

No.4	APPLICATION NO.	2021/0439/FUL
	LOCATION	Park House Black Moss Lane Scarisbrick Ormskirk Lancashire L40 9RN
	PROPOSAL	Demolition of existing buildings and erection of 22 detached dwellings, together with associated infrastructure, access, internal roads, footpaths including a footpath along part of Black Moss Lane and landscaping.
	APPLICANT	Eccleston Homes Ltd
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	27th July 2021

1.0 **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme; however Councillor Marshall has requested it be referred to Planning Committee due to concerns about the highway conditions on Black Moss Lane.

2.0 **SUMMARY**

- 2.1 This application is for a residential development of 22no. houses on land off Black Moss Lane which was previously used as a food manufacturing site. I am satisfied that the development would not have a greater impact on openness than the existing development. The proposed development would not result in the creation of new isolated homes in the countryside and an acceptable case for the loss of the employment use has been presented. The proposed access is acceptable and the development would not have a significant impact on highway safety. I am satisfied that the residential development can be accommodated without causing harm to the character of the area, amenity of neighbouring properties, landscaping or ecology. In my view the proposal complies with the relevant policies of the NPPF and Local Plan. An Appropriate Assessment is currently under review by Natural England, subject to the conclusions of this being satisfactory I recommend that planning permission be granted.

3.0 **RECOMMENDATION:** **APPROVE subject to conditions.**

4.0 **THE SITE**

- 4.1 The site is roughly triangular and lies to the north of the junction of Black Moss Lane with Southport Road (A570). The site appears to be level and accommodates a range of industrial stores and offices (converted former dwellings) which cover a substantial part of the site. There are warehouses and two smaller buildings on site, one which lies to the south of the site (known as Park House); this is a period house which features on historic mapping, and one to the west (known as Gravestones), which is a small bungalow adjacent to Black Moss Lane. The site benefits from a mature tree belt to the Southport Road frontage, the remaining boundaries having linear tree and hedge lines. The non-treed areas are substantially hard surfaced and provide parking for the site.
- 4.2 The site was previously operated by Bidfood (formerly 3663/Bidvest Foodservice). The remaining warehouse buildings are in a poor condition and no longer in use and the Gravestone building is in a dangerous condition and has been fenced off for safety concerns. The site is currently vacant.

4.3 The site is bordered by a small row of residential properties to the southern side of the junction; two further residential properties lie approximately 60m to the west surrounded by agricultural fields; open agricultural fields to the north; and, Scarisbrick Park to the east.

5.0 THE PROPOSAL

5.1 The application proposes demolition of the existing buildings on site and the erection of 22 detached dwellings; the dwellings would be a mix of 2 and 2.5 storey. Vehicular and pedestrian access would be taken via a new access from Black Moss Lane, and the dwellings would be arranged around a cul-de-sac.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None relevant.

7.0 CONSULTEE RESPONSES

7.1 Highway Authority (19.05.2021)

7.2 Environmental Protection (10.06.2021) – No objection.

7.3 Lancashire Police (04.05.2021) – No objection.

7.4 Cadent (07.05.2021) – No objection.

7.5 Merseyside and West Lancashire Bat Group (10.05.2021, 12.07.2021, 15.07.2021, 03.08.2021) – Object due to insufficient survey work of the site, and inadequate mitigation proposals. Object due to loss of trees.

7.6 United Utilities (07.06.2021, 17.06.2021) – No objection, request permitted development rights are removed from the dwelling at plot 1.

7.7 Lancashire County Council, School Planning Team (19.05.2021) – An education contribution is not required.

7.8 Lead Local Flood Authority (26.08.2021) – No objection in principle. Conditions recommended.

7.9 Merseyside Environmental Advisory Service (23.08.2021) – No objection.

7.10 Natural England- comments awaited.

8.0 OTHER REPRESENTATIONS

8.1 Scarisbrick Parish Council (08.06.2021) – Additional traffic would be generated on already overloaded road (Southport Road) and also onto Blackmoss Lane. There are often traffic accidents in the vicinity. The proposed development would add to the existing major flooding and drainage issues on Blackmoss Lane and the surrounding area. The development does not include starter homes for Scarisbrick residents.

