

<b>No.2</b>	<b>APPLICATION NO.</b>	2019/0211/FUL
	<b>LOCATION</b>	Former Playing Fields Barnes Road Skelmersdale Lancashire
	<b>PROPOSAL</b>	Erection of 60 No. two storey residential properties, together with provision of land for use as allotments, scouts hut and associated car parking.
	<b>APPLICANT</b>	Southworth Construction
	<b>WARD</b>	Skelmersdale South
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	12th August 2019

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## **1.0 SUMMARY**

- 1.1 The application is a major application with the majority of the proposed site to be used for the erection of 60no two storey dwellings with allotments (12 no), land for a replacement Scout hut, a Communal building and a communal car park with 12 spaces.
- 1.2 The principle of a residential development on the site is acceptable within this part of Skelmersdale. In relation to the loss of playing fields I consider that the open space/recreation needs of the area are best served by using part of the site for allotment and community use. I consider that the layout, scale, proportions and design of the proposed dwellings to be acceptable and would not adversely impact on neighbouring amenity of surrounding properties. Subject to conditions I consider that the development satisfactorily addresses highways, drainage, ecology and trees, coal risk and archaeology issues and is compliant with the relevant policies in the NPPF and the West Lancashire Local Plan.

## **2.0 RECOMMENDATION APPROVE with conditions.**

### **3.0 The Site**

- 3.1 The site is located within Skelmersdale, approximately 1.5km from the town centre and the total site is some 2.45 ha. The site lies to the east of Barnes Road and is bordered on three sides by residential development which is predominantly two storeys. To the west of the site is Park Children's Centre and an existing Scout Hut. The site is grassed with some trees mainly on the periphery and close to the Children's Centre. There is a change in levels across the site, dropping from west to east.
- 3.2 Access to the site is currently taken off Ann Street, from the southern boundary of the site, though this is currently fenced off. There is an access point to the former scout hut, located off Barnes Road, but this does not currently provide access to the wider site. There is currently no direct vehicular access to the site.
- 3.3 The site is designated as Open Recreation Space within the Local Plan and formerly comprised playing pitches. These however have not been used for at least 5 years and the open space is currently fenced off with no permitted public access.

## **4.0 PROPOSAL**

- 4.1 The proposal comprises a number of elements with the majority of the site being used for the erection of 60no two storey dwellings with the provision in the south west corner of the site closest to the access for:

Allotments (12 no)  
Communal building  
Land for replacement Scout hut  
Communal car park with 12 spaces

4.2 The proposed dwellings comprise:

21 2 bed dwellings  
28 3 bed dwellings  
11 4 bed dwellings

4.3 A new site access is to be provided on Barnes Road some 40m from its junction with High Street.

## **5.0 SUPPORTING INFORMATION**

5.1 The application is accompanied by the following supporting documents:

Planning Statement  
Open Space Assessment;  
Design and Access Statement (including Sustainability Statement, Site Waste Management Statement, Crime Impact Statement);  
Flood Risk Assessment;  
Geo-environmental Investigation and Appendix;  
Coal Mining Risk Assessment;  
Ecology Report;  
Utilities Statement.  
Transport Assessment and Travel Plan

## **6.0 CONSULTEE RESPONSE**

- 6.1 LCC HIGHWAYS (04/06/19) – No objections as level of traffic generated by this proposal should have a negligible impact on safety and capacity within the immediate vicinity of the site. Detailed Technical comments re access, parking and internal layout site layout.
- 6.2 LCC HIGHWAYS (03/10/19) – The majority of the concerns raised in our original comments have been addressed within the amended plan - suggest conditions re access into site.
- 6.3 LCC LEAD LOCAL FLOOD AUTHORITY (25/07/19) no objection to the proposed development subject to condition re appropriate surface water drainage scheme details.
- 6.4 LCC SCHOOLS PLANNING (21/05/19) an education contribution is not required at this stage in regards to this development.
- 6.5 LCC ARCHEOLOGY (15/05/19) No objections subject to a condition that the area of the development should be subject to a formal watching brief with the area of the former farm having a "strip map and record" survey.
- 6.6 LANCASHIRE CONSTABULARY DESIGNING OUT CRIME OFFICER (20/05/19) – A number of recommendations provided which should be incorporated into the design of the development in order to reduce the risk of crime affecting the residents, visitors, business units and locality, thereby promoting safer communities and reducing avoidable demand on policing resources.

