



PLANNING COMMITTEE: 16th March 2023

Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF. 2022/0642/FUL

PROPOSAL: Erection of Retirement Living Village comprising Retirement Living Housing (Category II type accommodation), bungalows, associated communal facilities, landscaping and car parking.

APPLICANT: McCarthy & Stone Retirement Lifestyles Ltd.

ADDRESS: Land to The South of Chancel Way, Burscough.

REASON FOR CALL IN: Councillor Clandon: Concern that the proposed development does not adequately address the localised flood risk, as evidenced by recent flooding of properties on Liverpool Road South. The scheme fails to deliver the 35% affordable housing requirement as set out in policy RS2.

Wards affected: Burscough West

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks to secure planning permission for the development of 48 Retirement Living Apartments and 19 Retirement Living bungalows, associated communal facilities, landscaping and car parking.
- 1.2 The proposed development, subject to legal agreement, is considered to accord with the aspirations of the Local Plan, the Burscough Neighbourhood Plan and the approved Yew Tree Farm Masterplan Supplementary Planning Document. The site is specifically allocated for residential development and the development conforms to the masterplan which states that this is a site suitable for elderly housing.
- 1.3 It is considered that subject to planning conditions that the proposed development is acceptable in terms of design, access, landscaping, layout and scale and will safeguard neighbouring amenity. The proposed development is compliant with the NPPF and the Local Plan in respect of drainage, highways, ecology and other relevant matters.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions & S.106 Legal Agreement.

3.0 THE SITE

3.1 The site is a rectangular shaped parcel of land extending to approximately 0.6 hectares and comprises open grassland bound by trees and hedgerows. The parcel of land extends south of a large drainage basin adjacent to Chancel Way. To the east lie of the site are the rear gardens to residential dwellings facing Liverpool Road South (A59) with a mix of hedgerows and fences along the boundary. To the south is a small, grassed area bound by trees and a grassed opening onto Liverpool Road South formerly used as a field access. To the west the site is bound by a watercourse, beyond which is a recently approved residential development much of which has now been completed, the wider site including residential development phases comprising the strategic site, Yew Tree Farm.

4.0 PROPOSAL

4.1 The proposed development is for the construction of a single block of 29 one bedroom and 19 two bedroom Retirement Living apartments together with 19 two bedroom bungalows for sale to older people. The units are for open market sale to be occupied by persons over 60 years, or in the case of a couple one of the occupants is over the age of 60 years and the other is over the age of 55 years.

4.2 Access to the site is proposed off Chancel Way just north of an existing electricity substation and south of a large drainage basin. The internal road splits in two to provide access to the car parking for the apartment building which occupies the northern part of the site and the cul-de-sac of bungalows located to the south.

4.3 The apartment building is L-shaped with the largest flank facing onto the drainage basin and Chancel Way and is predominantly three storey reducing to two storeys at each end. This building is finished in white render and red brick with grey roof tiles, has a series of external balconies and is set with an area of landscaping. It contains within it as well the flats, a resident's lounge, guest suite and office space. The bungalows are mainly semi-detached with one terrace of three possessing parking to the front and rear gardens and are finished in red brick and grey roof tiles. formed of a mixture of detached, semi-detached and terraced buildings. Existing trees and hedges located close to the boundaries are to remain as is the boundary treatment to the east.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m² of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m² of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED

- 5.2 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED
- 5.3 2019/0962/CON - Approval of Details Reserved by Condition No. 4 of planning permission 2015/0171/OUT relating to a phasing programme for the whole of the site. APPROVED
- 5.4 2019/0947/ARM - Proposed re-plan of plots 74-88 and 116-131 of reserved matters 2017/0431/ARM to provide 16 no. detached houses (net loss of 15 dwellings). APPROVED
- 5.5 2019/1182/ARM - Approval of Reserved Matters - Phased development of 267 dwellings including details of appearance, landscaping, layout and scale. Discharge of Condition Nos. 5, 8, 14, 16, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 35 from outline planning permission 2015/0171/OUT. APPROVED
- 5.6 2021/0518/ARM - Reserved Matters approval (appearance, landscaping, layout and scale) for the erection of 169 dwellings, with associated vehicular access and parking, private amenity space and landscaping, pursuant to outline planning permission 2019/1093/FUL and the discharge of Conditions 26 and 34. APPROVED