8.2 Letters of objection have been received from local residents, the main grounds of objection can be summarised as:

Highway safety
Increased power cuts

Drainage
Application lacks a Red Squirrel Method Statement

9.0 SUPPORTING INFORMATION

- 9.1 Preliminary Ecological Appraisal
Wintering Bird Mitigation Strategy
Avoidance of Harm to Hedgehog and Red Squirrel During Construction Report
Preliminary Bat Roost Assessment
Bat Nocturnal Survey
Bat Mitigation Strategy
Arboricultural Impact Assessment
Desk Study and Ground Investigation Report
Remediation Strategy
Invasive Species Method Statement
Highway Technical Note
Proposed Drainage Strategy
Transport Statement
Planning Statement
Noise Impact Assessment
Marketing information from Fitton Estates
Heritage Impact Assessment
Flood Risk Assessment
Design and Access Statement
Crime Impact Statement
Air Quality Assessment

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD and lies adjacent to the Scarisbrick Park Conservation Area.

National Planning Policy Framework (NPPF)

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

West Lancashire Local Plan 2012-2027 DPD

SP1 A Sustainable Development Framework for West Lancashire
GN1 Settlement Boundaries
GN3 Criteria for Sustainable Development
GN4 Demonstrating Viability
EC2 The Rural Economy

Supplementary Planning Advice

SPD – Design Guide (January 2008)

11.0 **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

Principle of Development – Green Belt

11.1 Policy GN1 of the Local Plan states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. The NPPF advocates that the purpose of the planning system is to contribute to the achievement of sustainable development, by performing an economic, social and environmental role. The Framework re-iterates the fact that planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, unless specific policies in the NPPF indicate development should be restricted.

11.2 Paragraph 149 of the NPPF relating to Green Belt development, states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. There are several exceptions to this, including at bullet point (g):

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:

not have a greater impact on the openness of the Green Belt than the existing development

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

11.3 Annex 2 of the NPPF defines 'previously developed land' (PDL) as being land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The NPPF is clear in saying that it should not be assumed that the whole of the curtilage development land should be developed. Given its previous commercial use I consider that the site would be classed as previously developed land and fall into the exception above. Therefore, in terms of Green Belt, redevelopment of the site is appropriate development provided there is no greater impact on openness.

Principle of development – openness of the Green Belt

11.4 Paragraph 137 of the NPPF advises that a fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with an essential characteristic being openness.

- 11.5 Given the wording of paragraph 149(g) of the NPPF, it is necessary to assess whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development on site. If there is a greater impact, the proposals would be considered inappropriate development, and therefore harmful to the Green Belt, and a residential development on the site would not be approved except in very special circumstances. When considering any planning application, local planning authorities must ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.6 Presently the site is occupied by buildings with an approximate total volume of 29,213m³, these commercial buildings cover an approximate floor area of 3,717sqm and the hardstanding covers approximately 10,183sqm; with the maximum height of the existing buildings on site being in excess of 12m. The proposed development would cover a floor area of approximately 3,761m², and have a volume of approximately 11,645m³. The proposed houses would be a mix of 2 and 2.5 storey, with the maximum height of the dwellings being between 8m and 9.8m. Therefore, the scale of the proposed dwellings would be lower than the existing tallest buildings on site.
- 11.7 Although when compared with existing development on the site the footprint of the proposed dwellings would be in excess of that which currently exists, this increase is only marginal, and taking into account the fact that the overall volume of development on the site would be significantly reduced and the proposed residential development would allow views through the site which are not currently possible due to the extent and close proximity of buildings, it is my view that there would be an increase in openness on the site as a result of the proposed development. Therefore, in terms of impact on the Green Belt, I am satisfied that the proposed development would accord with the requirements of the NPPF.

Principle of development – Loss of an existing employment site

- 11.8 Policy EC1 'The Economy and Employment Land' of the Local Plan states that the redevelopment of existing individual employment sites for other uses will be considered where a viability case can be put forward (in line with Policy GN4) and where the provisions of Policy EC2 and EC3 are met, where relevant. Policy EC2, 'The Rural Economy', states that the Council will protect the continued employment use of existing employment sites in rural areas. This could include any type of employment use, including agriculture and farming, and is not merely restricted to B1, B2 and B8 land uses. Where it can be robustly demonstrated that the site is unsuitable for an ongoing viable employment use (in accordance with the requirements of Policy GN4), the Council will consider alternative uses where this is in accordance with other policies in the Local Plan. Policy GN4 'Demonstrating Viability' seeks to retain existing commercial / industrial (B1, B2 or B8) and retail (A1) uses. Policy GN4 sets three tests which centre around the continued use of the site/premises no longer being viable, the land/premises no longer being suitable for the existing use, and marketing of the land/property indicating that there is no demand for it. Any proposal involving the loss of B1, B2 or B8 uses must meet only one of the three tests in order for the policy as a whole to be satisfied
- 11.9 Information to address the above policy requirement has been submitted as part of the application. The Planning Statement has been supported by a Marketing Report which shows that the site has been marketed, but only for a period of 4-5 months (June – October 2019), short of the 12 month requirement set out in Policy GN4. However, the Planning Statement / Marketing Statement also reference the viability of the continued use of the site as an employment site, including the poor state of repair of the buildings,