- 6.7 SPORTS ENGLAND (05/06/19) - Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. Not a statutory objection.
- 6.8 SPORTS ENGLAND (13/08/19) - The additional information from the Leisure Operations Manager talks about the supply of existing green open space within a 5-10 minute walk of the application site. This is an opinion based on an audit of supply. It does not take into account the quality of the surrounding sites, their ability to host matches, whether these sites are at capacity; and finally it does not take into account demand. This does not make reference to a robust and up to date Playing Pitch Strategy that specifically names the application site as being surplus to both current and future sporting requirements.

Sport England maintains its objection to this application. Sport England would suggest that the applicant makes a financial contribution (£290,000) for the loss of this site and that it is used to secure improvements at other playing field sites as mitigation for the loss of the playing field on the application site.

- 6.9 DIRECTOR OF LEISURE AND WELLBEING (31/07/19) In respect of the comments made by local residents regarding loss of open space and playing fields I would highlight the proximity of Stanley Coronation Park (120 metres), Kiln Lane Playing Fields (200 metres) and Blaguegate Playing Fields (600 metres). These facilities provide green open space, playing fields (grass and 3G), bowling green, multi-use games areas and formal playground facilities within a 5-10 minute walk of the proposal site.

I would therefore consider that the locality already has sufficient public open space facilities to cater for the local population, and objections on grounds of loss of facility are not justified.

I would consider that the proposal site has no special significance to the interests of sport and the objection by Sport England is not justifiable.

- 6.10 DIRECTOR OF LEISURE AND WELLBEING (01/08/19) Whilst I would not consider the Barnes Road site as suitable for re-providing active sports facilities like playing fields the more passive community facilities of allotments has an unmet demand in the Skelmersdale area. Re-provision of a community building on the new site could provide a dual use building to continue use by the local scout groups as well as providing a community facility for the allotment users.

I would therefore fully endorse the proposal for the provision of an allotment site and community building as part of the development site.

- 6.11 DIRECTOR OF LEISURE AND WELLBEING (02/09/19) The "opinion" expressed was based not just on an audit of supply, but also on quality and availability of other pitches, as assessed in the West Lancashire Playing Pitch Strategy 2015-25, and subsequent Playing Pitch Strategy Review 2017. These documents also take into account current and future demand.

The Playing Pitch strategy makes no reference to the Barnes Road site, therefore, it may be correct to state that it does not name the site as being surplus to requirements. However, as the supply in Skelmersdale is shown in the Playing Pitch strategy as satisfying demand (save a small shortfall in small sided football which is currently being rectified) therefore it is concluded that the Barnes Road site is not required.

- 6.12 Scientific Officer (16/06/19) – No objections in relation to any land contamination.

- 6.13 LANCASHIRE FIRE AND RESCUE (20/05/19) – Noted and advice given in respect of access for fire appliances and water supplies for firefighting purposes to the site.
- 6.14 Principle Engineer (Drainage) (06/06/19) – No objections.
- 6.15 THE COAL AUTHORITY (03/06/19) – No objection subject to condition requiring further intrusive site investigation works prior to commencement of development.
- 6.16 UNITED UTILITIES (13/06/19) No objection subject to condition that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 6.17 DIRECTOR OF LEISURE AND ENVIRONMENT (Environmental Health) (12/09/19) No objections in principle. Suggest conditions to protect future residents from noise, provision of electric vehicle charging points and construction management

## **7.0 OTHER REPRESENTATIONS**

- 7.1 There have been 10 objections from neighbouring properties raising the following issues:

### **Open Space and Recreation**

Wrong area for housing;

Loss of open space. Loss of green areas. Land needs to be retained for recreational purposes and open space

