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Wednesday, 17 May 2017

**TO ALL MEMBERS OF THE PLANNING COMMITTEE**

Dear Councillor,

**LATE INFORMATION PLANNING COMMITTEE 18 MAY 2017**

**Please find attached a report containing details of Late Information prepared by the Director of Development and Regeneration, relating to items appearing on the agenda for the above mentioned meeting.**

Yours faithfully

A handwritten signature in black ink, appearing to be "Kim Webber", written over a horizontal line.

Kim Webber  
Chief Executive

**7. PLANNING APPLICATIONS**

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**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**



# Agenda Item 7

## AGENDA ITEM:

**PLANNING COMMITTEE:  
18<sup>TH</sup> MAY 2017**



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**Report of: Director of Development and Regeneration**

**Contact: Mrs. C. Thomas (Extn.5134)**  
**Email: catherine.thomas@westlancs.gov.uk**

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**SUBJECT: LATE INFORMATION**

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### **1.0 INTRODUCTION**

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

### **2.0 ITEM 7 – PLANNING APPLICATIONS**

#### **REPORT NO. 1 – LAND REAR OF 153 TO 167A BLAGUEGATE LANE, FIRSWOOD ROAD**

Following publication of the Planning Committee Agenda an email has been received from South Lathom Residents' Association. The email states the following:

*'Plans show a 2m wide footpath existing on Firswood Road, whereas in reality it is 1.2 metres wide at the northern front corner of number 32. This error takes the properties' boundaries further from the kerb (on plan); thus it distorts the true picture and affects the plotted position of the southerly visibility splays/sight lines'.*

#### **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

Further detail for this area has been produced by Crofts who are the Highways Consultant acting on behalf of the applicant - plan ref 1030-F01 Rev B. This plan shows that the required visibility splays can be achieved; reference has also been made to the topographical survey and this has demonstrated that the existing levels do not exceed the maximum height of 1m above the centre line of the adjacent carriageway. This plan has been considered by the Lancashire County Council Highway Engineer and is referenced in their consultation response dated

02.03.17; the Highway Engineer considers that the required sight lines are achievable.

The new site access and associated off-site works will need to be constructed under a section 278 agreement under the 1980s Highways Act. Lancashire County Council is satisfied that a safe access is capable of being created and will be able to maintain full control over this through separate legislation. Condition 16 which is to be attached to any approval granted will ensure that adequate visibility splays of 2.4m by 53m in a northerly direction and 2.4m by 58m in a southerly direction are implemented prior to commencement of development. Condition 18 requires approval of a scheme for the construction of the site access and the off-site highway works as part of a section 278 agreement, prior to commencement of development.

I am satisfied that it has been demonstrated that adequate visibility splays can be provided at the proposed new access point; implementation of the visibility splays are to be secured by planning conditions.

In advance of the Planning Committee meeting several questions have been raised by Councillor Cotterill. The questions and responses are detailed below:

Q1. In October 2016, the claimed accessibility score of 20 was challenged by South Lathom Residents' Association (SLRA), on the basis of several factual inaccuracies. However, the LCC Highways officer does not appear to have been informed about this challenge.

This is important, as in the 22<sup>nd</sup> December consultation the highways officer writes: ***“An LCC Accessibility questionnaire was completed which gave a score of 21 [actually 20], this accessibility score is medium and therefore measures need to be in place to enhance linkage to shops and services. If appropriate measures are not delivered, the proposed residential area will become an isolated, car dependent community”.***

Why has the SLRA challenge not been included in the officers' report? And as importantly, why was the Highways officer apparently not told of a possible lower score (of 14 or 15) ,once inaccuracies had been corrected, given that this would have made the accessibility score “poor” and may have changed the conclusion of the Highways officer?

Response: The Planning Committee report includes a summary of comments made by SLRA and mentions the perceived errors in the Accessibility Questionnaire (paragraph 3.3). The Highway Engineer has assessed the transport information submitted with the application and has reached a different conclusion from that of the SLRA. Irrespective of the score of an accessibility questionnaire, I do not consider that the application site, which is allocated for residential development in the adopted Local Plan can be considered isolated or any more dependent on the use of a car than much of existing residential development in Skelmersdale.

