

No.2	APPLICATION NO.	2020/0263/OUT
	LOCATION	Former Hunter And Sons Warehouse Moorgate Ormskirk Lancashire L39 4RT
	PROPOSAL	Outline Planning Permission for the erection of 2 no. blocks (part two, part two and a half storey and three storey development with parking), so as to provide up to 31 No. units of residential accommodation (C3) including details of access, layout and scale. (all other matters reserved).
	APPLICANT	Mr Adam Mitty
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	14th August 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Mitchell has requested that it be referred to Planning Committee to consider the height of the development and landscaping.

2.0 SUMMARY

- 2.1 The site relates to a former builders yard, currently used for leisure uses, on the east site of Moorgate at its junction with Bridge Street. The proposal is an outline application for residential development with details of access, layout and scale submitted for approval. Residential development is acceptable in this part of Ormskirk subject to the provision of 35% affordable housing. I consider that, in this location, a residential development to be a more appropriate long term use of the site than a commercial activity. In respect of the specific circumstances of the application I consider the benefits of developing the land for housing to outweigh any concerns over the loss of employment use. The number of apartments and the height of the developments has been amended so I now consider scale and layout for 31 apartments to be acceptable. I am satisfied that a residential development is capable of being designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to visual or residential amenity and to provide acceptable access and parking arrangements.

3.0 RECOMMENDATION: APPROVE subject to conditions and a S106 Agreement.

4.0 THE SITE

- 4.1 The site relates to a former builders yard and part single storey commercial building on the northern part of the site which is attached to a two storey building formerly used as a builders merchants and bathroom/kitchen showroom on the southern part of the site. The buildings are currently under used for a variety of A2/D1/D2 uses incorporating a gym, exercise rooms and beauty salon and until recently an unauthorised A4 bar.
- 4.2 The two adjoined buildings have a combined floor area of 1486sqm. There is a car parking area to the north and south of the buildings which can each accommodate 18 and 14 car parking spaces respectively. There are an additional 21 car parking spaces at the front of the buildings. Moorgate is a one-way street and there are on-street

parking restrictions that permit parking for one-hour only during the hours of 8am to 6pm Monday to Friday.

- 4.3 The site lies approximately 30 metres to the south of Ormskirk Town Centre. To the north of the site is a village hall/guide hut, to the east is a railway line, to the west is West Lancs Wellbeing Centre (Age UK) and residential units on Moorgate and Bridge Avenue, and, to the south are residential properties and Moorgate Nursery School and Early Years Centre.

5.0 PROPOSAL

- 5.1 The proposal is an outline application for residential development with details of access, layout and scale submitted for approval with appearance and landscaping reserved for future determination. The plans were originally for a four storey development of 40 apartments. The application now seeks to establish whether 31 apartments can be developed on the site.
- 5.2 Revised access is created from Moorgate with 33 on site car parking spaces and cycle stands.
- 5.3 The amended plans now show 2 no. blocks of accommodation fronting Moorgate which are part two storey rising to two and a half storey and three storey at the junction and return to Bridge Street frontage.

6.0 SUPPORTING INFORMATION

- 6.1 The application has the following accompanying documents:

Planning Design and Access Statement
Commercial Condition and Feasibility Study
Ecological Appraisal
An Affordable Housing statement

7.0 CONSULTEE RESPONSE

- 7.1 LANCASHIRE CC (Highways) – (25/06/20) and (14/07/20) No objections in principle subject to conditions. The applicant has now provided a 6m radius at the proposed entrance and sight lines of 2.4 x 25m have been indicated in both directions from the centre of the new site access / drive onto Moorgate as requested.
- 7.2 United Utilities (14/02/19) No objections subject to conditions 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.
- 7.3 Network Rail (09/06/20) and (27/06/20) - Network Rail requests that the developer ensures there is a minimum 3m gap between the proposed building and the Network Rail land. The minimum gap is to allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership.
- 7.4 LANCASHIRE CC (School Planning Team) – (28/05/20) An education contribution is not required at this stage in regards to this development.

- 7.5 LANCASHIRE CONSTABULARY (19.05.20) – Crime and security issues should be integrated as early as possible into the design process. Recommend that this development is designed and built to Secured by Design standards.