### **Lack of Infrastructure/Facilities**

Lack of facilities in area e.g. police station, oversubscribed and overstretched doctors, dentists, schools, shops for extra 300+ people. 3 and 4 bed properties would result in these facilities (being oversubscribed). Development doesn't provide any new amenities/facilities

### **Residential amenity**

Wagons and large machinery during construction cause no end of disruption;

Noise dust and pollution, disruption for all surrounding residents, residents of Barnes Road and flats opposite. Many work nights;

Loss of privacy, overlooking and loss of natural light. Not overlooked at present;

Loss of view;

Bought house because quiet and not overlooked. Development will cause noise pollution in garden

### **Affordability of housing and project**

Cost of project means housing not affordable, too few homes under £100,000 with exception of 2 bed;

Viability Report states that zero allowance for any S106 and other contributions;

Zero profit

### **Access, traffic and parking**

Only one vehicle access road in/out of estate, dangerous if accident and fire engine access/delays;

Barnes Road a narrow street, woefully inadequate, poor access for bin lorries. Road collapsed twice in past. Pot holes and sink holes;

Increase in volume of traffic where users driving significantly above speed limit;

Only one pedestrian access in/out estate, no walkway from Lime Grove. Inconvenient to new residents, long walk to facilities; Green Hill, community centre/church and schools.

Unfair to cut existing residents from new estate;

Too much traffic with existing residents, new residents and users of Childrens Centre;  
Development would add to existing parking problem an issue;  
Site is in unsustainable location and Skelmersdale not well served by public transport.  
Train travel to Liverpool and Manchester long and inconvenient. Town's design means travel based on car which is unsustainable;  
Detailed comments on technical highway issues: Access into site onto Barnes Rd not offset will increase risk of collisions; not provided any vehicle swept path analysis of the site access junction; junction priority not shown correctly; refuse vehicle would have to reverse over relatively long distances (over 12m maximum) with added dangers to collection workers/public; pedestrian crossings do not follow desire lines; not typically expect parking opposite the main site access junction; not shown any priority control at the internal site access junctions; areas where pedestrian footways aren't provided on either side of the carriageway; all parking spaces of the communal parking area should be easy to access.

### **Archaeology**

Old Farm House on land danger to heritage if no research/documentation before building starts

### **Drainage**

No viability of infiltration methods

### **Wildlife/Ecology**

Bats, hedgehogs and other animals live in fields and their habitat would be destroyed

### **Property Values**

Affect property values in surrounding roads

7.2 There has been 1 comment from a neighbouring property raising no objection but requesting that their garden has access to the rear for fire escape and 1 comment asking whether houses are for Council Rent or to buy. 1 comment from a neighbouring property asking for coal mining risks to be properly addressed.

7.3 There have been 5 letters of support for proposals for the following reasons;

New housing in area;

Boost for affordable houses;

Wish to buy one of new homes;

The scout/cub group will benefit from new scout hut;

Allotments will be an opportunity to revitalise community;

New residents will use and support local shops;

New residents may assist local schools/further teaching spaces;

Increase in population may help maintain bus routes, help doctors/dentists review services

## **8.0 RECENT RELEVANT PLANNING HISTORY**

8.1 None relevant.

## **9.0 RELEVANT PLANNING POLICIES**

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

9.2 The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD. It is also designated as Green Infrastructure/Open Recreation Space.

9.3 **National Planning Policy Framework**

Delivering a sufficient supply of homes  
Promoting healthy and safe communities  
Achieving well-designed places  
Promoting sustainable transport  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment  
Conserving and enhancing the historic environment

9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**

Policy SP1 – A Sustainable Development Framework for West Lancashire  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy IF4 – Developer Contributions  
Policy RS1 – Residential Development  
Policy RS2 – Affordable and Specialist Housing  
Policy IF2 – Enhancing Sustainable Transport Choice  
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment  
Policy EN3 – Provision of Green Infrastructure and Open Recreation Space  
Policy EN4 – Preserving and Enhancing West Lancashire's Cultural Heritage Assets

**Supplementary Planning Document – Design Guide (January 2008)**

**Supplementary Planning Document – Provision of Open Space in New Residential Developments (July 2014)**

**10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

10.1 The application raises the following issues:

Principle of Development – Residential Development  
Principle of Development - Loss of Open Recreation Space  
Affordable and Elderly Housing Provision  
Design/layout  
Residential Amenity  
Highways  
Drainage  
Ecology and Trees  
Contamination and Coal Risk  
Archaeology

**Principle of Development – Residential Development**

10.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the WLLP states that within the Regional Town, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, the principle of a residential development on the site within the settlement area is acceptable subject to other relevant planning policies. The provision of 60 extra houses in the area would help support the provision of local facilities and local infrastructure.

