

No.3	APPLICATION NO.	2019/0991/FUL
	LOCATION	Fine Janes Farm Moss Road Halsall Southport Lancashire PR8 4JG
	PROPOSAL	Demolition of existing structures and erection of residential development comprising 83 units (Use Class C3) and related development including improvement of existing access to the site, internal access roads, amenity open space, landscaping, parking and pumping station
	APPLICANT	Forth Homes Ltd And Adactus Housing Association Limited
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	9th January 2020

1.0 SUMMARY

- 1.1 This application is for 83 affordable dwellings on a site allocated for residential development in accordance with Policy RS1 of the Local Plan. The principle of a residential development on the site is acceptable. The proposed development is satisfactory in terms of layout, appearance and scale. I am satisfied that the proposed development will maintain highway safety and adequate car parking will be provided. The layout allows for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I find that subject to appropriate conditions the proposed development is compliant with the Local Plan and Habitat Regulations in respect of ecology and the scheme will not increase flood risk in the vicinity of the site. I am therefore satisfied that the scheme complies with the relevant Local Plan policies and the NPPF.

2.0 RECOMMENDATION: APPROVE WITH CONDITIONS AND SIGNING OF A S106 AGREEMENT

3.0 THE SITE

- 3.1 Fine Jane's Farm is located to the south of Moss Road, behind properties numbered 34a-52 Moss Road. It is accessed off Moss Road via a narrow access road known as Brookside Road, adjacent to no. 36 Moss Road which also forms part of the application site. The access then crosses a narrow bridge over Fine Jane's Brook to enter the site. The 2.72 ha site was previously used as a poultry farm for egg production and is laid to hard-standing. The majority of the site is taken up by 17 disused timber clad sheds which are in various states of disrepair and of various heights and size. The application site also includes an area (approx. 2700m²) of agricultural land in the south-east corner of the site. The site is allocated for residential development within the Local Plan with the exception of the land in the south-east corner which is designated Green Belt land.
- 3.2 The site is bounded by residential properties fronting Moss Road to the north, drainage ditches with agricultural land on the other side of those ditches to the east and south (located in the Green Belt) and Fine Jane's Brook to the west, with agricultural land beyond the brook (also located in the Green Belt).

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the redevelopment of the site for residential purposes. All dwellings would be affordable housing split between affordable rent, rent to buy and

shared ownership. The scheme proposes the erection of 83 no. dwellings comprised as follows:

8no. apartments
4no. bungalows
21no. two-storey detached
50no. two-storey semi-detached

- 4.2 The development will be laid out in a cul-de-sac layout with the vehicular access utilising the existing access to the site (with some modification) off Moss Road and then via Brookside Road. An area of open space is proposed in the south-east corner of the site. The land in the south-east corner will also accommodate the pumping station which would serve the development.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2019/1142/FUL - Variation of Condition No's. 2, 4, 5, 11, 14, 15, 19, 21 and 24 of planning permission 2016/0126/FUL to secure consent for replacement house types and consequent minor changes to layout and minor changes to the wording of conditions to enable demolition to begin - Pending consideration
- 5.2 2016/0126/FUL - Demolition of former egg production buildings and related infrastructure and erection of 57 dwellings and related development including improvement of existing access to site, internal access roads, amenity open space, landscaping, pumping station and boundary fencing - Granted
- 5.3 2011/0595/COU - Conversion and alterations to 8 no. redundant farm buildings for B2 (industrial) use, demolition of remaining redundant farm buildings and provision of car parking - Granted

6.0 CONSULTEE RESPONSES

- 6.1 POLICE ARCHITECTURAL LIAISON OFFICER - Suggest security measures to be incorporated into the design.
- 6.2 ELECTRICITY NORTH WEST - No objections in principle but care should be taken with excavation works to avoid electricity equipment in the vicinity of the site.
- 6.3 UNITED UTILITIES - No objections subject to conditions.
- 6.4 LCC PLANNING CONTRIBUTIONS - Request £120,925.80 education contribution.
- 6.5 SENIOR ENVIRONMENTAL HEALTH OFFICER - No objections subject to conditions.
- 6.6 LLFA (30/12/19) - No objections in principle - conditions recommended.
- 6.7 ENVIRONMENT AGENCY - (23/03/20) - No objections in principle - conditions recommended.
- 6.8 LCC HIGHWAYS - No objections in principle. The volume of additional traffic generated by the proposed development, when compared to the traffic that could be generated by the previously approved residential development, will not have a material impact on the operation of the local highway network - Conditions recommended.