8.0 OTHER REPRESENTATIONS

- 8.1 Objections received from neighbouring residential properties and uses raising the following concerns:

Scale and Appearance

4 storey out of keeping when Bridge House opposite is 3 storey at maximum;
2 storey more appropriate to character of area;
4 storey over dominant and incongruous;
Plans for Bridge House were amended to reduce their height at application stage.

Traffic and parking

Parking problematic and inadequate already on Moorgate;
Inadequate parking for residents and visitors does not meet standards in Policy IF2;
People already block drives and park on pavements on Moorgate;
Concerns about safety for children using guide hut and senior citizens;
Traffic speeds down Moorgate and drivers ignore one way signs;
Proposed access arrangements will increase problems.

Residential amenity

Required interface distances not achieved;
Overlooking from too high building;
Lighting and CCTV;
Noise and pollution.

Consultation Process

Inadequate number of local residents consulted.

Student accommodation

Request controls/condition that future development is not allowed to be converted into student accommodation;
Object to student accommodation as they cause noise disturbance at anti-social hours, and would therefore not be acceptable in this location.

9.0 RECENT RELEVANT PLANNING HISTORY

- 9.1 2020/0234/FUL Retention/installation of a generator WITHDRAWN
- 9.2 2019/0111/OUT Outline - Residential development consisting of apartments following demolition and site clearance including details of access (all other matters reserved).WITHDRAWN

- 9.3 2018/1006/FUL REFUSED (Jan 2019) Change of use to flexible use consisting of use classes A2, D1, D2 and A4 and alteration/extension of building to provide bar lounge and outdoor seating area.
- 9.4 E/2017/0210/UAU – Enforcement Authorised (8 October 2018) Without planning permission the change of use of land and building to a drinking establishment (A4 Use) and the erection of a building extension.
- 9.5 2015/0810/COU GRANTED (14.12.2015) Change of use from child's soft play centre to gym with beauty salon and separate building with flexible mixed usage of A2 / D1 & D2 (part retrospective).

10.0 RELEVANT PLANNING POLICIES

- 10.1 National Planning Policy Framework (NPPF) and West Lancashire Local Plan 2012-2027 Development Plan Document (WLLP) provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within a Key Service Centre (Settlement area) as designated in the West Lancashire Local Plan.
- 10.3 **National Planning Policy Framework policies:**
Building a strong, competitive economy
Achieving well-designed places
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment
- 10.4 **West Lancashire Local Plan (2012-2027) policies:**
SP1 – A Sustainable Development framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
GN4 – Demonstrating Viability
EC1 – The Economy and Employment Land
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
- 10.5 **Supplementary Planning Documents:**
Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main material planning considerations for this application are:
- Principle of Development – Residential Development
 - Principle of Development – Loss of Employment
 - Affordable housing and provision of accommodation for the elderly
 - Impact on visual amenity, layout, scale and character of the area
 - Implications for surrounding residents and adjoining land uses
 - Highways, Access and Parking

Principle of Development – Residential Development

- 11.2 The site is located in a mixed use area on the edge of Ormskirk Town Centre with largely residential properties to the south, west and east of the site. Subject to meeting the requirements for affordable housing set out in Policy RS2, residential development would be an appropriate use in the Key Service Centre of Ormskirk.

Principle of Development – Loss of Employment

- 11.3 The main policy concern in relation to this proposed development is the loss of land in a commercial / industrial use. Policy EC1 of the WLLP states that *The redevelopment of existing individual employment sites (B1,B2 and B8) for other uses will be considered where a viability case can be put forward (in line with Policy GN4).*

- 11.4 Policy GN4 sets out what is expected from applicants who propose a change of use away from commercial / industrial uses to demonstrate that the loss of this use is acceptable. The Policy requires applicants to demonstrate that one of the following tests has been met:

a) the continued use of the site/premises for its existing use is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use scheme for the existing use and a compatible use; or

b) the land/premises is no longer suitable for the existing use when taking into account access/highway issues (including public transport), site location infrastructure, physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration; or

c) marketing of the land/property indicates that there is no demand for the land/property in its existing use.

- 11.5 It is considered that an overall shortage of employment land in West Lancashire provides a suitably strong economic reason why an application for the change of use of a commercial / industrial site such as this to residential should only be permitted once viability and marketing evidence has been provided by the applicant to show that the continued use of the site for employment uses would not be a viable option. In addition, the Local Plan does make available sufficient land in the Borough to meet the housing needs of West Lancashire.