## **Principle of Development - Loss of Open Recreation Space**

*The policy context for open space, playing pitches and recreation provision*

- 10.3 The site is designated as Open Recreation Space within the Local Plan. Policy EN3 of the Plan states that the Council will provide a green infrastructure strategy which supports the provision of a network of multi-functional green space including open space, sports facilities, recreational and play opportunities, allotments, flood storage, habitat creation, footpaths, bridleways and cycleways, food growing and climate change mitigation. Policy EN3 1.iv states:

In order to support this green infrastructure strategy, all development, where appropriate, should:

Contribute to the green infrastructure strategy by enhancing and safeguarding the existing network of green links, open spaces and sports facilities, and securing additional areas where deficiencies are identified – this will be achieved through contributions to open space as outlined within Policy IF4;

Provide open space and sports facilities in line with an appraisal of local context and community need, with particular regard to the impact of site development on biodiversity;  
Seek to deliver new recreational opportunities, including the proposed linear parks between Ormskirk and Skelmersdale, between Ormskirk and Burscough, along the river Douglas at Tarleton and Hesketh Bank and along the former railway line in Banks;  
Support the development of new allotments and protect existing allotments from development.

Specifically, in relation to open space and recreation facilities part 2 of the policy goes on to say that:

Development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:

The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;  
The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or  
Successful mitigation takes place and alternative, improved provision is provided in the same locality.

Development on open space and sports and recreation facilities will not be permitted where:

Development would affect the open character of the area;  
Development would restrict access to publicly accessible Green Space;  
Development would adversely affect biodiversity in the locality;  
Development would result in the loss of Green Spaces, Green Corridors and the Countryside.

- 10.4 The NPPF at para 97 states that Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

*Assessment of open space, playing pitches and recreation provision*

- 10.5 Sport England have objected to the application as the development involves the loss of former playing pitches. However, as the pitches have not been used for over 5 years it is not a statutory objection which could lead to a call in by the Secretary of State. There is a disagreement between Sport England and the Director of Leisure Services over the loss of these playing pitches in this part of Skelmersdale and the issues raised are outlined in detail in the Consultation Responses at Section 6 of this report.
- 10.6 One issue facing the Council in respect of recreation space relates to deficiencies in certain types of open space and sports facilities, and poor access to these spaces for local communities. In addition, problems relating to an oversupply of poor quality green spaces in areas such as Skelmersdale have led to poor maintenance and under-utilisation. There are existing facilities at Stanley Coronation Park (120 metres), Kiln Lane Playing Fields (200 metres) and Blaguegate Playing Fields (600 metres) which provide green open space, playing fields (grass and 3G), bowling green, multi-use games areas and formal playground facilities within a 5-10 minute walk of the proposal site. The Director of Leisure states that his comments are based on a thorough audit of supply and demand carried out in the West Lancashire Playing Pitch Strategy 2015-25, and subsequent the Playing Pitch Strategy Review 2017. He considers that the locality already has sufficient public open space facilities to cater for the local population, and objections by Sport England on grounds of loss of facility are not justified. Moreover, he agrees that the more passive community facilities of allotments have an unmet demand in the Skelmersdale area. Re-provision of a community building on the new site could provide a dual use building to continue use by the local scout groups as well as providing a community facility for the allotment users. The Director of Leisure fully endorses the proposal for the provision of an allotment site and community building as part of the development site.
- 10.7 With specific regard to POS, the Provision of Open Space in New Residential Developments Supplementary Planning Document (SPD) provides guidance on the required amount of POS to be incorporated in new residential developments, which is detailed in Policy OS1. The SPD states that for developments between 40 – 289 dwellings, developers are expected to provide 13.5 sqm of POS per bedroom developed. The proposed development would deliver 2790sqm of Public Open Space, including the provision of allotments. Whilst this figure also includes the open space allocated for the communal building/scout hut I consider overall the total open space to be provided meets the requirements of the SPD.