- 6.9 MEAS (06/05/20) - No objections in principle. Subject to appropriate conditions the development will not have a significant impact on protected species or identified sites. Appropriate Assessment provided.
- 6.10 NATURAL ENGLAND (27/05/20) - No objections in principle subject to the imposition of appropriate conditions.
- 6.11 SEFTON MBC - No objections in principle. Some concerns raised about impact of imminent closure of Town Lane at Birkdale Cop which may result in an increase of traffic on Moss Road. Potential impact on mini roundabout at Stamford Road/Benthams Way should be considered and appropriate landscaping scheme is requested to green belt boundary with Sefton.

7.0 OTHER REPRESENTATIONS

- 7.1 Merseyside and West Lancashire Bat Group - (03/02/20) - Concerns regarding the content of the Bat Survey and impact of development on bats. (*Further surveys now submitted*).
- 7.2 Wildlife Trust for Lancashire, Manchester and North Merseyside - Support the comments of MWLBG in respect of the ecological surveys which have been submitted.
- 7.3 HALSALL PARISH COUNCIL - Object to the development on the following grounds:

The quantity and layout of the housing is too dense;
Request increase in CIL contributions for education provision, traffic improvements;
Environmental concerns regarding impact on nearby residents;
Increase in vehicle movements and resultant highway safety concerns;
Existing weight limit on the road has not been acknowledged by developer;
Safety concerns about proximity of development to river;
Provision of elderly housing falls below required provision;
Agree with MWLBG that ecological surveys are not suitable;
Concern that Moss Road area is losing its identity;
Site issues - consider site should be withdrawn from the Local Plan;
Concerns about water supply issues and that resources cannot meet the increased demand.

- 7.4 I have received neighbour representations from five addresses making the following comments:

Large development for a site with poor access;
Drainage issues;
Cumulative impact of this site and David Wilson Homes site down the road;
Overload local services;
Increased traffic;
Highway safety and weight limit on road;
Inadequacy of local infrastructure including water, sewerage, broadband;
Loss of privacy;
Lack of road frontage;
Boundaries need defining;
Have not heard of the developer - hope that they have the ability to remove contaminants;
Development will affect the quiet location;
Impact on wildlife;
Concern regarding content of ecological surveys;
Removal of invasive species;
Noise from the development will impact nearby residents;

Site is allocated for 60 houses - 83 would be unachievable;
Concern regarding delivery/viability of affordable housing;
Concern regarding potential for unexploded bombs on site.

8.0 SUPPORTING INFORMATION

8.1 The following documents have been submitted in support of the planning application:

Arboricultural Impact Assessment
Arboricultural Method Statement
Design and Access Statement
Geo-Environmental Site Assessment
Phase II Site Assessment
Planning Statement
Storm sewer design
Transport Statement
Flood Risk Assessment
Pre-Construction Management Plan
Ecological Surveys dated September 2019
Additional Ecological Statements received 5/12/19 and 11/12/19
Barn Owl Strategy received 24/01/20
Ecology Report received 31/01/20
Bat Survey received 04/05/20

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) 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 on the edge of the Southport / Birkdale urban area and, aside from the south-east corner, is allocated for residential development in policy RS1 of the West Lancashire Local Plan. The south-east corner of the site is located in the Green Belt.

NPPF

Promoting sustainable transport
Delivering a wide choice of high quality homes
Requiring good design
Protecting Green Belt land
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development – Allocated Housing Site

- 10.1 The NPPF supports the supply of new homes in sustainable locations. Policies SP1 and RS1 of the Local Plan re-iterates this approach. The site is identified as a housing site within Policy RS1 of the WLLP and as such the general principle of housing on the site is considered acceptable, subject to compliance with other relevant Local Plan policies.

Principle of Development – Green Belt land in south-eastern corner

- 10.2 The proposed site layout incorporates a parcel of land in the south-east corner of the site. This land is not within the actual site allocation under policy RS1 of the Local Plan, but instead is within Green Belt land.
- 10.3 The incorporation of this parcel of land is to provide an area of on-site public open space as well as facilitating the pump house which will serve the development. The NPPF supports the provision of appropriate facilities for, amongst other things, outdoor recreation. In addition, at paragraph 81, the NPPF confirms that Local Planning Authorities should plan to retain and enhance landscapes, visual amenity and biodiversity within the Green Belt and seek to improve damaged and derelict land.
- 10.4 The incorporation of this land within the proposed site boundary forms a logical boundary as it is a continuation of the eastern boundary of the allocated site area. Its omission from the site layout could potentially lead to the land becoming land locked and unused. Consequently, I consider that the use of this portion of land as public open space represents a good use of the land and will enhance the landscape and visual amenity. On this basis, the proposed inclusion of public open space, linked to the proposed housing development, located within the Green Belt is considered to be acceptable in principle.