6.0 OBSERVATION OF CONSULTEES

- 6.1 Lead Local Flood Authority (09.11.22) Following the submission of further information, earlier objections (19.10.22; 20.09.22 & 15.08.22) are withdrawn subject to conditions.
- 6.2 Merseyside Environmental Advisory Service (MEAS) (07.09.22) – No objections subject to conditions.
- 6.3 United Utilities (18.08.22) – No objections subject to condition.
- 6.4 LCC Highways (10.11.22) – No objections subject to conditions following earlier request for information (15.08.22).
- 6.5 Housing Strategy (05.08.22) – No objections. The main need for the development of an Extra Care scheme in West Lancashire is in Skelmersdale.
- 6.6 Natural England (20.02.23) – No objections.

7.0 OTHER REPRESENTATIONS

- 7.1 Burscough Parish Council (07.08.22) – Support the planning application. Burscough does need this type of development but have raised the following concerns:

- Drainage ditch between houses on Liverpool Rd and the site, could cause flooding into the gardens of the houses
- Flood waters/sewerage/drainage is this adequate enough

- Building height and its impact on the surrounding area/houses
- Elevators in the building (are there any?)
- Local amenities being inadequate, e.g., Doctors, Dentists, health/primary care etc.
- Footpath access from Retirement Living Village to Burscough Village local shops and amenities for people with mobility issues using mobility scooters etc.
- Lack of pre-application consultation with Burscough Town Council and residents by West Lancs

7.2 In response to the public consultation exercise 8 responses supporting the application, raising the following points:

- What the area needs given aging population
- Good architecture
- Bungalows are required in area

Comments were made from 5 separate objectors. A summary of the responses is below:

- Increase in traffic on already busy road
- Noise from traffic movements
- Lack of information regarding local flooding incidents, particularly land to rear of Liverpool Road
- Concerns regarding wastewater and sewage capacity
- Site was previously farmland not brownland
- Homes would be devalued
- Loss of privacy within neighbouring houses
- Add to urban sprawl
- No development should be approved near drainage channel
- Impact on wildlife
- Impact on light and sunlight to neighbouring houses
- Lack of local infrastructure
- No amenities locally for older people to walk to
- Loss of local wildlife
- Inaccuracies in submission
- Lack of street lighting
- Lack of lifts in building
- Concern regarding flooding – Area is subject to existing pressures and there's no on-site attenuation
- No account of mobility scooters in highway assessment

8.0 SUPPORTING INFORMATION

8.1 Assessment of demand for a retirement living villages scheme
 Design and Access Statement
 Phase I and II Geo-environmental Ste Assessment
 Model Planning Conditions Report
 Planning Statement
 Statement of Community Involvement
 Transport Statement
 Drainage Summary Statement
 Flood Risk Assessment
 Preliminary Ecological Appraisal Report
 Tree Survey
 Visually Verified Montages
 Viability Report

Supporting documents concerning health, economic, housing choice and sustainable benefits of retirement

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), the West Lancashire Local Plan (2012-2027) DPD and the Burscough Neighbourhood Plan provide the policy framework against which the development will be assessed.
- 9.2 The site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site
- 9.3 Relevant West Lancashire Local Plan (2012-2027) DPD policies:
SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
EC1 – The Economy and Employment Land
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire’s Built Environment

The site is also within a Mineral Safeguarding Area and therefore an assessment of whether or not the site should be retained for future mineral extraction should be made in order to accord with Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan.