*Conclusions on open space, playing pitches and recreation provision*

- 10.8 In respect of Policy GN3 I consider that it has been demonstrated that the playing fields are unsuitable for retention because they were under-used, of poor quality and poorly located. Moreover, part of the site is to be used for more appropriate allotment/community uses relating to recreational demand in the area and this is part mitigation for the loss of formal playing pitches. Whilst this mitigation does not meet Sports England's compensation requirements for the replacement of playing pitches, I consider that the open space/recreation needs of the area and site have been properly evaluated, as required by the NPPF, and believe that they are best served by using part of the site for



allotment community use. In this regard I consider the requirements of Policy GN3, the SPD and the NPPF have been met.

### **Affordable and Elderly Housing Provision**

- 10.9 Provision of 20% affordable housing is required on sites of this scale under the terms of Policy RS2 of the Local Plan. In addition to this, Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly.
- 10.10 The applicant has submitted 2 different Viability Appraisals as they consider that the development would not be financially viable to provide any of the requested 20% affordable housing. The Council have employed independent Financial Advisers to evaluate the applicant's Viability Appraisal. The second Viability Appraisal now largely follows the methodology required by the recently updated PPG *Viability* but the Council's Financial Advisers disagree with the majority of the applicant's appraisal assumptions and calculations. Notwithstanding these deficiencies they have undertaken their own comprehensive analysis and assessment of the viability of the proposed scheme using the applicant's base information and their knowledge of the local housing market. They have concluded that based on current costs and values that the application proposals are unlikely, largely because of weak sales values in this part of Skelmersdale, to be able to support any substantive planning obligations such as affordable housing.
- 10.11 The second part of Policy RS2 *Affordable and Specialist housing* requires 20% of all units to be designed specifically as accommodation suitable for the elderly. Policy is flexible as to how this requirement should be met but the units must be designed specifically for the elderly to live in without adaptation.
- 10.12 Whilst the dwellings themselves will not be fully constructed for use by the elderly without adaptation, 12 dwellings (20%) will be constructed to meet Lifetime Homes standards with both external and internal spaces designed to ensure minimal work is required in any future adaptation that may be necessary. The applicant has now provided a precise specification of these standards and shown on the proposed site plan the units to be provided to this standard. In this respect I am satisfied that it would be in line with the expectations of the Policy RS2 and is therefore acceptable.

### **Siting, layout and design**

- 10.13 Policy GN3 in the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form that responds to the characteristic of the site and its surroundings. New development is required to have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 10.14 The proposed development for 60 dwellings equates to a housing density of around 30 dwellings per hectare, which is commensurate with the density of surrounding development. Various types and size of dwellings are proposed, including 2 bedroom houses and 3 and 4 bed houses as a mix of semi-detached and detached.
- 10.15 The dwellings are of brick construction and of typical modern estate design, similar to those surrounding the site. The proposed materials for the dwellings consist of concrete charcoal roof tiles, with facing brickwork with natural mortar, with black UPVC half round profile gutters and downpipes. It is proposed that windows will be constructed of white framed UPVC double glazed glass. The applicant has submitted a revised layout to address some of the concerns initially expressed over road layout/design, parking and the amount of hard surfacing at front of properties. Dwellings in the main benefit from front

gardens and all properties have off road parking for at least 2 cars, some at the front and some at the side, ensuring that there is not a complete dominance of hardstanding to frontages. The applicant has also submitted revised details of fencing around the allotments which is to be hit and miss timber fencing to enable greater surveillance. The design of the house types adjoining the allotments have been redesigned to provide some supervision from flank windows. All dwellings have adequate sized rear gardens and meet the spatial separation standards set out in the Council's SPD Design Guide. Boundary treatment will comprise of a 1.8m high featherboard fence. I consider that the layout, scale, proportions and design of the proposed dwellings to be an acceptable addition to this part of Skelmersdale and would thereby comply with Policy GN3 of the WLLP and the Council's SPD Design Guide.