Affordable and Specialist Housing

- 10.5 Policy RS2 sets out the requirements for the provision of affordable housing within residential schemes. In this case 58 of the properties are to be made available for affordable rent with the remaining 25 being part of a shared ownership scheme. It is my view that the development therefore complies with the requirements of policy RS2.
- 10.6 For developments of this size Policy RS2 requires 20% of the units to be designed as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. It is proposed that 10% of the scheme, four bungalows and four ground floor dwellings within the apartment block would be suitable for the elderly. In addition to this there are also some smaller properties and a further four apartments which would be suitable for all except the frail elderly who cannot manage stairs. Other properties will be constructed to meet Building Regulations Part M4(2) and will be capable of adaption if required in the future. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

Open Space Provision

- 10.7 Policy OS1 within the Council's SPD relating to the 'Provision of Open Space in New Residential Developments' states that for new residential developments of 40-289

dwellings, developers will be required to provide 13.5m² of public open space per bedroom developed. This equates to 2767m². The site layout includes one main area of open space (2791m²) along with further amenity space along the western boundary adjacent to the river bank and alongside the entrance road. The total amount of open space would be in excess of the required amount.

- 10.8 As described in paragraph 10.2 above, the south-eastern parcel of open space lies in the Green Belt. However, the use of this land as open space does form a logical boundary and its use for this purpose is acceptable in principle. In addition, whilst this area of public space is located on the periphery of the development site and not wholly integrated in the preferred way, it is located close to the proposed dwellings in the southern part of the site which will overlook this space and benefit from its use. The open space near the site entrance is integrated well and will form an attractive feature when entering the development and amenity space located along the western boundary will enhance the development overall.

Siting, Layout and Design

- 10.9 Policy GN3 of the WLLP together with the Council's SPD Design Guide state that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 10.10 The proposed layout offers a legible scheme with a clear route for vehicle and pedestrian movement throughout. The development will have a good mix of 3 and 4 bed semi's and detached house types that are appropriate in design and scale in this area. Each dwelling benefits from a private amenity area which generally meets the recommended garden lengths specified in the Council's SPD, apart from a small number of plots, some of which have wider gardens to compensate. I am satisfied that the layout overall provides a satisfactory residential environment for future occupiers. However future extensions or outbuildings have significant potential to reduce the dimensions of the gardens to an unacceptable size. Therefore it is recommended that permitted development rights for such development is removed so that the impact can be assessed should future residents wish to carry out such works.
- 10.11 In terms of the scheme in relation to the existing surrounding development, the site is largely screened from the main thoroughfare along Moss Road with only distant views into the site from a far north-easterly point. The surrounding residential development is of a linear form along Moss Road, yet there are some small cul-de-sac developments within close proximity to the site (Moss Gardens to the east and Daisy Way to the west). Those properties located along Moss Road benefit from long rear gardens, however, the proposed plot ratios are similar to those on the newer housing developments at Daisy Way and Moss Gardens. Policy RS1 in the Local Plan indicates that residential development should generally achieve a minimum of density of 30 dwellings per hectare. The current application achieves a density of 30.2 which is acceptable in principle. Adequate interface distances are provided between the proposed development owing to the long rear gardens of those properties on Moss Road that back on to the development site and no detrimental loss of residential amenity will occur in this location by way of loss of privacy or overlooking. Therefore, I am satisfied that the proposed layout and plot ratios are acceptable and will not appear out of keeping with this area and the development will not have a detrimental impact on the amenity of existing residents.