- 11.6 The applicants have produced a Building Conditions Survey and Feasibility Report and an Employment Statement which puts forward the following case for residential development:

due to the age and condition of the building, its internal configuration and remedial works required, it would not be commercially viable to refurbish the existing premises for commercial use;

the need for housing in West Lancashire;
a precedent already being set – flats replacing a Council employment building opposite;
the non-viability of secure employment on a long-term permanent basis as demonstrated by previous and current tenants' inability to continuously pay market rent;
the non-renewal of lease in 2020 due to continuous breaches;
the costs of repair outweighs viable need of this building.

- 11.7 The site has had a mix of uses since the builders merchants/bathroom showroom closed in 2009. The two storey building was granted permission for a children's play centre in part of the building. This operated until late 2014 when it closed and the building was left vacant. Retrospective permission was granted in 2015 for a mixture of A2/D1/D2 uses incorporating a gym, exercise rooms and beauty salon. The yard and part of the single storey commercial building to the north operated as an unauthorised bar which has been refused planning permission and enforcement action authorised.
- 11.8 The applicants have produced a Building Conditions Survey which largely demonstrates that it would not be commercially viable to refurbish the existing premises for commercial use as required by part a) of GN4. However the applicants have not looked at whether it is commercially viable to redevelop the land for commercial/employment use. The buildings are currently under used, albeit with some employment use, for a variety of A2/D1/D2 uses and they do not appear to have been used for commercial B1, B2 and B8 uses for over 10 years. The site is located on the edge of the Town Centre but it adjoins a residential area and lies opposite residential properties. A successful B1, B2 and B8 use may generate amenity concerns within the wider residential area. It is in this context that I consider that, in this location, a residential development to be a more appropriate long term use of the site than a commercial activity. In respect of these particular circumstances I consider the benefits of developing the land for housing to outweigh any concerns over the loss of employment use.

Affordable housing and provision of accommodation for the elderly

- 11.9 Provision of 35% affordable housing is required on the site under the terms of Policy RS2 of the Local Plan. The applicants have confirmed that they are happy to enter into a S106 legal agreement to provide 35% of the number of apartments for affordable housing and have exchanged contracts with Jigsaw Housing Group, a Social Housing provider.
- 11.10 Policies RS1 and RS2 require that 20% of new residential units should be suitable for the elderly. Supporting documentation for this application indicates that 10% of units would be wheelchair accessible. The accompanying Design and Access Statement indicates that: "all of the new apartments within the scheme will be designed and equipped to "Lifetime Homes" standards. The standards employed for both design and construction of the dwellings will allow for the flexible needs of the occupants enabling residents that develop challenges caused by disability to remain within the community".
- 11.11 There are 9 ground floor apartments proposed which would potentially be suitable for elderly provision. I am satisfied given the applicant's commitment that this could be dealt with in the legal agreement and would satisfy the requirements of RS1 part e) in respect of 20% elderly housing provision.
- 11.12 I consider subject to a legal agreement that the proposed development meets the requirements of Policy RS2 in relation to affordable housing and provision of accommodation for the elderly.

Layout, scale and character of the area

- 11.13 Policy GN3 of the West Lancashire Local Plan (2012-2027) states that all development should be of high quality design in keeping with the West Lancashire Design Guide SPD and have regard to visual amenity and compliment or enhance attractive attributes and local distinctiveness through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 11.14 The plans were originally for a four storey development of 40 apartments. The application, in outline form, now seeks to establish whether 31 apartments can be developed on the site. The plans have been amended in relation to scale and layout. The revised plans now show 2 no. blocks of accommodation fronting Moorgate which are part two storey rising to two and a half storey and three storey at the junction and return to Bridge Street frontage. The buildings have also been set further off Bridge Street to provide an enhanced landscape strip which is similar to that provided on Bridge House opposite. Whilst there is a mixture of heights and development types on Moorgate the buildings are more generally of 2 storeys. However on the opposite corner of Moorgate, Bridge House is essentially of a 3 storey design at its corner with Bridge Street. I consider therefore that part of the proposed development rising to this 3 storey height is appropriate and not out of character with the surrounding area. Whilst appearance is a reserved matter I am now satisfied that the site can be developed for 31 apartments in compliance with requirements of Policy GN3.