issues surrounding insurance due to the use of insulated panels in the existing cold store and associated fire risk and presence of outdated refrigeration systems which use gases that are now banned. Regardless of the reduced marketing time frame, I am satisfied that the continued use of the site for its existing use is no longer viable, this is reaffirmed by comments made by a local frozen food company who discounted the site because of the costs involved to keep the property in its existing use being unviable.

- 11.10 On the basis of the above, I am satisfied that the applicant has submitted sufficient justification to evidence compliance with Policy GN4.1 (a) and in turn compliance with Policy EC1 and EC2 of the Local Plan. Therefore, the principle of losing an employment use on the site is considered acceptable.

Principle of development – Sustainability of location

- 11.11 Paragraph 78 of the NPPF advocates the promotion of sustainable development in rural areas by housing being located where it will enhance or maintain the vitality of rural communities. Paragraph 79 goes on to say that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The NPPF does not provide specific guidance on the definition of the term isolated, however through appeal decisions it has become apparent that the term 'isolated' is interpreted as the physical separation of the site from any settlement, whether it is surrounded by agricultural land and is served by suitable roadways to enable sustainable means of travel. It should be noted that an isolated location is not the same as a sustainable one. A sustainable site is one that is considered to be close to or within walkable distance of local services such as doctors, schools, public transport or health facilities and one that does not rely heavily on the use of a private motorised transport.

- 11.12 In terms of this site, whilst there are open fields surrounding the site, there are also some scattered dwellings / farmsteads in the locality, in particular an existing row of properties on Black Moss Lane. The nearest operational bus stops are located approximately 350m to the north of the site along Southport Road. The bus routes provide links between Southport and Liverpool via Bootle, Aintree, Lydiate and Halsall, and Southport and Wigan via Ormskirk and Skelmersdale. As such there are nearby bus stops providing access to local centres and those further afield for residents to access shops and services without the need to travel by private vehicle. The site is also within 350m of the nearest designated settlement which has two public houses/restaurants and a farm shop.

- 11.13 I consider that whilst the site is in a rural location it is within a reasonable walkable distance to local services and public transport, and on balance I am satisfied that the proposed development would not result in isolated residential development nor be located within an unsustainable area in accordance with paragraphs 78 and 79 of the NPPF.

Affordable and specialist housing

- 11.14 The requirement for affordable homes and provision of accommodation suitable for the elderly originates from policies RS1 and RS2 of the Local Plan. Policy RS2 requires that on sites such as this 35% of the units be affordable. However, an important material consideration is vacant building credit (VBC) which was introduced in 2014 via a ministerial statement and incorporated into National Planning Practice Guidance (NPPG). The VBC allows for existing vacant floorspace to be taken into account when calculating affordable housing requirements and is seen as a way to incentivise development on brownfield land.
- 11.15 The VBC allows for existing vacant floorspace to be taken into account when calculating affordable housing requirements, provided it is the case that the vacant buildings on the site have not been abandoned. In summary, the existing floorspace of a vacant building

should be credited against the floorspace of the new development i.e. a developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

- 11.16 The existing vacant buildings on the site have a total floor area of 3,717sqm. The proposed site layout creates 3,761sq.m of new floor space. There is therefore 44sq.m of additional floor space being created through the proposals. Taking into account VBC the amount of affordable housing required to be provided is 0.091 units, which rounds down to zero. I consider that the proposal is eligible to benefit from VBC and therefore the provision of no affordable dwellings is acceptable in this instance.
- 11.17 In terms of provision of accommodation for the elderly, in developments of this size Policy RS2 requires 20% of the units to be designed specifically as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. The application has been amended since its original submission to include 4no. dwellings which could relatively easily be adapted in the future to include a downstairs wet room and bedroom and level access, and so whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to ensure minimal work is required in any future adaptation that may be necessary. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