Highway Safety and Car Parking

- 10.12 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.13 I have consulted the Highway Authority who raise no objections to the principle of the proposed scheme. The Highway Officer considers that the volume of additional traffic created by the proposal when compared to the previously approved scheme would not have a material impact on the operation of the highway network.
- 10.14 The proposed development will use the existing access via Brookside Road, off Moss Road, which will be widened and improved as part of the scheme. This will require the demolition of a vacant semi-detached property at 36 Moss Road. Appropriate visibility splays (2.4m x 43m) can be provided at this junction. The existing private bridge along the proposed access road (Brookside Road) which crosses Fine Janes Brook will be upgraded to accommodate the traffic accessing the site.
- 10.15 The Highway Officer has identified that the on-site road layout is not suitable for adoption by the Highway Authority. In this case the site will not be offered up for adoption and all land relating to the site is to remain the responsibility of the developer for maintenance; the maintenance of the existing private bridge along the proposed access road (Brookside Road) which crosses Fine Janes Brook will also be included in the agreement with a future management company. Whilst the layout and access road junction would not be to an adoptable standard, the applicant has provided information to demonstrate that the access is suitable for a twin axel refuse vehicle.
- 10.16 Policy IF2 sets out parking standards for residential developments. No garages are proposed however each property would have private driveways which provide car parking spaces commensurate with the size of the dwelling. Details of the locations for Electric Vehicle Charging Points have been shown on the layout plan. Each dwelling and each of the communal parking spaces for the apartments would be provided with an EVCP. I am satisfied the level of car parking would be in accordance policy IF2.
- 10.17 I am satisfied that, subject to the recommended conditions, the proposed development would not have a significant impact on highway safety and is acceptable in principle in this regard.

Drainage

- 10.18 Paragraph 165 of the NPPF requires that priority should to be given to SUDS in respect of new developments and that means that the preferred means of surface water drainage for any new development is via infiltration. The second preferred means is via a watercourse. In this case the applicant proposes that surface water will be discharged into the watercourse (Fine Janes Brook) at a reduced runoff rate through the use of on-site attenuation features. In this case the surface water from the development would be stored in oversized pipes prior to discharge to the watercourse. the indicative drainage strategy shows an underground attenuation tank within the 8 metre easement which is required by the Environment Agency to allow maintenance of Fine Jane's Brook. Whilst I am satisfied with the principle of the method of surface water drainage an alternative siting for the attenuation tank may be is required in order to resolve concerns set out by the Environment Agency. The LLFA has been consulted and considers the drainage proposals to be acceptable in principle subject to the imposition of a condition requiring full details of a surface water drainage scheme to be submitted for approval.
- 10.19 The proposed foul sewage would be pumped to the existing foul sewer in Moss Road and the development includes the provision of a pumping station to facilitate this. United

Utilities have been consulted with regard to the application and, have lodged no objections and I consider that the proposed drainage arrangements for the site are acceptable in principle, will not increase flood risk on or off the site and comply with Policy GN3 in the Local Plan in this regard.

Ecology

- 10.20 Policy EN2 states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.21 The application has been accompanied by several Ecological statements which include the results of on-site surveys.
- 10.22 The site lies adjacent to farmland which provides functionally linked habitat for qualifying bird species of the nearby European protected sites at the Ribble and Alt estuaries and Martin Mere. Due to the potential development impacts the Council's Ecological consultant MEAS conclude that without appropriate mitigation/preventative measures the proposals are likely to have a significant effects on the identified sites.
- 10.23 MEAS have undertaken an Appropriate Assessment which concludes that appropriate mitigation/preventative measures can be taken to prevent harm and these can be secured by appropriately worded planning conditions to require the submission of a Construction Environmental Management Plan and a piling statement and to require the provision of residents packs to try and reduce the potential recreational pressure on Sefton coast.
- 10.24 In relation to bats, the applicant's ecologist has undertaken appropriate surveys which found no evidence of bat roosts currently on site. MEAS have advised that the Council does not need to consider the proposals against the three tests (Habitats Regulations).
- 10.25 Water vole have previously been found in Fine Jane's Brook however the most recent survey reported no findings. Recommendations within the survey are considered acceptable by MEAS and their implementation can be secured by a suitably worded planning condition.
- 10.26 Barn owl has been found to be breeding on site. Mitigation for the loss of the breeding site (including the erection of a Barn Owl Tower) has been provided and is accepted in principle. However MEAS have identified some aspects which need to be altered in order to ensure that Barn Owls continue to use the site. A suitable condition is recommended. The development would result in the loss of bird breeding habitat therefore mitigation will be required. A condition is recommended requiring details of bird nesting boxes to be submitted for approval.
- 10.27 Subject to the aforementioned conditions being attached, I am satisfied that the proposal complies with Policy EN2 of the WLLP and the Council can lawfully determine the application and discharge its duties under Regulations 61 and 62 of the Habitats Regulations and Section 281 (6) of the Wildlife and Countryside Act 1989 (as amended).