Q2. The December 22<sup>nd</sup> report refers to the need for more information on splays at the access to the development, this being one of the areas to which the March 3<sup>rd</sup> letter is “additional”. What has happened to this requirement, and why is it not referred to in the officer report?

Response: Visibility splays are shown in plan 1030-F01B and are acknowledged as being acceptable in the response from the Highway Engineer dated 02.03.17.

Q3. The traffic study provided by the applicant's consultant in October 2016 provides five year growth figures for estimated traffic movements, to 2021. Why have these projections been ignored when they form a standard part of the assessment process?

Response: Paragraph 7.36 of the Officer report advises that the Highway Authority have taken into account the transport information submitted with the application including forecast traffic flows.

Q4. Why does the officer report ignore the failure to give priority to pedestrian and cycle links, as required by NPPF para 35?

Response: Within the Highways Consultation Response of 22.12.16 it states that pedestrian/cycle links should be provided to the proposed Linear Park route along the disused railway line which bounds the site to the north either via the internal layout or along Firswood Road. Consideration was given to the provision of both of these options, however, there are substantial level differences between the application site and the disused railway line which would form the Linear Park. To address these level differences would require substantial engineering works on land outside of the control of the applicant and therefore cannot be provided by the applicant as part of this application.

Notwithstanding these off-site works, to link the proposed cycleway to the boundary of the site or the railway bridge on Firswood Road would also require structural works. The internal route would need to cross over the proposed drainage swales or the area in the north-west corner of the site which is currently a culvert (to be reopened as part of the drainage proposals). Whilst the widening of the existing footway on the northern section of Firswood Road would require retaining structures to facilitate the widening of the existing footway.

Based on this it was considered that the provision of route in either of the forms requested is not achievable given the landownership, differing levels and required drainage solution along the northern boundary of the site.

Q5. Why is direct linkage to Neverstitch Road (or Blaguegate Lane) not deemed to be necessary for the phase 1 development? Why is it considered that this direct link can wait until some indeterminate future date, when phase 2 can be delivered? (There are no firm plans yet to bring this part of the site forward).

Response: The transport information submitted with the application demonstrates that the proposed single access point onto Firswood Road is acceptable and that the impact on the surrounding road network would not be so significant to warrant refusal of the planning application, therefore a secondary access point is not considered necessary as part of this phase of the development. It is unknown at this stage when phase 2 will come forward for development and what form it will take; given the layout that is currently under consideration for phase 1 it may be that the two phases of the development do not have linkages between them for vehicles.

Q6. Although the officer report acknowledges that in practice traffic from the site will go to and from the northern end of Firswood Road, why has no action has been proposed (In terms of conditions) to improve safety, especially in respect of pedestrians, cyclists and horse riders? And why is extra traffic using the blind and narrow junction with Spa Lane considered acceptable?

Response: It is recognised that some traffic will travel in a northerly direction, however, it is considered that the proportion of extra traffic travelling in this direction will be so small that it would have a negligible impact on highway safety.

Q7. The Firswood Road development brief makes a clear distinction between homes **built for the older persons** and homes which are **capable of being adapted** for them (p. 22), and it is made clear by the page header and subsequent text that the brief at this point is concerned with “requirements”. Why has the requirement for homes built specifically for use by older persons been abandoned?

Response: Paragraph 7.12 of the Planning Committee report discusses the requirement for accommodation for the elderly. The Design and Access Statement that has been submitted with the application addresses the need for accommodation for the elderly. It recognises the HAPPI (Housing our Ageing population: Panel for Innovation) principles, and justifies how the proposed development accords with these 10 components that form good design. Whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The Housing White Paper (February 2017) indicates that it will be necessary for developments meet the needs of accommodation for the elderly. Whilst, it is not specific how this is to be achieved, at a recent event, the Planning Minister suggested that compliance with Part M of the Building Regulations would probably meet the test. This development meets those requirements and is in line with the expectations of the White Paper and is therefore acceptable.