Implications for surrounding residents and adjoining land uses

- 11.15 Paragraph 180 of the NPPF states that planning decisions should aim to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Policy GN3 of the Local Plan states that developments should ‘retain reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.’
- 11.16 There are residential properties opposite the site on Moorgate and along Bridge Street, on Bridge Ave to the northwest and on Moss View on the eastern side of the railway line. The existing use incorporating a gym, exercise rooms and beauty salon has given rise to complaints in respect of noise and out of hours activity and a successful reuse for a B1, B2 and B8 use may generate amenity concerns within the wider residential area. Whilst appearance and landscape are reserved matters it is possible to design an acceptable residential scheme without detriment to surrounding uses. The applicant has demonstrated that acceptable windowed spatial separation of 21.5m can be provided across Moorgate.
- 11.17 Whilst concerns have been raised by nearby residents that the development may be occupied by students there is no indication that the accommodation is to be for students. It would not be reasonable without seeing any detailed design to restrict by condition occupation by any particular client group.
- 11.18 The premises adjoin on its eastern boundary the Ormskirk to Liverpool Rail line which is in cutting at this point. Any residential scheme will need to be designed to ensure adequate noise protection measures to protect the amenities of future residents and this can be controlled by condition.

- 11.19 I am satisfied a residential development is capable of being designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to the residential amenities of neighbouring and proposed properties.

Highways, access and parking

- 11.20 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.
- 11.21 The site is located on the middle section of Moorgate, a link road and one way street (north) which has been separated into 3 sections by Park Road and Bridge Street. Moorgate has a 20mph speed limit fronting the site. There are parking restrictions (No Waiting at any time) on both sides of the carriageway with 35m of limited parking (1hr no return within 4hrs Mon-Sat 8am-6pm) fronting the site.
- 11.22 The site access layout now demonstrates that sight lines of 2.4 x 25m can be provided in both directions from the centre of the new site access / drive onto Moorgate and that the access into the site allows appropriate access for cars and twin axel refuse vehicles.
- 11.23 LCC Highway Development Support has no objection in principle to the proposed residential development subject to conditions and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.
- 11.24 The layout plan show that there is parking for 33 cars plus extensive cycle provision and bin storage. Whilst I note the concerns from residents that this does not meet the parking standards set out in Policy IF2 the policy allows some flexibility subject to local circumstances. The site is located on the edge of Ormskirk Town Centre and is within easy walking distance of local amenities and transport facilities (bus and train station). Under these circumstances I consider the level of parking to be acceptable.
- 11.25 I consider that the proposed development has demonstrated that access and parking is acceptable and is considered to be in accordance with the requirements of Policy GN3 and IF2 of the Local Plan.

Ecology

- 11.26 Policy EN2 seeks to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts.
- 11.27 The applicants have undertaken a Bat Survey – Preliminary Roost Assessment which identified that the buildings have a negligible likelihood of supporting roosting bats. I consider that there are likely to be no impacts on protected species as a result of the proposed development and it complies with Policy EN2 in the Local Plan.

Drainage

- 11.28 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.
- 11.29 The foul sewerage for the proposed houses is capable of being disposed of via the main sewer and the applicant has indicated that surface water will be disposed of by a sustainable drainage system. Whilst no details of either system have been submitted the proposed drainage arrangements are capable of being the subject of pre-commencement conditions which will require the submission of further details.

Contamination

- 11.30 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
- 11.31 The site may be contaminated by virtue of its past use as former railway sidings and therefore a condition relating to land contamination requiring investigation and remediation could be attached if any consent was to be granted.

12.0 CONCLUSIONS AND SUMMARY

- 12.1 The proposal is an outline application for residential development with details of access, layout and scale submitted for approval. The access arrangements and parking arrangements are acceptable and the proposed development would have a negligible impact on highway safety and highway capacity. The principle of residential development is also acceptable in this part of Ormskirk subject to the provision of 35% affordable housing required by Policy RS2. Whilst appearance is a reserved matter I am now satisfied that the site can be designed for 31 apartments to a scale and layout which is in character with the local area.
- 12.2 I am also satisfied that a residential development is capable of being designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to the residential amenities of neighbouring and proposed properties. I consider that, in this location, a residential development to be a more appropriate long term use of the site than a commercial activity. In respect of the specific circumstances of the application I consider the benefits of developing the land for housing to outweigh any concerns over the loss of employment use and is therefore acceptable in relation to Policy GN4

13.0 RECOMMENDATION

- 13.1 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:

Delivery, terms and conditions of the affordable housing units
Provision of specialist housing for the elderly