Design/Layout/Scale/Residential amenity

- 11.18 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states 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. Policy GN3 goes on to say that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the proposed and neighbouring properties'.
- 11.19 The residential units would be a mix of 2 and 2.5 storey and be finished in brick, render and pitch tiled roof. Although the area is rural in nature there are a mix of house types and styles in the locality. I consider that two and two and a half storey dwellings are appropriate in this location and given that the site currently has a commercial/industrial appearance I am satisfied that the proposed dwellings would not detract from the rural nature of the area.
- 11.20 In terms of the proposed layout, I consider that demolition of the existing buildings and their replacement with a residential development would lead to a more spacious layout on the site, which retains and incorporates much of the existing landscaping into the proposals.
- 11.21 In terms of impact through overlooking or creation of poor outlook, the siting of the proposed dwellings complies with interface distances detailed in the Design Guide SPD, and would be sufficient distance from existing dwellings to ensure that there would be no significant impact, in accordance with Policy GN3. The proposed dwellings would benefit from sufficient private amenity space and there would be adequate interface distances between the new dwellings which meet the standards in the Design Guide SPD.
- 11.22 I am satisfied that both new and existing properties will benefit from adequate levels of privacy and amenity, in accordance with Policy GN3 of the Local Plan.

Highway Safety

- 11.23 Policy GN3 of the Local Plan states that developments should integrate well with the surrounding area and provide safe, convenient and attractive pedestrian and cycle access, ensure that parking provision is in line with Policy IF2, and incorporate suitable and safe access and road layout.
- 11.24 The access to the site would be taken from a new access on Black Moss Lane, with the existing access points blocked up. The Highway Authority have reviewed the proposals, including a Traffic Survey which was submitted during the course of the assessment of the application, and consider that the proposed access would be an improvement to that of the existing access and is suitable to serve a residential development of this size. The Highway Authority are also satisfied that the additional traffic generated by the proposed development, when compared to the traffic that would have been generated by the previous industrial use of the site (or any future commercial use that would not require planning permission) will not have a material impact on the operation of the local highway network.
- 11.25 In terms of off-road parking, each dwelling is provided with sufficient off-street parking in accordance with Policy IF2 of the Local Plan.
- 11.26 I am satisfied that the proposed development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site and is therefore acceptable on highway safety grounds.

Drainage

- 11.27 The submitted Flood Risk Assessment (FRA) indicates that the site lies within Flood Zone 1, the lowest risk category for flooding. The FRA advises that foul water from the site currently drains to a United Utilities foul sewer running within Black Moss Lane and that surface water discharges to an existing culvert which runs to the south of Black Moss Lane. The proposed development will result in a net reduction in impermeable area on site and therefore a reduction in surface water runoff. The applicant indicates that the ground conditions are unlikely to support disposal of surface water via infiltration, therefore it is proposed to retain the existing surface water outfall from the site, and discharge will be attenuated on site to manage flows.
- 11.28 The Lead Local Authority has been consulted with regard to the application and raise no objections to the proposal. Subject to the imposition of suitably worded planning conditions to require the submission of a detailed drainage scheme including management and maintenance proposals, I consider the scheme to be acceptable in principle and the development will not increase the risk of flooding either on or off the site.
- 11.29 United Utilities have been consulted with regard to the application and have raised no objections in principle. However, UU have advised there is a water main running through the site boundary, close to plot 1 and have therefore recommended that permitted development rights for domestic extensions and outbuildings be removed from this dwelling. This can be secured through a suitably worded planning condition.

Ecology and trees

- 11.30 Under the terms of Policy EN2 in the Local Plan, development proposals must seek 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, is required to fully offset impacts.