Q8. What conditions will attach to the £50,000 contribution towards the linear park? Will it be a section 106 agreement or just a donation? If section 106, how does it fit with the description in the Green Infrastructure/Cycling Strategy of this being “long term”, i.e. more than 10 years away?

Response: The details of the financial contribution towards the linear park will be secured by a section 106 agreement. The Ormskirk to Skelmersdale Linear Park is a major project that will in all likelihood be completed in a number of phases over a long term period, as indeed will be the case in respect of other proposed linear parks within the Borough. The Council will however seek to deliver these phases of the Linear Park as and when opportunities arise and believe that the initial phase of the Linear Park will be delivered i.e. the Firswood element will be delivered well within the 10 year period set out in the Green Infrastructure/Cycling Strategy

Q9. No conditions are proposed to ensure that service strips become pavements (prior to adoption) and public open space (without time limit) is maintained in good condition. Why not?

Response: In most instances, service strips are grassed or planted beds. The service strips would form part of an adoption agreement between the developer and the Highway Authority. As such, it is a matter for the Highway Authority whether or not they require the service strips to be hard surfaced. The long term maintenance of the public open space would be dealt with in the section 106 agreement.

Q10. The Highways report of March 2017 includes the following proposed condition: ***“The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter. Reason: Vehicles reversing to and from the highway are a hazard to other road users.”*** Why has it been omitted?

Response: The layout demonstrates that by the use of driveways and turning heads etc., vehicles would be able to enter and leave the highway in a forward gear. For this reason the condition was considered to be unnecessary.

### **REPORT NO. 3 – LAND REAR OF 14A NEW CUT LANE, HALSALL**

### **REPORT NO. 4 – 14A NEW CUT LANE, HALSALL**

I have received a 2 page addendum to the Drainage Strategy which proposes additional mitigation / betterment in the form of a storm flap. The previously submitted Drainage Strategy is still applicable. The addendum states that the developer has agreed to install a flap valve on the outfall pipe where it enters the watercourse. This will prevent water flowing back up the new drainage system should the watercourse become inundated by future storm events. The agent states ‘the above action will further improve the proposed drainage system for the development and is an additional measure that will prevent the occurrence of flooding on or out with the development site.’

The Council’s Drainage Engineer commented on 12<sup>th</sup> May: The latest drainage update detailed in Addendum 1 offers mitigation in terms of protecting the proposed property from flooding, which could be caused by water flowing from Sandy Brook and up the proposed drainage. This I would describe as mitigation but not betterment. The drainage scheme, as submitted previously also remains satisfactory.

Therefore I propose condition 10 on both applications is amended to include the addendum:

*The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report' by Hamilton Technical Services dated 10/7/2016 received by the Local Planning Authority on 18th October 2016 and the addendum drainage strategy report (dated 5/9/2017) received by the Local Planning Authority on the 10<sup>th</sup> May 2017 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.*

## **REPORT NO. 5 – SITE OF FORMER GREAVES HALL HOSPITAL**

### **RELEVANT DECISION ON ADJOINING SITE**

Since the report was written, Certificate of Lawfulness application 2017/0240/LDC for external working and storage associated with B8 and B2 use of units 1 and 2, The Old Laundry (Granite House), has now been GRANTED (10/05/2017). This means that it has been evidenced that outside working and storage associated with the industrial use of the adjacent building has consistently been taking place for a period of more than ten years in breach of Conditions 3 and 8 of planning permission 1994/0305.

### **CONSULTATION RESPONSE**

Director of Leisure and Wellbeing (15/05/2017)

On balance, I do not object to this application as the applicants have put in sufficient noise mitigation measures to ensure that the amenity of the future residents is protected from noise and that the development would not put unreasonable restrictions on the development of the existing business.

My primary concern with this proposal is in respect of noise from the established business unit affecting the proposed houses (and the presence of the proposed houses unreasonably restricting the legitimate use of the business premises) and noise from the proposed use class B1 business units affecting the existing and proposed residents.

For the outline application a noise assessment was carried out by Miller Goodall Environmental Services Limited. This survey was of a limited duration and therefore may not have been representative of the range of activities that occur at the existing businesses. Therefore a more comprehensive noise survey was required to accompany the Reserved Matters application in order to inform the layout of the houses and any mitigation measures that are required.

