 & 1 in 100 year + allowance for climate change - see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable , the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;*

*The drainage scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;*

*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);*

* *Flood water exceedance routes, both on and off site;*
* *A timetable for implementation, including phasing where applicable;*
* *Site investigation and test results to confirm infiltrations rates;*
* *Details of water quality controls, where applicable.*
* *The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

9.4.2 The submitted Geoenvironmental Report concludes that soakaways will not be a practical drainage solution for surface water run-off at the site. Accordingly, surface water will instead discharge to a culvert located at the southern extent of the woodland area. The submitted supporting drainage scheme (2019-166-001-B) illustrates a SuDS approach which comprises techniques including a swale extending along most of the eastern boundary and utilises the attenuation volumes available in two existing ponds located in the woodland to the west of the site. The proposals also include the reprofiling of land between the two ponds for additional attenuation.

9.4.3 The Planning Statement also advises that the proposed surface water drainage scheme will comply with hierarchy of surface water drainage options set out in PPG and, with regards to foul, the drainage layout shows a proposed foul connection to the existing public sewer, which has been approved in principle by United Utilities.

9.4.4 United Utilities reviewed the submitted Drainage Layout Drawing, prepared by Graham Schofield Associates, Ref: 2019-166-001, Rev: C, Dated: 14.04.2020, and advised that, whilst the drainage layout plan is acceptable for planning purposes, it would not be considered for adoption due to a number of reasons including that the drainage is located within gardens, rather than the highway and the site wide drainage appears to be accepting overland flow which United Utilities will not accept into public sewer networks.

9.4.5 Additionally, UU advised that, without effective management and maintenance, sustainable drainage systems can fail or become ineffective and therefore recommend a condition be imposed requiring the submission of a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. However, it must be recognised that such a condition was imposed on the Outline approval as Condition 5 and which is current subject to a discharge of conditions application.

9.4.6 The LLFA initially objected to the proposals, commenting that the application lies within Flood Zone 1 defined by the Planning Practice Guidance as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. The lack of the following detailed information in relation to surface water drainage means the LLFA cannot assess whether the development proposal meets the requirements of the NPPF or PPG in principle:

* The drainage design and layout have been changed so parts of the drainage strategy will have to be revised accordingly.
* All the surface water discharges to a culvert on the southern boundary of the development. Evidence will be required to prove that this culvert discharges to an open watercourse which then discharges into Shaw Brook.
* Intrusive ground investigation report including borehole logs.
* Proposed site plan showing exceedance routes and identification of catchment areas.
* The un-controlled surface water outfall on the pond banking at the northern end is not acceptable. The outfall should be on the edge of the pond.
* According to the surface water layout drawing the surface water from the lower pond overtops and flows across land to the inlet of a culvert. Both the method of discharge to the culvert and the fact that it is un-restricted are not acceptable. The surface water discharge must not exceed the greenfield run off rate.

9.4.7 Therefore, the LLFA requested detailed design drawings, including;

* Drainage details drawing.
* Cross section drawings of existing and re-profiled ponds with 1 in 1 year, 1 in 30 year and 1 in 100 year + climate change water levels.
* Detailed cross section drawings of filter drain and swale.
* Details of attenuation pond inlet and outlet, including cross section drawings.
* Attenuation design and breakdown of attenuation volume in pipes, manholes and attenuation pond.
* Sustainable drainage system flow calculations (PDF files showing the input and the output data for flow calculations) and storm simulation plan are required for :

1 in 1 year;

1 in 2 year;

1 in 30 year; and

1 in 100 year + climate change

Greenfield run off calculations are also required.

9.4.8 The LLFA consider their objection can be overcome by the submission of revised drainage strategy, discharge location verification, ground investigation report, exceedance route drawings, catchment area drawing, attenuation pond revisions, detailed construction drawings and attenuation and drainage system flow calculations.