- 11.31 Various ecology surveys have been submitted with the application including a Wintering Bird Mitigation Strategy, Bat Surveys and a Bat Mitigation Strategy and information in respect of Hedgehog and Red Squirrel.
- 11.32 The submitted 'Wintering Bird Mitigation Strategy to Reduce Disturbance During Construction' concludes that, without mitigation measures there will be likely significant effects as disturbance to qualifying species may occur during the construction phase, impacting on the Ribble and Alt Estuaries SPA, Ribble and Alt Estuaries Ramsar site, Martin Mere SPA and Martin Mere Ramsar sites. Therefore an Appropriate Assessment has been provided in accordance with the Regulation 63 of the Habitats Regulations 2017. The Appropriate Assessment concludes that with mitigation measures there will be no adverse effect upon the integrity of European sites. The Council's Ecological Advisors, Merseyside Environmental Advisory Service (MEAS) have considered the findings of the report and the mitigation measures put forward and agree with the conclusions reached. The proposed mitigation measures will be secured by condition.
- 11.33 A bat emergence and re-entry survey has been submitted with the application and concluded that one of the buildings on site provides a maternity roost for brown long-eared bats and a day roost for common pipistrelle. A further common pipistrelle day roost was also identified in a building on site. As a result of the destruction of three bat roosts a Natural England European Protected Species (EPS) licence will be required prior to works commencing on site; this will be secured by condition. As a result of the loss, the proposal must be assessed against the Three Tests (Habitats Regulations) in order to determine whether an EPS licence is likely to be granted by Natural England and to allow the Local Planning Authority to exercise its duty under the Habitats Regulations. A Bat Mitigation Strategy report has been submitted with the application which has been reviewed by MEAS and is considered to be acceptable. If implemented in full the Three Tests will be satisfied and Natural England are likely to grant an EPS licence for the site; implementation of the strategy will be secured by condition. Proposed lighting on the site which could have the potential to impact on bat roosting, foraging and commuting will be subject to condition to ensure a lighting scheme is submitted to the Local Planning Authority for review prior to its implementation.
- 11.34 Information has been submitted in respect of potential impacts on hedgehog and red squirrel, including recommendations for reasonable avoidance measures (RAMs) during construction. These RAMs have been reviewed by MEAS and are considered to be suitable; they will be secured by condition.
- 11.35 There is extensive tree cover on the site with a limited number of trees being lost to the development. Information in respect of trees and compensatory planting has been submitted with the application, however this includes some species which are unsuitable on the site due to the presence of Red Squirrel. For this reason, the submission of a suitable revised planting plan will be subject to condition. I am satisfied that an appropriate planting scheme can be provided on the site to benefit biodiversity and compensate for tree removal.
- 11.36 Based on the submitted information and subject to the imposition of suitable conditions I am satisfied that the proposed development complies with Policy EN2 of the Local Plan. It is necessary to consult Natural England on the result of the Appropriate Assessment in respect of wintering birds and at the time of writing the report their response has not been received. It is therefore recommended that the application be delegated for approval subject to no objection being received from Natural England.

Conclusion

11.37 I am satisfied that the principle of the proposed development is acceptable in this Green Belt location, and that the appearance of the development would be satisfactory and the scheme would not have a detrimental impact on residential amenity, biodiversity and highway safety. I consider that the proposed development complies with the relevant policies in the Local Plan.

12.0 RECOMMENDATION

12.1 That the decision to grant planning permission be delegated to the Corporate Director of Place and Community subject to confirmation that the Appropriate Assessment is satisfactory and subject to the following conditions and any additional conditions being added on request by Natural England.

Conditions

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:
Plan reference
Materials and Enclosures Plan 103 Rev A
Planning Layout 102 Rev B
received by the Local Planning Authority on 20.08.2021.
Cheadle Special House Type, CHSP-P-01
Hartford Special House Type, HTSP-P-01
received by the Local Planning Authority on 28.05.2021.
Plan reference:
Site Location Plan
Slaidburn House Type, SD-P-01
Haigh House Type, HA-P-01
Bretherton House Type, BE-P-01
Formby House Type, FM-P-01 and FM-P-01-1
Formby DG, FMDG-P-01-1
Wilmslow House Type, WM-P-01 and WM-P-01-1
Slaidburn, SD-P-01 and SD-P-01-1
Single Garage, SG-P-01
Double Garage, DG-P-01
2.4m High Acoustic Fence, SD-F014-1
1.8m high feather edge fence with 300mm trellis, SD-F02-1
1.8m high feather edge fence, SD-F02
1.2m high stock proof fence, SD-F06B
450mm high knee rail fence, SD-F09
received by the Local Planning Authority on
06.04.2021.
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. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined

on the Materials and Enclosures Plan - 103 Rev B received by the Local Planning Authority 20.08.2021.

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.

4. The development shall be implemented in accordance with the 'Wintering Bird Mitigation Strategy to Reduce Disturbance During Construction' report prepared by Ascerta and dated June 2021.

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.

5. Prior to works commencing on site local planning authority shall be provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2021-2027 Development Plan Document.

6. The development shall be carried out in accordance with the recommendations for mitigation and compensation set out in the Bat Mitigation Strategy-Revision B (ref: P.1314.20) which details the methods for maintaining the conservation status of bats, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2021-2027 Development Plan Document.

7. Prior to its installation a scheme detailing the proposed lighting(including all floodlighting, external building lights and car park lighting) to be installed on the site shall be 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 safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2021-2027 Development Plan Document.