- 9.4 Relevant Burscough Parish Neighbourhood Development Plan policies:
Policy BP11 Development and Infrastructure
Policy BP12 Surface water drainage
Policy BP13 Foul water drainage
Policy BPH1 New residential development
Policy BPH2 Housing mix
Policy BDP2 Detailed design elements
Policy BDC1 Community Infrastructure
- 9.5 Additionally the following supplementary planning documents are relevant:
SPD – Yew Tree Farm Masterplan (Feb 2015)
SPD - Open Space (July 2014)
SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this application are:
- Principle of development
 - Affordable Housing for the Elderly
 - Layout, Design and Appearance
 - Impact on Residential Amenity

- Access, Traffic and Highways
- Trees/Landscaping
- Drainage and flooding
- Biodiversity
- Coal Mining

Principle of development

- 10.2 This piece of land is covered by Policy SP3 of the WLLP, being part of the Yew Tree Farm, Strategic Development Site. The policy lists suitable uses on the site, including residential development. It states that the layout of the site will be defined through a separate masterplan and development will be required to conform to this masterplan and planning permission will not be granted until the comprehensive master planning exercise has taken place. In that regard, a Yew Tree Farm Supplementary Planning Document was prepared in 2015 setting out a masterplan for the wider 74 hectare Yew Tree Farm site, including potential land earmarked for specialist housing for the elderly, the quantum of which is not prescribed.
- 10.3 The development site has since been split into several parcels of land in association with the 2015 outline planning permission (2015/0171/OUT), with subsequent reserved matters residential and employment schemes having been permitted, implemented and occupied. The outline consent specifically granted consent for Extra Care/Care Accommodation (Planning Use Class C2), the location of which was specified in the later phasing plans, the last of which (2019/0962/CON) identified this site as the location for this use
- 10.4 This proposal is not for the presumed use. Whilst there is an element of care provided along with communal facilities, the units are self-contained and function as private accommodation and are regarded as Use Class C3 (dwellings) Consequently, the proposal is not in accordance with the outline planning permission and the full application submitted is the required approach.
- 10.5 The Masterplan SPD states that: "A hierarchical approach should be applied to delivery of elderly housing as follows:
1. Extra Care / Assisted Living Scheme
 2. Sheltered Housing
 3. Bungalows and smaller scale apartment developments".

This proposal is considered to represent a combination of points 2 and 3 with a low level of support provided to residents who are required to be aged 55 and over.

- 10.6 The Housing Strategy & Development Programme Manager has been consulted and is of the opinion that based upon current housing needs and trends the main need for the development of an Extra Care scheme in West Lancashire is in Skelmersdale. Although the masterplan aims to prioritise the principle of an extra care / assisted living scheme on the Yew Tree farm site, from a housing strategy and housing need perspective, the delivery of such a facility in Skelmersdale is prioritised not within Burscough, where it is thought any current extra care need is serviced by the existing 111 unit Extra Care scheme in Ormskirk known as 'Brookside'. Given this, the development of this form of housing in this location is considered to be consistent with the Masterplan and Policy SP3 in use terms and will deliver a form of housing that is clearly suited to the current and future aging profile of the Borough.