9.4.9 The LLFA also advise that details of the highway drainage have not been included so it is not possible to make any comments. The highway drainage proposal and the suitability for future highway adoption under Section 38 of the Highways Act 1980 is for the Local Highway Authority to comment on and the highway drainage proposals should be made as soon as possible.

9.4.10 Following submission of further plans and details to address these issues and those raised by Highways England, the LLFA were reconsulted. The plans are documents are listed below:

• Drainage Layout plan 2019 - 166 - 001 Rev F

• Geoenvironmental Assessment

• Greenfield runoff plan

• Proposed surface water model results

• Proposed surface water model volumes

• Proposed pond layout and details

• Proposed impermeable areas plan

• Proposed exceedance routes plan

• Existing pond details

• CCTV survey

• Langdale Road Plan

• Manhole details

• Plan

• Existing culvert route

• Proposed drainage layout plan

• Proposed drainage details plan

• Swale and acoustic mound drainage details

9.4.11 The Surface Water Management and Maintenance Plan 2019.166 Dated June 2020 by Graham Schofield was updated to Issue 2 dated 18 August 2020 and the drainage consultants GSA have clarified that they have:

* + Complied a set of Hydraulic Model Calculations for drainage scheme outline previously with the reprofiled pond, which have been simulated as requested for 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year + 40% Climate Change, included volumes in the pipes and available in the pond as requested.
	+ Provided a report from the HR Wallingford Greenfield Runoff Estimation tool for the greenfield runoff calculations
	+ Produced additional drawings for the Proposed Pond Details, this includes a long section and cross sections for the proposals along with construction details indicating top water levels for 1 in 30 year and 1 in 100 year + 40% Climate Change and a volume analysis. Also provided is a drawing indicating the volume of the existing ponds, again with long and cross sections. Also included is a drawing indicating the line of the existing culvert which discharges to Shaw Brook with photographs of the existing headwall in the pond and the outfall in Shaw Brook. Drain Alerts survey information is also included for completeness.
	+ As previously noted, a drainage model is produced demonstrating that for the 1 in 100 year + 40% Climate Change there is a small amount of exceedance to the surface which is acceptable, however, an exceedance route drawing to demonstrate where this would flow to within the site is also provided.
	+ Provided construction details for the drainage and details for the swale and the acoustic mound as requested.

9.4.12 Although the LLFA had not responded at the time of compiling this report, the details have satisfied Highways England’s concerns. Any comments received from the LLFA will be reported to planning committee either verbally at the meeting or by way of an updated sheet.

**9.5 Noise**

9.5.1 Section 9 of the Noise Assessment Report submitted with the outline application provided details of noise mitigation measures and condition 7 secured the development be carried out in accordance with those mitigation measures. Further details are provided in the Noise Assessment Report submitted with this RM application (ref. 101488-4).

9.5.2 The proposed mitigation measures include a 3.0m high bund with a 2.5m high acoustic barrier on top, extending the entire eastern boundary of the site with the M6 motorway together with acoustic barriers between the proposed dwellings, comprising 1.8 metre high continuous fences between all gaps between the housing and garages. The exception is the west facing rear garden boundary of plot 14, which is designed to be a 2m high acoustic barrier. All acoustic fencing will be constructed of close-boarded overlapped timber panelling.

9.5.3 Environmental Health have considered the proposals and advise, in respect of Condition 7 of the outline approval 07/2018/0334/OUT, that they would not considered the requirements of Condition 7 to have been met and thecondition should remain in place until the properties have been constructed and the developer can provide evidence that the properties have been constructed to the agreed standard. Evidence of this standard should include orders / receipts for materials and photographic evidence.