In accordance with Condition 22 of the outline application 2013/0104/OUT the applicant has submitted a noise survey for the site, carried out by Red Acoustics Ltd.

#### *Impact on proposed dwellings*

The consultant has used a combination of on-site measurements and predictions using typical noise levels to assess the potential noise impact of the existing business on the proposed dwellings. Noise modelling has been used to assist.

The conclusions from the initial report were that, following an assessment in accordance with BS4142:2014, there is a potential for significant adverse and adverse impact to occur due to the predicted level relative to the background level. However, using the layout of the site to incorporate stand-off distances and a combination of noise mitigation measures including a 3m high acoustic barrier (to screen vehicle movements and yard activity) together with a reasonable standard of double glazing and trickle vents in the windows, should ensure satisfactory overall noise levels for residents. The layout ensures back garden



areas are protected from noise by being positioned behind the houses whose fronts will face the existing business (Granite House).

My concerns about these conclusions were that the noise protection relies on windows having to be kept closed to get sufficient protection from noise, and this is not an ideal situation.

Following a meeting at WLBC where the above concerns were discussed, a revised noise report was submitted that proposed thermal double glazing 6-12-6 with a Positive Input Ventilation system installed in each house on the site to address the issue of the householders getting sufficient ventilation without having to open the windows.

Since the receipt of this report a further noise source on the western elevation was identified at the premises which had not been previously measured by the applicant. Therefore Red Acoustics Ltd re-visited the site, measured this noise source and produced a further noise report which identifies two particularly loud sources of noise and proposes additional mitigation measures.

Additionally in the most recent report summary dated 6 April 2017 Red Acoustics has stated that as the land on which the houses are to be built is to be raised by 2m, which means that the proposed 3m noise barrier will have the effect of being a 5m barrier from the position of Granite House. They have also proposed an even higher standard of acoustic double glazing for facades potentially affected by the highest noise levels.

The mitigation measures now include effective increased height of the main noise barrier around the Granite House site, a high standard of acoustic glazing on facades predicted to be exposed to greater than 50dB(A). The prediction, with the mitigation measures, is that internal noise levels, with windows closed, will achieve a desired internal target limit (following WHO guidelines and BS 8233:2014). Further barriers have been proposed around several gardens opposite the western façade of Granite House. The recent summary states that all rear gardens experience levels below 55dB(A) and most are less than 50dB(A).

The April report includes a Planning Appeal decision (Ref:APP/N1730/A/14/2217021). In this case the principal was established that residential properties could be built adjacent to existing industrial premises so long as the proposed development would provide acceptable living standards for future occupiers. It also suggested that achieving the appropriate WHO guideline levels would meet the aims of NPSE (Noise Policy Statement for England).

I have expressed concern about the newly measured sources of noise which have been measured as up to 78dB(A) with low frequency components. The compressor noise can currently be clearly heard at existing houses on Lonmore Close when the door is open. When the doors are closed these noises are significantly reduced. Red Acoustics have proposed a top specification of glazing to houses that are close to this source of noise.

Stone Masters Ltd's planning consultant has stated in a recent representation that such noises such as those mentioned in the stated appeal case should preferably be addressed at source. Noise is almost always best being addressed

at source, however Stone Masters Ltd appear to have introduced new noise sources since the outline application approval. These newer sources at Stone Master Ltd could be better controlled at source.

There is also potential for the Stone Masters Ltd to want to expand their business in terms of additional equipment or hours. The noise report advised that there is sufficient noise protection to protect from such noise out of normal working hours. With these mitigation measures in place, Stone Masters Ltd will not have undue restrictions placed on their business so long as they have due respect to neighbouring occupiers.

There are no restrictions on the working hours at the existing industrial unit. I have concerns that, work can therefore be carried out there at any time, and noise levels that are satisfactory during a normal working day may not be in early mornings, late evenings or during the night.

The NPPF states that “existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.”

I think that the business is effectively restricted from carrying out a night shift due to the likelihood of causing noise nuisance to current nearby residential properties; however they may be currently able to work in a reduced capacity early morning and evenings that would not affect the current neighbours but would affect properties built much closer.