### **Residential Amenity**

- 10.16 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide.
- 10.17 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property. In terms of the impact on neighbouring residents, I am satisfied that there is sufficient distance to ensure no impact upon privacy or overshadowing. The Environmental Health Officer has suggested conditions to protect future residents from noise from the nearby Children's Centre and the proposed allotments. Given these are both suitable neighbouring uses I do not consider these conditions to be necessary or reasonable given the relationship to the proposed housing. I consider that the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.

### **Highways**

- 10.18 Policy GN3 of the Local Plan requires proposals for development to incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2.
- 10.19 The site will be accessed via a new access with priority junction on to the eastern side of Barnes Road at its junction with Whitburn. Barnes Road (U570) has been categorised as a local access road with a 20mph speed limit and runs in a northerly direction from its junction with the High Street (U2574). High Street has been categorised as a link road and also falls within the 20mph zone. Whitburn (U571) has been categorised as a local access road with a 20mph speed limit. Visibility splays of 2.4m x 25m are required in both directions based on table 7.1 from Manual for Streets and the classified speed of the road. This level of visibility is achieved at the proposed access into the site and is acceptable. The proposed development does not affect any public rights of way.
- 10.20 A Transport Assessment and Travel Plan have been submitted to support the application and the Highway Authority is of the opinion that the level of traffic generated by this proposal should have a negligible impact on safety and capacity within the immediate vicinity of the site. The applicant has submitted a revised layout to address most of the concerns initially expressed over the internal road layout, parking and manoeuvring of vehicles although these areas are not to be adopted. I consider the access, road layout and parking arrangements to be acceptable and comply with GN3 and IF2 in this respect.

## **Drainage**

- 10.21 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The information from the Environment Agency Maps has determined that the site is located within Flood Zone 1. The drainage strategy and drainage plan indicate that the foul sewage will discharge to the mains drainage system in Barnes Road. The United Utilities sewer map indicates the presence of a combined public sewer beneath the Barnes Road carriageway and therefore, in principle, this proposal is considered satisfactory.
- 10.22 With regard to the disposal of surface water the drainage plan indicates that this will discharge to the combined sewer in Barnes Road at a controlled rate of discharge, i.e. 6.3 l/s. A site investigation has been undertaken including percolation tests and the results indicate that ground infiltration techniques would not be feasible on this site. In addition, it would appear that there are no watercourses available in this area. The proposals therefore, in principle, are considered satisfactory. I consider that subject to a suitable condition as recommended by the LLFA to require full details of the drainage of foul and surface water that the development complies with Policy GN3.

## **Ecology and Trees**

- 10.23 Policy EN2 seeks to protect priority species and their habitats, if significant impacts on any biodiversity are unavoidable, then mitigation or as at least compensation, is required to fully offset any impacts. The applicant has undertaken an Ecology Report Phase 1 Habitat Survey which demonstrates that this essentially urban, self-contained and formerly manicured grassland has limited ecological/habitat value. The small buildings to be demolished have limited potential for bats or nesting birds.
- 10.24 Policy EN2 seeks to protect trees of significant amenity, screening, wildlife or historical value. The submissions do not include an arboricultural impact assessment and therefore there is no information to demonstrate that the housing layout has taken into account root protection areas and above ground constraints. However the proposed layout in relation to the tree cover, does not appear to create any notable conflict with the existing tree cover. Tree cover is confined to the boundaries with some trees situated in adjacent properties with canopies that overhang into the site. The scheme has been designed to ensure that all existing trees on site have been retained on the north west of the site, with new landscaping proposed on the western boundary, which abuts the neighbouring children's centre. Additional pockets of tree planting have been included within the scheme to improve privacy and soften the street scene. An avenue of trees is proposed lining the entrance to the site extending along the perimeter of the allotments, scouts hut and associated car park. Subject to a condition for tree protection to be submitted prior to the commencement of any site operations and a full landscaping plan including species, numbers and size of stock I consider that the proposals comply with Policy EN2

## **Contamination and Coal Risk**

- 10.25 It is a requirement of the NPPF under paragraphs 178-179 that the applicant demonstrates to the satisfaction of the Council that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guidance in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment. Policy GN3 requires that developments should minimize the risks from all types of contamination and take account of land instability in former Coal Mining Areas.