9.5.4 They also advise the noise assessment by Miller Goodall acoustics and air quality, dated 7th April 2020, report number 101448-4, states: *‘This technical note serves to discharge the above planning condition and outline the methodology for determining requirements for façade mitigation and external noise to meet the internal and external living space criteria as a result of changes to the original scheme approved in May 2019. This report provides suitable mitigation measures to ensure the discharge of the above planning condition. The information provided within this report provides sufficient evidence to discharge the planning condition.’*

9.5.5 Condition 7 stated: *‘The development hereby approved shall be carried out full in accordance with the mitigation measures outlined in Section 9 of the Noise Assessment Report by Miller Goodall dated 17th October 2017 Ref 101347’.*

9.5.6 Environmental Health state that this noise assessment report includes the agreed acoustic standards for the properties. These standards have already been agreed and should remain a condition of the planning consent for this development. If the developer now wishes to apply different acoustic standards, then further information will be required by Environmental Health in order for them to fully consider this request. The additional information required would be:

* A full explanation as to why the predicted internal noise levels within the original noise impact assessment and those given in the latest noise impact assessment differ
* A full explanation as to why the proposed glazing and ventilation options have been amended, with calculations directly comparing the two options to provide evidence of no adverse results if such changes were agreed to.

9.5.7 As per items 5.4.6 and 5.4.7 of the noise assessment by Miller Goodall acoustics and air quality (dated 7th April 2020, report number 101448-4) details of all alternative ventilation systems to be installed, the locations of the ventilation systems, and predicted noise levels.

9.5.8 In respect of Condition 6 of the outline permission 07/2018/0334/OUT, Environmental Health service would also object to its discharge at this time. The noise assessment by Miller Goodall acoustics states: *‘This technical note serves to discharge the above planning condition and outline the methodology for determining requirements for façade mitigation and external noise to meet the internal and external living space criteria as a result of changes to the original scheme approved in May 2019. This report provides suitable mitigation measures to ensure the discharge of the above planning condition. The information provided within this report provides sufficient evidence to discharge the planning condition.’*

9.5.9 Condition 6 stated: ‘*The overall noise screening shall have a 3m high bund with a 2.5m high acoustic barrier on top, to be constructed from continuous, imperforate material with a minimum mass of 12 kg/m2. Closeboarded or overlapped timber panelling would be suitable in this regard; hit-and-miss fencing would not. Alternatively, a proprietary acoustic fence with a minimum weighted sound reduction index of 25 dB Rw would be appropriate.*

*Prior to the first occupation of the property a maintenance management plan shall be submitted to the local authority detailing the measures to ensure the acoustic barrier is maintained throughout the life of the development.’*

9.5.10 Environmental Health consider that, in order to agree to the discharge of Condition 6 it will be necessary for the developer to supply a management maintenance plan, as per the wording of condition 6 set out above. However, it must be noted that the maintenance and management plan is only required prior to first occupation of any property and therefore this is not a requirement of this Reserved Matters permission and the condition imposed on the outline approval remains.

9.5.11 Environmental Health’s comments were passed to the applicant to address the requirements of conditions 6 and 7 through the discharge of conditions application process.

**9.6 Residential Amenity**

9.6.1 Existing residential properties opposite the application site are detached, 2-storey properties, with off-road parking and integral garages. First floor bedroom windows face toward the application site which is located approximately 25m from the front elevation of these existing properties. There is a mature wooded area which runs along the majority of the site’s frontage. Effectively, 44 to 62 Langdale Road will have no real view of the proposal due to the wooded area. Although it is noted the trees are not evergreen, the view during the Winter months will be partially obscured due to the depth of the tree belt.

9.6.2 Numbers 36 to 42 Langdale Road face the more open part of the site. Plot 1 will have its side elevation facing towards 42 Langdale Road at a distance of approximately 27m. This is the Lytham housetype with a blank elevation with chimney stack facing 42. Therefore, there will be no overlooking/loss of privacy to 42.

9.6.3 To the northern end of the site is a much more open area with access gate into the site. The proposed access is to be located opposite to the access to Bleasdale Close with the area to its north being left open as the site’s amenity open space. Numbers 36, 38 and 40 Langdale Road will face this open space and therefore there will be no impact on their residential amenity in terms of overlooking/loss of privacy with the view from these properties remaining largely as per the current situation.