8. The development shall be implemented in accordance with the Avoidance of Harm to Hedgehog and Red Squirrel During Construction report (Ascerta, 03/03/2021, ref: P.1314.20) received by the Local Planning Authority 08.07.2021.

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.

9. 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.

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

The landscape management plan shall be implemented as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

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

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

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. The development shall be implemented in accordance with the Invasive Species Method Statement dated March 2021.

Reason: To ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No part of the development hereby permitted shall be commenced until a scheme for the protection of the proposed dwellings and gardens from noise from the A570 Southport Road and Black Moss Lane has been submitted to and approved in writing by the Local Planning Authority. Works which form part of the approved scheme shall be completed for each affected dwelling before that dwelling is first occupied and permanently retained thereafter.

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.

14. Notwithstanding the submitted Desk Study and Ground Investigation Report no development approved by this permission, except demolition and site clearance, shall be commenced until:

a. A further site investigation has been carried out once access has been gained following demolition of the existing buildings on site.

b. The results of the further investigation, together with the results of analysis, risk assessment to any receptors and, should it be required, 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 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.

c. 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.

d. Prior to the first occupation of any dwelling 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.

15. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

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.

16. The 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, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply to Plot 1 as shown on plan reference - 'Planning Layout, 103 Rev A':

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

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

(iii) no vehicle standing space shall be provided within the curtilage of the dwellings

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

(v) no means of access shall be constructed to the curtilage of the dwellings

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

Reason: There is a United Utilities clearwater asset which runs through the site and may be affected by future development of Plot 1 and so to comply with Policy GN3 of the West Lancashire Local Plan 2021-2027 DPD.

17. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has

been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- Details of the parking of vehicles of site operatives and visitors;
- Details of the site compound;
- Details of the Site Manager;
- Details of on-site wheel wash facilities to be used for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway.

The approved Construction Management Plan shall be adhered to throughout the demolition and construction period for the development.

Reason: These details are required prior to the commencement of development in order to protect the safety of the local highway network and amenity of neighbouring uses and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No part of the development hereby approved, except demolition and site clearance, shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority. The site access shall be constructed and made available for use before any further development takes place or to a timetable agreed in writing by the local planning authority. The site access shall be maintained as approved during all stages of construction.

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

19. No part of the development shall be occupied until visibility splays 2.4 metres back from the centre line of the access and extending (130 metres to the east and 64 metres to the west) on the nearside carriageway edge have been provided at all accesses/junctions, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access and in the interests of the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

20. With the exception of demolition and site clearance, no part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway mitigation (including the construction of a 2m wide footpath from the site access to Southport Road) and the permanent closure of the existing accesses and reinstatement of the highway/footpath has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

The 2m wide footpath and the closure of the existing accesses and reinstatement of the highway shall be implemented prior to occupation of the first dwelling.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and thereby ensure the safety and interests of the users of the highway and 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.

21. The new estate road /access from Black Moss Lane into the site shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate

Roads to at least base course level before construction of any dwelling takes place within the site.

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 West Lancashire Local Plan 2012-2027 Development Plan Document.

22. With the exception of demolition and site clearance no development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

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 West Lancashire Local Plan 2012-2027 Development Plan Document.

23. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and drainage strategy report (April 2021, Ref: 882204, RSK). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

24. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and

delivers suitably clean water to sustainable drainage components;

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

25. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

the development shall be constructed in accordance with the approved details.

Reasons

1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;

2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

26. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 168 of the National Planning Policy Framework.

Notes

1. The submitted flood risk assessment and drainage strategy report (April 2021, Ref: 882204, RSK) proposes to discharge to an unnamed culverted watercourse via the site's existing drainage system, and this may involve the resizing of pipes. Any work within the

banks of the ordinary watercourse which may alter or impede the natural flow of water will require Land Drainage Consent from the LLFA under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

When applying for Land Drainage Consent, as a minimum, the applicant will be expected to:

- a. Carry out studies of the existing culvert/watercourse condition and capacity;
- b. Undertake an examination of the downstream condition and implications of the development proposal, and;
- c. Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the agreed discharge rate.

As per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. You should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be found here:

Guidance:

<https://www.lancashire.gov.uk/media/903914/land-drainage-consentadvice-note.pdf>

Application form:

<https://www.lancashire.gov.uk/media/903913/land-drainageconsent-application-form.pdf>

For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on 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

GN4 Demonstrating Viability

EC2 The Rural Economy

IF2 Enhancing Sustainable Transport Choice

EN2 Preserving and Enhancing West Lancashire's Natural Environment

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

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