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

Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely (the appearance and landscaping including details of landscape management and maintenance** (hereinafter called "the reserved matters").
Reason: The application is in outline form only and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference 252_050_019
Site location Plan 000
Existing Site Plan 500
Proposed Site layout 003b
Proposed Scale and Massing Elevations 004b
Proposed Elevations 352b
received by the Local Planning Authority on 31 July 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.
4. 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.
Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
5. No development on the construction phase shall commence until details of the design of the surface water drainage system, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. Those details shall be submitted as part of any reserved matters approval and should include:
 - a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;
 - b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .drawing format;

- c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;
- d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes and, for formerly developed land, that the requisite reduction in runoff will be achieved;
- e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
- f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 and 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in metres AOD;
- g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;
- h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;
- i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and
- j) Existing and proposed catchment areas in a suitable format i.e. Autocad drawing.

The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the first new dwelling, 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. The reserved matters submission in respect of the siting of the proposed (buildings) (dwellings) shall include sections across the site. The sections shall indicate existing and proposed ground levels together with finished floor levels of any (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.

Reason: 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.

7. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and agreed in writing by the Local Planning Authority:
- a. The contaminated land assessment shall include a desk study to be submitted to and approved in writing by the Local Planning Authority. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.
 - b. The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing.
 - c. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d. Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance in accordance with a detail to be first agreed in writing by the Local Planning Authority. A suitably qualified person as first agreed in writing by the Local Planning Authority shall be present on site to supervise investigation and remediation works when such works are taking place. If during the works contamination is encountered which has not previously been identified then the Local Planning Authority shall be notified immediately and all works shall cease pending the submission of additional information on the nature of the contamination and proposals as to how the contamination shall be fully dealt with and an appropriate remediation scheme shall be agreed in writing with the Local Planning Authority and carried in accordance with agreed timescales.
 - e. Prior to the first occupation of the building on site a closure and validation report shall be submitted to and approved in writing by the Local Planning Authority.

The closure and validation report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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.

8. The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans drawing number Proposed Site layout 003b received by the Local Planning Authority on 31 July 2020.
Reason: 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The development hereby approved shall not be occupied until the access drive for the first 5m from the highway is surfaced in bituminous or cement bound materials, or otherwise bound.
Reason: In the interests of highway 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.
10. No part of the development shall be occupied until all the highway works including the closure and reinstatement of footpath of existing two access points on Moorgate and additional "One Way" signage within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.
Reason: In the interests of public & highway safety and the appearance & character of the streetscape 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.
11. The development 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 Proposed Site layout 003b received by the Local Planning Authority on 31 July 2020
These areas shall be retained at all times thereafter for the parking, turning and manoeuvring of vehicles.
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. Notwithstanding the details submitted no part of the development hereby permitted shall be occupied until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be implemented for each plot/dwelling before any part of that development is brought into use and shall be retained as such thereafter.
Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. Prior to the occupation of the building/use hereby approved at least 10% of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.
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.
14. A scheme for the protection of the proposed dwellings and gardens from noise from the adjoining rail line shall be submitted for the Local Planning Authority's approval with the reserved matters submission in respect of the external appearance of the dwellings/apartments. All habitable rooms shall be fitted with glazing and ventilation sufficient to achieve internal noise levels of 30 dB LAeq, 8hrs in bedrooms at night and 35 dB LAeq, 16hrs for living spaces during the day. Individual noise events should not exceed 45 dB LAFmax in bedrooms at night.
Works which form part of the approved scheme shall be completed for each affected dwelling before the dwelling is occupied.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders ,specifically PART 20 Construction of New Dwellinghouses Class A - New dwellinghouses on detached blocks of flats, no works shall be carried out above the height of the existing roof unless on application to the Local Planning Authority, planning permission for such development has been granted.
Reason: The height of the proposed development has been reduced in scale and height during the application process. The character and location of the property are such that the Local Planning Authority wish to exercise control over the future development in respect of scale and height in order to protect residential and visual amenity, and to ensure an appropriate level of car parking to comply with the provisions of Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
16. 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.

Notes

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. 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 Highways and Transport Directorate for further information and advice by telephoning the Development Support Section on 0300 123 6780, or email lhscustomerservice@lancashire.gov.uk

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

GN4 - Demonstrating Viability

EC1 - The Economy and Employment Land

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF1 - Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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.