**9.7 Character and Appearance**

9.7.1 The wider surrounding area is characterised by 1970’s two-storey detached and semi-detached dwellings and bungalows set on a largely open plan estate. The immediate area is characterised by two-storey detached properties set. Those properties opposite the application site to its northern end are all detached with integral garages and generally of a uniform appearance. They are constructed in brick with some having stonework features.

9.7.2 Opposite the central and southern parts of the site are larger more spacious detached dwellings, of varying designs. Many have been extended or have garage conversion. They are brick built with many having a part render finish.

9.7.3 The application proposes substantial two and half storey scale detached dwellings and one 2-storey detached dwelling. There are 7 different house types proposed, which include a variety of features, including differing ridge heights and gable and hipped roofs. All have front gable features, either central or to one side of the main elevation. Although this is a feature not largely found in the existing properties opposite, the site is screened from the wider view by the mature wooded area fronting onto Langdale Road and therefore they will not be viewed in the same context.

9.7.4 The roof space in each of the proposed dwellings is utilised for bedroom, playroom or hobby room space. The use of rooflight will provide light for the majority of the housetypes although the Lytham housetype to plots 6 and 11 has a rear dormer feature.

9.7.5 The application proposals retain a parcel of amenity open space fronting onto Langdale Road to the northern end of the site. This together with the wooded area result in the site have very little impact on the character and appearance of the area.

9.8 **Parking**

9.8.1 All of the proposed dwellings will have a minimum of 3 parking spaces in the form of

private driveways and garages. Those garages which provide the third parking space

comply with the Lancashire County Council recommendations for the internal dimensions

of garages to be a minimum of 6m x 3m. This level of car parking provision accords with

the adopted parking standards.

9.8.2 County Highways confirm the proposed level of parking (driveways and garages) as shown on drawing 2019-166-006 B is acceptable and therefore County Highways have no objections.

9.9 **Landscaping**

9.9.1 Landscaping Proposals in the form of two plans 6212.01 Rev C and 6212.02 Rev C together with a Landscape Management Plan have been submitted which include details of the hard and soft landscaping for the site, including the area of amenity open space. The proposals include a stone wall gateway feature with bulb and ornamental shrub planting. A number of new trees will be planted along the boundaries of the open space and part of the area will be given over to wildflower planting.

9.9.2 The Acoustic Bund will be formed with a seeded topsoil finish along the side of the site. A 2.5m high timber acoustic fence will sit atop the bund.

9.10 **Ecology**

9.10.1 A Habitat Management Plan, Invasive Species Management Plan and Updated Ecological Survey and Assessment report have all been submitted in support of the application and have been considered by Greater Manchester Ecology Unit.

9.10.2 GMEU advise that the most important features of ecological value on the site are the small areas of woodland at the eastern and westerns site boundaries. These areas will be retained, but the trees and woodland will need to be protected and maintained in future. GMEU support the comments of the arboriculture officer on important measures that need to be taken to protect the trees during any ground clearance and construction works.

In respect of management, although some management proposals for the woodland have been proposed, in both the habitat management plan and the proposals for controlling invasive plant species, these proposals are rather limited. In particular, the proposal to restore the ponds within the woodland as SUDs features. Although SUDs ponds can function as valuable habitats this will require sensitive design and management of the ponds. GMEU therefore recommend that a condition be imposed requiring the submission of details of the creation, function and management of these ponds.

9.10.3 Additionally, GMEU comment that the measures proposed for the control of Himalayan balsam on the site should be implemented in full and that proposals to erect bat and bird boxes on the site are required. The best place to erect these boxes would be in the western woodland along Langdale Road.