The mitigation measures now built into the development will be sufficient to allow Stone Masters Ltd to carry out some limited activities at night or in the evening or early morning such that this development would not put unreasonable restrictions on the development of their business.

Should complaints of noise nuisance arise after development of this site we would investigate to assess if there is a statutory nuisance being caused, and if so an abatement notice would be served to require the abatement of the nuisance. If an abatement notice were to be served the occupier would have the defence in law that they were taking the best practicable means to prevent the nuisance.

With respect to the latest revision of the noise assessment I would like to add an observation concerning the closest properties to Granite House on the North-Eastern corner. Whilst noise modelling has not identified these properties as requiring the higher standard of acoustic glazing, my experience of noise from fork lift trucks and reversing alarms in particular would suggest that these need a higher standard of glazing than the 4-16-4 in the latest revision. Whilst standard reversing alarm can be easily and cheaply be changed over to the less intrusive white noise alarms or other reversing systems, a higher standard of glazing will prevent annoyance from the standard bleeping type that are more commonly used. Following a discussion with Red Acoustics, the applicant has agreed to put the highest specification of acoustic glazing into these properties. Therefore in addition to the specification for acoustic glazing, PIV ventilation and acoustic fencing specified on the latest plans submitted with the latest acoustic report, glazing to the standard of 9.1 Optiphon – 20 – 13.1 Optiphon shall be installed in

habitable rooms on the front elevation facing Granite House of Plots 53,54,55,56, 73 and 74.

In addition to noise there may be a potential impact on proposed residential premises from the impact of fumes and/or dust from the existing business. This has the potential to impact on the amenity of future residents. The noise mitigation measures (high fence, closed windows etc.) will also protect residents from a degree of emissions to air to be expected from a business such as this. If there were to be excessive emissions that cause complaint then a statutory nuisance investigation would commence and appropriate action taken.

In accordance with our Local Plan policy IF2 (Section 3. re. electric vehicle recharging points). I would advise that all the houses and business units should be fitted with electric vehicle charging points. This can be dealt with by condition.

Dust during the construction phase can be dealt with by requiring an environmental management plan for the construction phase.

The site may be contaminated by virtue of its past commercial/industrial use. I ask for an appropriate condition to be attached.

#### *Impact of Proposed Business Units*

In principle, Planning Use Class B1 units should be suitable for locating close to a residential area, without causing detriment to the amenity due to noise or pollution. Perhaps the greatest potential source of noise is from the vehicles serving the units.

Red Acoustics have considered the potential impact of noise from the B1 units affecting the residential properties. In their consideration, with respect to fixed mechanical plant and equipment, for example air conditioning units, they have recommend that a suitable Rating Level in accordance with the guidance in BS4142:2014 be adopted which we would consider too high. We normally set fixed plant noise targets of 5dB below background at all times. However this could be controlled by condition.

Red Acoustics have assessed the likely noise from within the B1 units. They have suggested a construction standard for the units which I think is appropriate.

They have also suggested a restriction in the hours of use from 07:00 - 19:00 to limit traffic movements to and from the site to daytime hours. As the likely uses are as yet unknown, and to protect in particular Plot 64 I would suggest a precautionary approach with greater restrictions on these weekday hours to 08:00 - 18:00 for activity and deliveries etc. as well as restrictions on weekends to 0800 - 1300 Saturdays, with no working on Sundays or Bank Holidays. It is unclear from the latest plans if Plot 64 has been provided with an acoustic fence. If not I would advise that it is provided with a 1.8 m acoustic fence.

There is no lighting plan submitted with this application. A scheme detailing the lighting of the industrial part of the site should be submitted and approved before development commences. This can be dealt with by attaching a condition.

## **ADDITIONAL REPRESENTATIONS**

I have received the following additional representations since the agenda report was written:

Governors of St Stephen's CE Primary School have commented further that they appreciate the decision made by highways regarding access of HGV's along Greaves Hall Avenue, however, they still have reservations and concerns regarding the safety of pupils, parents and staff. If this application is successful Governors request strict vigilance in ensuring all the proposed traffic calming measures are in place prior to commencement of development of the site. Governors also request careful monitoring throughout the entire project and if further measures are required then these will be put in place immediately. Whilst we appreciate that the proposed development will enhance the area aesthetically the health and safety of our school community is of paramount importance.