Trees/Landscaping

- 10.28 The Council's Arboricultural officer has considered the proposals with regard to the existing tree cover and the submitted Arboricultural Impact Assessment. I am satisfied that the removal of some minor trees on the boundaries of the site is acceptable and that

proposed new planting will enhance the site. A condition requiring a full landscape proposal to be submitted including details of the hedgerow boundary treatments is recommended.

Planning Obligations

- 10.29 Lancashire County Council (LCC) has requested £120,925.80 as an education contribution which would support the provision of an additional 5 secondary school places. The submission of details regarding the maintenance and management of the public open space within the development site and the terms and conditions of the affordable housing provision will also be required in a S106 agreement.

Summary

- 10.30 In summary, the principle of a residential development on the site is acceptable and in accordance with Policy RS1 and RS2 of the Local Plan. The proposed development is acceptable in terms of layout, appearance and scale. I am satisfied that the development will maintain highway safety and adequate car parking will be provided and that suitable drainage can be provided for the site. The layout allows for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. Subject to recommended conditions, the proposed development would be compliant with the Local Plan and Habitat Regulations in respect of ecology.

11.0 RECOMMENDATION

- 11.1 That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

The payment of £120.925.80 as a contribution towards secondary school places within Lancashire,
Maintenance and management of public open space,
and
The terms and conditions of the affordable housing provision.

- 11.2 That any planning permission granted by the Corporate Director of Place and Community pursuant to recommendation 11.1 above be subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Drawing no: FH-FJF-PL02, C-0001revP01 and SCP/16016/F01 received by the Local Planning Authority on 2nd October 2019;
Drawing no: 1H576EXT1, 1H576PL, 3H932EXT2, 3H932 EXT1, 3H932PL, 4H1039EXT1, 4H139PL, 3H992EXT1, 3H992PL, 3H943EXT1, 3H943PL, 2H653EXT1, 2H653PL, 3H886EXT2, 3H886EXT1 (detached), 3H886EXT1 (semi-detached), 3H886PL (detached), 3H886PL (semi-detached), 2H800EXT1, 2H800EXT2 and 2H800PL received on 10th October 2019;
Drawing no: FH-FJF-PL01 received on 3rd February 2020;

Drawing no: 0002revP01 received on 26th February 2020.

Reason: 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. No development approved by this planning permission except demolition shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy shall include the following components:

1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: These details are required prior to the commencement of development to prevent harm to public health, to prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No development except demolition shall take place until details of the design and implementation of an appropriate foul drainage scheme have been submitted and approved in writing by the local planning authority. The approved scheme shall be implemented as prior to occupation of any of the dwellings hereby permitted.

Reason: To secure proper drainage and to manage the risk of flooding and pollution 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.

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

Those details shall include, as a minimum:

a) The peak rate of surface water discharge to the receiving surface water system is not to exceed 5.0 l/s;

b) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), allowance for urban creep, methods employed to delay and control surface water discharged from the site, and any measures taken to prevent flooding of the receiving surface waters, including watercourses. To aid the checking of calculations the mdx file for the surface water drainage design should be submitted, if applicable;

c) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a +30% allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage; and

d) Evidence that the design of the site ensures that, so far as is reasonably practicable, exceedance flows are managed within the site in such a way as to mitigate associated risks to people and property.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.

The approved drainage system shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.

Reason: 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. Details of an appropriate management and maintenance plan for the proposed SuDS for the lifetime of the development shall be submitted and approved in writing and, as a minimum, shall include:

a) the arrangements for management and maintenance by an appropriate public body or statutory undertaker, and/or a Management Company;

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the proposed SuDS (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments,

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: 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.

7. Prior to any part of the development hereby permitted taking place a Traffic Management Plan which includes details of parking for construction vehicles and staff accessing the site during the construction works, a scheme showing the areas for a site compound including site 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.

Reason: 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.

8. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 43 metres in both directions are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Moss Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be dedicated as highway land maintained by the highway authority under the s278 agreement for the site access.