9.10.4 In response to the comments by GMEU, the applicant requested that they remove their comments relating to additional flora in the woodland and the ponds, as follows:

*“Regarding additional flora in the woodland: as highlighted on attached, this was not requested by GMEU when they responded to the previous outline application. Therefore, there was no relevant condition requiring for this to be included. Moreover, we are already providing significant additional trees etc to the POS and replacement of some trees in the woodland as per the arboriculture impact assessment.*

*Regarding the ponds: We are not looking to reinstate these; they are already there and that is where surface water already runs off to.  There is a culvert at both ends of the woods, so there is nothing particularly to design as it will just be a SUDS system through the woods as it already is.*

9.10.5 However, it remains GMEU’s view that these measures should be included. The Ecologist considered that it is not clear that the drainage into and through the woods will be *‘as it already is’*, since construction of the development will inevitably alter drainage patterns and surface water flows. Additionally, the Surface Water Management and Maintenance Plan submitted in relation to Condition Discharge application 07/2020/00474/DIS relies on the improvement and management of the ponds for the SUDS system to function effectively. The Ecologist considers that: “*Since works will be taking place on the drainage system in the woodland anyway, it is not considered unreasonable to ask that the drainage features are made as wildlife friendly as possible.”*

9.10.6 Regarding the introduction of native flora into the woodland, the Habitat Management Plan includes the objective to ‘Create and Maintain a Native Planting Scheme’. Works to remove dangerous trees and improve the drainage system in the woodland will inevitably cause ingress into the woodland which is likely to require remediation. The Ecologist considers it is not an unreasonable request to introduce additional woodland flora as this would require a minimal cost compared with the costs of the development.

9.10.7 The applicant reiterated that the conditions are unnecessary, advising that the GMEU response to the approved outline application made no request for any biodiversity enhancement in respect of the proposed sustainable drainage system. Neither was a request made to made for any additional flora to be planted on within the woodland area. Furthermore, condition 5, attached to the outline application, makes no reference for the requirement of the SUDs management and maintenance plan to provide any ecological function. There is also no condition that required any planting within the woodland area.

9.10.8 It must be accepted that as no enhancements were requested at outline stage which is effectively the planning permission and no conditions were imposed it would be unreasonable now to impose such conditions and they would not past the 6 tests for imposing conditions.

9.11 **Trees**

9.11.1 The Council’s Arboriculturist has advised that on the western side of the site are mature protected trees which will have a significant impact on the amount of available light throughout the year. The future growth of these trees will only exacerbate this situation and may lead to unjustifiable pruning requests for work to protected trees. The Arboriculturist requires a number of conditions be imposed in respect of tree protection measures, and is quite specific is what is required, advising:

*“Protective fencing should be erected in accordance with the submitted drawing 03 of 20/AIA/SRIBBLE/03 (Rev B) April 2020 prior to development commencement and remain in-situ throughout the development. The fencing will consist of a scaffold framework in accordance with Figure 2 of BS 5837 – 2012 comprising a metal framework. Vertical tubes will be spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with scaffold clamps. Weldmesh panels on rubber or concrete feet should not be used. The site manager or other suitably qualified appointed person will be responsible for inspecting the protective fencing daily; any damage to the fencing or breaches of the fenced area should be rectified immediately. The fencing will remain in place until completion of all site works and then only removed when all site traffic is removed from site.*

9.11.2 The Arboriculturist also advises a number of conditions are require to protect the woodland, including that signage is erected stating: *“Protected Trees – Exclusion Zone*; that permission for access into the RPA should be agreed in writing; that existing ground levels should be retained within the RPA and excavated by hand; that all newly planted trees be replaced on a like for like basis for a minimum of five years; and that no machinery, tools and equipment should be stored within the RPA

9.11.3 In respect of the requested conditions from the Arboriculturist, the applicant considers it is unnecessary to seek and agree permission for access into the RPA as the other requested conditions for working and protecting the RPAs are sufficient. The Arboriculturist has agreed to this.