The Acoustic consultant acting on behalf of Stone Masters Ltd (Martin Environmental Solutions(MES)) has commented on the applicant's latest noise report as follows:

The report disregards the evening and night-time lawful and existing operations of granite house, although the assessment has taken account of extended hours from 07:00 in the morning and until 23:00 at night.

It is stated that this revised report is based on revised sound levels from revision F of the report. Although issues were raised with this report as to the use of the full data set and the omission of certain, lawful, activities from the Granite House site. It is unclear whether these have now been included in this revision.

The report still makes reference to the use of enforcement powers against the company for the existing noise levels and in particular the use of a compressor to the western façade. It should be noted that Stonemaster Ltd have moved this compressor but noise is still evident from the large CNC machine in the same area which is and always has been louder than the compressor. The compressor was moved following a discussion between the directors of the company and land owner the first contact from the developer or his consultants relating to noise from the site.

The company while wishing to act as a good neighbour to any development, will do what is possible to mitigate against any adverse impact from its activities. However, it will not adversely affect its current operations to achieve this. As West Lancashire Council are fully aware, no enforcement action can be taken without a suitable receptor being present and more importantly for any occupiers of the proposed housing will be subjected to the current sound levels without any course to address these. I refer to the decision in *Coventry v Lawrence* 2014, which in summary states that if you move to an existing noise source it cannot be a statutory nuisance.

The granting of the current application will result in sound levels within the outdoor amenity areas of the properties that will have an adverse impact on the new residents, and is likely to generate significant complaints to which the council have no course of action to resolve. While internal sound levels will be controlled

thorough the use of acoustic glazing and positive input ventilation systems meaning that windows cannot be opened without the occupants being subjected to significant sound levels. Will this be made clear to them on purchase of the properties?

The report makes reference to a number of figures, a review of these and as stated in the report highlight up to 49% of the proposed properties will be subjected to sound levels that are adverse in line with BS4142:2014, with 34% being subjected to significantly adverse sound levels, with some well above the 55dB(A) identified across Lancashire as the cut off point for significant adverse impact. Up to 65dB(A).

In conclusion, the report now gives some consideration to evening working hours on site, but with the increase in height of the proposed development still identifies the external areas of nearly half the development as being unreasonable, with future occupants unable to open windows to their new homes without being adversely affected by substantial sound levels. Perhaps a greater separation distance with less properties or more blocks of flats as proposed to the north would assist in providing a more suitable environment.

Photographs have been supplied of the compressor unit within the building.

### **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

In terms of noise, a significant amount of information has been provided from both the applicant's noise consultant (Red Acoustics) and the objector's noise consultant (MES) in order to ascertain the actual noise currently created on site as well as noise that could be generated having regard to the authorised use of a B2 unrestricted business operating from The Old Laundry. The Council's Environmental Health Officers have carefully and thoroughly assessed this information and conclude that, provided the proposed mitigation measures and recommended conditions are implemented and adhered to, there is no objection to the proposed development. They are satisfied that the amenity of the future residents is protected from noise (following acceptable WHO guidelines and BS 8233:2014) and that the development would not put unreasonable restrictions on the development of the existing business.

In terms of levels on the site and the requirement to raise levels above the flood line, I would clarify that the Environmental Agency have requested finished floor levels are set no lower than 3.64m AOD. Levels within the site currently vary quite significantly and on some parts of the site, levels are lower than 3.64m AOD (the lowest being approximately 2.8m AOD) and some are higher (up to 6.2m AOD). There will therefore be some element of cut and fill within the site to accommodate both tidal flood risk and sustainable drainage systems; however, across the overall site there will be no significant increases. The maximum increase would be up to 2m from existing levels where they are low. For clarification, adjacent to the western boundary of The Old Laundry, the current level of the ground is 3.2m AOD but slightly further westwards the land raises to 4.4m and to 6.6m AOD on the site of the former Greaves Hall. It is likely that the proposed dwellings in this area will have a finished floor level around 5.2m, so not significantly higher than the existing levels and in some areas, lower than existing levels.