10.26 The Scientific Officer has commented that there are no contamination issues. However, the site falls within the defined High Risk Area for mining and as a result the applicants have submitted a Geo-Environmental Investigation which has carried out intrusive investigations. The report recommends further works, specifically an extensive mine working investigation. These additional intrusive site investigations are required to indicate the depth of coal seams in the north-eastern part of the application site and to determine any evidence of mining and the residual risk related to the presence or otherwise of shallow workings. The Coal Authority are happy with this approach which can be addressed by condition in accordance with Policy GN3 and the NPPF.

### **Archaeology**

10.27 Birches Farm has been identified on an old OS Map dated from 1849 but there may be evidence of earlier origin. The creation of the playing fields are likely to have damaged and disturbed remains of the farmstead although deeper features of the site are likely to have survived and may contain evidence for the date and development of the farm. In this respect the Archaeological Officer would recommend therefore that the area of the development should be subject to a formal watching brief with the area of the farm having a "strip map and record" survey during development to ensure that the area of the farmstead is investigated and recorded prior to any possible further damage during development of the site. Subject to this condition I consider the development would comply with the requirements and EN4 and the NPPF.

## **11.0 SUMMARY AND CONCLUSION**

11.1 The principle of a residential development on the site is acceptable within the settlement boundary of Skelmersdale. In relation to the loss of playing fields I consider that the open space/recreation needs of the area and site have been properly evaluated, as required by the NPPF, and believe that they are best served by using part of the site for allotment and community use. The Viability Assessment undertaken by the Council's Financial Advisers recognises that the development is not able to support any substantive planning obligations such as affordable housing but it does provide community benefit. I consider that the layout, scale, proportions and design of the proposed dwellings to be an acceptable addition to this part of Skelmersdale and that proposed development would not adversely impact on neighbouring amenity of surrounding properties. Subject to conditions I consider that the development satisfactorily addresses highways, drainage, ecology and trees, contamination and coal risk and archaeology. The development complies with Policies RS1, RS2, EN3, GN3 and EN4 of the West Lancashire Local Plan.

## **12.0 RECOMMENDATION**

12.1 That planning permission be GRANTED subject to the following conditions and reasons:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Drawing Ref  
L111 Proposed Site Plan with Lifetime Homes indicated received by local planning authority on 4 October 2019  
L103 Plan Rev 6 Proposed Site Plan received by local planning authority on 8 October 2019  
L104 Boundary Treatments received by local planning authority on 24 September 2019

L109 -03 Plot 7 Balmoral Housetype received by local planning authority on 23 September 2019

L100 Location Plan.

L104 Proposed Site Sections

L110 Communal Building Plan

Proposed House Plans and Elevations:

L109 Balmoral Housetype.

L107 Chelsea Housetype.

L106 Kensington Housetype.

L108 Windsor Housetype.

received by local planning authority on 5 March 2019

3. Plots 1, 2, 21, 22, 25, 26, 39-44(inclusive) shown on L111 Proposed Site Plan with Lifetime Homes indicated shall be constructed to Lifetime Homes Standards as set out in the Applicants Commitment towards achieving Lifetime Homes Standards received by local planning authority on 4 October 2019
4. No development shall commence until full details and specification of the allotment and community uses shown on Proposed Site Plan L103 Rev 5 have been submitted to and approved by the local planning. This shall include a timetable for the delivery of the allotment and community uses  
For the avoidance of doubt no dwelling hereby approved shall be occupied until the allotment area has been laid out and made available and the community use facilities provided and made available for use.
5. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme, have been submitted to and approved in writing by the local planning authority in consultation with the LLFA. Those details shall include:
  - a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels.
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed 6.3 l/s up to and including 1 in 100 year events and including an allowance of 40% increase for climate change. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change) with allowance for urban creep.
  - d) Plan identifying areas contributing to the drainage network
  - e) Measures taken to prevent flooding and pollution of the receiving surface waters.
  - f) A plan to show overland flow routes and flood water exceedance routes and flood extents.
  - g) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicableThe scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
6. No development including any site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the holding of a formal watching brief over the site and a "strip, map and record" over the site of the farmstead of Birches Farm. These should be carried out by an

appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists. A report on the work undertaken and its results shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record before any dwelling hereby approved is brought into first use.