9.12 **Community Infrastructure Levy**

9.12.1 The proposed development will have a total floor area of 3172.77 sq m and therefore a CIL liability of £294,290.28.

9.13 **Viability**

9.13.1 The outline approval 07/2018/0334/OUT was the subject of a S106 Agreement which secured financial contributions for off-site Affordable housing contribution; off-site equipped play and off-site playing pitch.

9.13.2 The S106 Agreement included a Viability Review Mechanism to provide for a revised viability appraisal, prior to submission of the final Reserved Matters application. The Viability Review was to be undertaken on the same basis as the existing Viability Assessment. It also allowed the Council to have a period of 28 days in which to confirm whether it accepts the findings of the Viability Review

9.13.3 The Financial Viability Update was submitted as part of this Reserved Matters application, not prior to it and no confirmation was provided by the Council to the developer. However, the Financial Viability Update concludes that it is demonstrated that this RM scheme will generate a lower developer profit than that accepted at the outline stage and as such there is no justification to increase the £103,750 affordable housing contribution set out in the S106 Agreement.

9.13.4 The viability appraisal update has been considered by the Council’s advisors, Keppie Massie. They advise that they consider that there is very limited scope to increase the S106 contribution. Whilst it is noted that the Reserved Matters application includes significantly more accommodation, it is noted that build costs have increased within the intervening period since they last looked at the viability of the site around 2 years ago. On the basis of the testing that is contained within their report, they consider that the residual sum that is provided and which is available towards an Affordable Housing payment amounts to £103,832. This is only a marginally greater sum than the value that is already detailed within the relevant S106 Agreement Affordable Housing sum of £103,750 and therefore recommend that the sum of £103,750 is sought from the developers.

9.13.5 This is considered acceptable, particularly given that the difference is marginal and that the time for challenging the offer has passed, despite the fact that the developer did not serve the revised appraisal at the correct time.

1. **Conclusion**

10.1 This Reserved Matters application seeks the approval of the layout, scale, appearance and landscaping of the proposed development of 14 detached dwellings. Although there are some matters still to be resolved, this can be done through the discharge of conditions process and therefore the application is recommended for approval subject to the imposition of conditions and in recognition that conditions imposed on the outline approved remain valid.

**RECOMMENDATION:**

Approval with conditions.

**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 submitted approved plans Dwg 18/084/P01 Rev A Site Layout; 18/084/P02 Plot 1 Lytham; 18/084/P03 Rev A Plot 2 Croston Plus; 18/084/P04 Rev A Plot 3 Eccleston Plus;18/084/P05 Plot 4 Worden Plus; 18/084/P06 Plot 5 Fairhaven Plus; 18/084/P07 Plot 6 Lytham Plus; 18/084/P08 Plot 7 Eccleston Plus; 18/084/P09 Plot 8 Fairhaven Plus; 18/084/P10 Rev A Plot 9 Croston Plus; 18/084/P11 Plot 10 Worden Plus; 18/084/P12 PLot 11 Lytham Plus; 18/084/P13 Rev A Plot 12 Croston Plus; 18/084/P14 Plot 13 Fairhaven Plus; 18/084/P15 Plot 14 Worden Plus; 18/084/G01 Single Garage; 18/084/G02 Double/Twin Garage; 2019-166-007 Acoustic Barrier; 2019-166-006 B Adoption Pink Plan;

 REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Protective fencing should be erected in accordance with drawing 03 of 20/AIA/SRIBBLE/03 (Rev B) April 2020 prior to development commencement and remain in-situ throughout the development. The fencing will consist of a scaffold framework in accordance with Figure 2 of BS 5837 - 2012 comprising a metal framework. Vertical tubes will be spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with scaffold clamps. Weldmesh panels on rubber or concrete feet should not be used. The site manager or other suitably qualified appointed person will be responsible for inspecting the protective fencing daily; any damage to the fencing or breaches of the fenced area should be rectified immediately. The fencing will remain in place until completion of all site works and then only removed when all site traffic is removed from site. No machinery, tools and equipment shall be stored within the RPA of any trees on site at any time.