## **CONDITIONS**

### **Amend Condition 2 to read:**

Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed on each individual house. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable. Additionally at least 10% of parking spaces provided for apartment and business uses shall be marked out for use by electric vehicles only, together with an adequate charging infrastructure and cabling for each marked bay. Any socket provided for the houses must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

### **Amend Condition 7 to read:**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: ELLUC-CD-526-090616-FRA-F1) and the following mitigation measures detailed within the FRA:

1. Finished floor levels shall be set no lower than 3.64mAOD.
2. The culverted main river Watercourse 22 (Back Lane Drain Watercourse) shall be replaced with the same culvert (600mm diameter) along the boundary of the application site.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

### **Add the following conditions:**

10. The development hereby permitted shall be carried out in accordance with all noise mitigation measures, including barriers, acoustic glazing, Positive Input Ventilation systems as outlined in the document by Red Acoustics, Ref: R1226/L05/PB Response to Comments from Environmental Health dated 6<sup>th</sup> April 2017 and received by the Local planning Authority on 6<sup>th</sup> April 2017.

Reason: To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

11. Notwithstanding the report referred to in Condition 10, glazing to the standard of 9.1 Optiphon – 20 – 13.1 Optiphon shall be installed in habitable rooms on the front elevation facing Granite House of Plots 53,54,55,56, 73 and 74.

Reason: To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

12. Notwithstanding the report referred to in Condition 10, a 1.8m high acoustic fence shall be erected around the western and southern boundary of Plot 64.

Reason: To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

13. No machinery or power tools shall be operated on the site other than inside the buildings.

Reason: To safeguard the occupiers of the proposed and existing residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

14. Prior to commencement of the use of any fixed plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the rating level of noise from fixed plant shall not exceed 5dB(A) below the existing LA90 background noise level at the boundary of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard the occupiers of the proposed and existing residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

15. The rating level of noise from fixed plant shall not exceed 5dB(A) below the background noise level at any time (determined by compliance with condition16), as measured or calculated on the boundary of any nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard the occupiers of the proposed and existing residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

16. The piece of land to the rear of B1 Units 1 and 2 shall not be used for storage of any materials, waste or for any activity in relation to the B1 Business use.

Reason: To safeguard the occupiers of the proposed and existing residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

17. Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to the Local Planning Authority and approved in writing. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting

and dust resulting from the site preparation, demolition, groundwork and construction phases of the development.

Reason: To safeguard the area from excessive noise and disturbance so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

18. No development above slab level of any dwellings shall take place until a detailed specification for the acoustic barriers has been submitted to and been approved in writing by the Local Planning Authority. The approved barriers shall be installed prior to occupation of any of the dwellings and shall be retained as such thereafter.

Reason: To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

19. No development above slab level of any dwellings shall take place until a detailed specification for the Positive Input Ventilation (PIV) systems has been submitted to and been approved in writing by the Local Planning Authority. The approved PIV systems shall be installed prior to occupation of any of the dwellings and shall be retained as such thereafter.

Reason: To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

## **REPORT NO. 6 – WILMAR, MARSH ROAD, BANKS**

On review of reasons for refusal 3 & 4 it is considered that deletion of these reasons and replacement with the following wording, more accurately reflects the Council's concerns in respect of this application:

*3. The proposed development by virtue of its layout – with particular reference to proximity to neighbouring boundaries and plot sub-division, would not reflect the general spacious grain of development or characteristic plot ratios in the locality and limit the amenity value of the outdoor space associated with Plot 1. The proposed development would therefore conflict with Policy GN3 and the West Lancashire Design Guide (Jan 2008) Supplementary Planning Document*

## **REPORT NO. 8 – 35 ALEXANDRA MEWS, ORMSKIRK**

Highway Authority (11.05.17) – no objections, negligible impact on highway capacity anticipated. Sufficient parking available for use as student HMO, however, concern that if used as non-student HMO parking demand would increase.