7. 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 improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

The access and visibility splays of 2.4m x 25m shall be constructed before any construction commences in accordance with a timetable agreed as part of any approved scheme.

8. No part of the development hereby approved including any dwelling shall be occupied until the approved access scheme referred to in Condition 7 has been constructed and completed in accordance with the approved scheme details, unless otherwise agreed in writing by the Local Planning Authority

9. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.

10. No construction shall be commenced until details of the proposed ground and floor levels of all parts of the site, including the finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the finished floor levels of any proposed dwellings/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties.

The development shall thereafter be implemented in accordance with the approved details and method of construction.

11. No development shall commence on site until intrusive coal mining site investigation works are undertaken to establish the exact situation regarding coal mining legacy issues on the site. The results of these investigations shall be submitted to and approved in writing by the Local planning Authority in consultation with the Coal Authority. The submission of a report of findings arising from the intrusive site investigations shall include details of any remedial works necessary for approval. The remedial works identified shall be carried out in accordance with the approved details and timescales agreed.

12. No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.

13. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks

hard surfaced areas and materials

planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and

a scheme for the timing / phasing of work.

existing plants / trees to be retained

A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted

14. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPA of the detailed siting and external appearance of the substations
15. The development shall be constructed from the materials detailed on the L109 Balmoral Housetype, L107 Chelsea House type ,L106 Kensington Housetype and L108 Windsor Housetype. Received by local planning authority on 5 March 2019
16. Notwithstanding any description of the facing materials in the application, no above ground construction works shall take place until samples and / or full specification of the brickwork to be used externally on any dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
17. Notwithstanding any description of the roofing and facing materials in the application, no above ground construction works in respect of the Community Building/scout hut shall take place until samples and / or full specification of the roofing and brickwork to be used externally on the Community Building/scout hut have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
18. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.
19. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
20. The parking provision shown within the curtilage of each dwelling and the communal parking areas on the approved plans ref L103 Rev5 Proposed Site Plan; shall be provided prior to first occupation of the dwelling to which it relates. The parking areas shall be hardsurfaced and the communal parking areas marked and shall be made available for their intended use at all times thereafter.
21. The allotment and community uses hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans ref L103Rev5 Proposed Site Plan. These areas shall be retained at all times thereafter.

### **Reasons**

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

2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure the dwellings are designed specifically for the elderly to live in without adaptation in accordance with RS2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. In order to ensure the delivery of public open space and allotment/ community provision to meet the requirements of Policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document
5. These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document
7. In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
8. In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy of any development hereby approved. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
9. To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and highway safety to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. These details are required prior to the commencement of construction to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
11. These details are required prior to the commencement of development as the site is in a coal mining high risk area. Further investigations are required to shown the depth of coal seams in the north-eastern part of the application site and to determine any evidence of mining and the residual risk related to the presence or otherwise of shallow workings. In order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. These details are required prior to the commencement of development to protect the trees/hedges and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
13. To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3in the West Lancashire Local Plan 2012-2027 Development Plan Document having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3in the West Lancashire Local Plan 2012-2027 Development Plan Document
14. These details are required prior in order to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document



15. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
16. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
19. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
20. In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
21. In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

### **Reason for Approval**

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

Policy SP1 - A Sustainable Development Framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy IF4 - Developer Contributions

Policy RS1 - Residential Development

Policy RS2 - Affordable and Specialist Housing

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Policy EN3 - Provision of Green Infrastructure and Open Recreation Space

Policy EN4 - Preserving and Enhancing West Lancashire's Cultural Heritage Assets

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