Reason: These details are required prior to the commencement of development to ensure adequate visibility at the street junction / site access in the interest of highway safety and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The proposed access from the site to Moss Road shall be constructed to a (minimum) width of 5.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway.
Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The new estate road for the residential development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any construction development takes place within the site and shall be further extended before any development commences fronting the new estate road.
Reason: Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. The parking provision shown within the curtilage of each dwelling on the approved plan ref: FH-FJF-PL01 shall be provided prior to first occupation of the dwelling to which it relates. The communal courtyard parking area shall be provided in full prior to the first occupation of any apartment in the block. The parking areas shall be hardsurfaced and shall be kept clear for vehicular parking at all times thereafter.
Reason: 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.
12. Prior to the first occupation 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.
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
13. No dwelling hereby approved shall be occupied 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 a private Management and Maintenance Company has been established.
Reason: These details are required prior to the commencement of development 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.
14. No development above slab level shall take place until a scheme for the remediation of the gable wall to 34 Moss Road has been submitted to and agreed in writing by Local Planning Authority. The development shall take place in accordance with the approved details.
Reason: To ensure that the external appearance of the building 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.
15. Before any development commences, including demolition works, Fine Jane's Brook, adjoining the site, shall be surveyed for Water Vole and all works shall be carried out in accordance with the Reasonable Avoidance Measures as set out in section 5.1 of Ecological Surveys received on 11th December 2019
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. No building shall be occupied until details of the number, location and timing of installation of bird nesting boxes to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with a timetable to be agreed in writing with the Local Planning Authority and shall be retained at all times thereafter.
Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. Notwithstanding the information submitted no development shall commence until a Barn Owl Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. No development shall commence until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development.
With regard to ecology the CEMP should include:
Pollution prevention measures, particularly control of dust during demolition and site clearance works;
Details of visual/noise screening (acoustic fencing) to be installed prior to start of site works – to include location along the southern site boundary, specification (minimum 2.5 metres in height) and timetable for installation.
The development shall be implemented in accordance with the approved details.
Reason: These details are required prior to the commencement of development to as the proposed development may result in harm to ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. No development shall commence until a piling method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. No dwelling shall be occupied until details of the Residents Pack have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Residents Pack shall be provided to each new occupier of the hereby permitted dwellings. At a minimum the pack shall include:
* Description of the European designated sites and their features, this should include a map explaining the boundaries of European designated sites.
* An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the European designated sites.
* List of any access restrictions in the local area
* Suggestions of alternative recreational sites including a map of the area showing local parks and gardens, plus directions and details of how to access these spaces.
* Codes of conduct e.g. Provision of a 'responsible user code' and 'responsible coast user code' to inform residents of the sensitive sites and how to help protect them.
* Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment
* Guidance produced for local residents on the protected sites within the locality and the requirement to keep dogs on leads in specific areas.

* Details of Habitat Management days on the protected sites to be advertised to the local residents, to encourage the local residents to care for the protected sites and understand their importance.

* Provision of cycle routes in and around Ainsdale and Southport.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

21. No development shall commence until a timetable of demolition and construction works including appropriate ecological mitigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved timetable.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

22. Prior to the first occupation of any dwelling within the apartment block full details (including elevations and materials) of the bin store shall be submitted to and approved in writing by the Local Planning Authority.

The bin store shall be constructed in accordance with the approved details prior to the first occupation of the building.

Reason: In the interests of residential amenity and to ensure compliance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

23. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) 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.

The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

Reason: 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.

24. The following provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1 A, B, C, D and E and Part 2 A, or any amendments made to that Order, shall not apply:

(i) no extensions shall be carried out to the dwelling

(ii) no garages or carports shall be erected within the curtilage of the dwelling

(iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling

(vi) no windows or dormer windows shall be added to the dwelling

unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

25. 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.

Reason: 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 EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

26. No above ground construction works shall take place until a plan indicating the positions, height, design, materials and type of all means of enclosure/boundary treatment(s) (including walls, fences and gates) to be erected has been submitted to and approved in writing by the Local Planning Authority.

The boundary treatment(s) means of enclosure shall be completed as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

27. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To minimise the visual impact of light on nearby residential properties and in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Note(s)

1. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the LCC before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
2. The highway is not to an adoptable layout and will remain private. With regard to condition 10 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at www.lancashire.gov.uk and search for construction of estate roads".
3. The applicant is advised that to discharge condition 13 that the local planning authority is likely to require the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
4. Before proceeding with the scheme preparation the Developer is advised to consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include: -

- i. any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres Note: span refers to the distance between centre of supports and not the clear distance between supports,
 - ii. any retaining wall supporting the highway (including and supporting land which provides support to the highway),
 - iii. Any retaining wall supporting land or property alongside the highway.
- The term 'highway' shall include footpaths and bridleways.
5. The developer is advised that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works should take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.
6. The developer is advised that Japanese Knotweed and Indian Balsam are present within the site boundary. Both species are listed on Schedule 9 of the Wildlife and Countryside Act. Advice should be sought from a competent person regarding the removal of the species from the site.

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:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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.