 Reason: To minimise soil compaction and seepage into the soil to protect trees from damage during construction in accordance with BS 5837 2012 and Policy G13 in the South Ribble Local Plan

4. Boundary fencing should be constructed using sleeves to house the concrete to prevent seepage into the surrounding area.

 Reason: To minimise damage to tree roots and prevent seepage into the soil

5. Existing ground levels should be retained within the RPA and excavated by hand. Any exposed roots should be immediately wrapped to prevent dessication. Wrapping should be removed prior to backfilling. Roots smaller that 25mm diameter should be pruned with a suitable sharp tool. Roots over 25mm diameter should only be removed following consultation with an arboricultural consultant. Prior to backfilling roots should be surrounded with topsoil or sharp-sand or inert granular fill before the soil is replaced

 Reason: To ensure damage to tree roots is minimised during development and that the development does not impact the future vitality of trees in proximity to the development.

6. That all planting, seeding or turfing comprised in the approved details of the Landscaping Plans 6212.01 Rev C and 6212.02 Rev C 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

7. Clearly legible weatherproof signage, stating "Protected Trees - Exclusion Zone" shall be attached to the fencing 1.5m from the ground, facing out of the Tree Protection Zone located at regular intervals along the fence line.

 Reason: To inform all contractors of their responsibilities in accordance to the relevant guidance and to safeguard protected trees in accordance with Policy G13 in the South Ribble Local Plan

8. The development shall proceed in accordance with the invasive species method statement outlined in the Invasive species management and habitat management plan by ALM Consult dated 24th March 2020, by Rachel Hacking Ecology

 REASON: To prevent the spread of invasive species through development works in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 of the South Ribble Local Plan 2012-2026

9. The development shall be carried out in accordance with the mitigation measures outlined in the Hazardous Gas Risk Assessment Report by ALM Consult dated 4th February 2020, Ref 30209/GRA/aja/016

 REASON: In the interests of the amenity of the future occupants of the development in accordance with Policy 17 of the Central Lancashire Core Strategy.

10. The development shall be carried out full in accordance with the standards and mitigation measures outlined in the Noise Assessment Report by Miller Goodall dated 7th April 2020, Ref 101448-4.

 REASON: In the interests of the amenity of the future occupants of the development in accordance with Policy 17 of the Central Lancashire Core Strategy.

1. The design and management of the earth bund and associated drainage is carried out in accordance with Drawing 2019-166-014 Rev. B (Proposed Drainage Details), Drawing 2016-166-013 Rev A (Acoustic Mound and M6 Embankment Drainage Details) and Drawing 2019-166-001 Rev F (Drainage Layout) and the Management and Maintenance Plan Issue 3.

REASON: In the interest of ensuring the integrity of the M6 motorway

1. The layout of the permanent site boundary fencing is done in accordance with Drawing 18-084-P01A Rev A with a minimum 1 metre set-back from the motorway boundary.

REASON: In the interest of ensuring the integrity of the M6 motorway

**RELEVANT POLICY**

**Central Lancashire Core Strategy**

1 Locating Growth

4 Housing Delivery

5 Housing Density

7 Affordable and Special Needs Housing

**South Ribble Local Plan**

B1 Existing Built-Up Areas

G7 Green Infrastructure Existing Provision

G8 Green Infrastructure and Networks Future Provision

G10 Green Infrastructure Provision in Residential Developments

G11 Playing Pitch Provision

G13 Trees, Woodlands and Development

G17 Design Criteria for New Development

**Supplementary Planning Documents**

Open Space and Playing pitch

Affordable Housing

Design Guide

**Informative Note:**

1. Any non-facilitation works to protected trees should be applied for as standard as protected trees require an application form for works