Affordable and Specialist Housing for the Elderly

- 10.7 To accord with the Masterplan and Policy RS2 of the Local Plan, 35% of the units across the whole site must be affordable. The Council will take account of viability when assessing individual schemes and if a level of affordable housing is lower than those set out above is proposed for a specific scheme, the Council expects robust information on viability to be provided by the applicant. In that regard, a Financial Viability Assessment was submitted to accompany the application. This concluded that the proposed scheme would produce a deficit and therefore no contribution could be made available to the Local Authority for Section 106 contributions including a commuted payment in lieu of onsite Affordable Housing.
- 10.8 The Council has employed an independent viability expert (CP Viability Ltd) to review and report on the applicant's assessment. Following a review, deficiencies were identified with the applicant's approach to benchmark land value which suggested that an off-site affordable housing contribution could in fact be provided. Further discussions have been undertaken and CP Viability Ltd have updated their appraisal on viability which shows an affordable housing contribution of £118,000 and a CIL payment of £173,283 is deliverable. This has been agreed by the applicant. The provision of an off-site contribution is considered appropriate given the limited amount of deliverable affordable units that could be provided on-site, and the specialist nature of provision. The scheme is therefore considered to accord with the National Planning Policy Framework and Local Plan Policy RS2. A condition is attached to ensure the development continues to operate as older persons accommodation.
- 10.9 Both Policy RS1 and Policy RS2 along with the Masterplan require that at least 20% of the total number of residential units on the site should be designed specifically to accommodate the elderly. This development is 100% for elderly people and in that sense significantly exceeds this requirement.
- 10.10 Policy BPH2 Housing Mix of the Burscough Neighbourhood Plan requests the submission of a "Local Housing Provision Statement" alongside developments of 10 or more dwellings that assess how the proposed development meets local housing need. Such a statement has been submitted which notes the changing demography of the area with significant increases in the proportion of the population being aged over 65 and the consequent need for more private older people housing which this proposal will serve to contribute towards.
- 10.11 Alongside the above, Policy BPI1 Development and Infrastructure, requires the submission of a statement outlining the infrastructure requirements, provision and delivery associated with the development including what is going to be provided by an infrastructure provider. The applicant's statement notes the delivery of utilities, drainage, highways and open space along with a school associated with the wider Yew Tree site. The development is located at the eastern edge of the site as proposed in the masterplan and as such is close to the facilities on offer in Burscough.

Layout, design and appearance

- 10.12 Policy GN3 of the WLLP together with the Council's SPD Design Guide is relevant in assessing the design and external appearance of the development and states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Buildings should not disrupt the visual amenities of the street scene because of their height, scale or roofline. The Yew Tree Masterplan SPD sets out that it is crucial that new developments

complement the context within which they will grow and that we build high quality homes that will provide visually pleasing environments where people will want to live and work. The SPD also states that the tallest building heights would most acceptable along the primary road frontages with a maximum of three storeys.

- 10.13 The application is comprised of two elements, the single two/three storey block located at the northern edge of the site overlooking the balancing pond and behind it a series of bungalows laid out formally in groups of semi-detached units with one group backing onto existing housing on Liverpool Road South. The apartment building is situated at the eastern side of the wider Yew Tree site at a prominent entrance point to the wider Yew Tree Farm development. The scale of the building at three storeys is one taller than neighbouring two storey housing however is set well off the public highway because of the drainage pond and as such is afforded a generous setting, reflecting its scale. As noted in the Masterplan SPD, three storey buildings are considered appropriate along primary road frontages and have been consented elsewhere along Chancel Way. The appearance of the building is distinctly residential, formed of brick with projecting gable ended elements finished in render and with a prominent feature of the design. The building is set within an area of hard and soft landscaping including a communal courtyard which faces towards the main road. The two wings of the building are two-storey reflecting the scale of neighbouring two storey housing. The 19 bungalows are of standard type formed of brick with grey roof tiles matching the finish of the apartment block. Each property is formed of two beds and comprises front vehicle parking and rear gardens.
- 10.14 The apartment block incorporates 48 flats, 29 x 1-bed and 19 x 2-bed. The majority have access to private balcony or ground floor external amenity alongside communal landscaped gardens to the front of the building incorporating a large area of hardstanding to facilitate external seating. The flats will also benefit from an internal communal space, internal mobility store and there are lifts to each floor. The flats and the housing will be designed to be fully accessible and to serve the needs of the occupiers.
- 10.15 The density and layout of the proposed development is commensurate with the size of the site having regard to the established housing and that associated with the recent Yew Tree residential permissions. The proposed design, size and mix of dwellings respects the character of the area and meets the needs of the intended elderly population. This palette of design and materials reflects housing within the wider area and are therefore consistent with the aims of the NPPF and Policy GN3.
- 10.16 In terms of open space, the Council's Public Open Space in New Residential Developments Supplementary Planning Document (2014), sets out that developers of new residential developments will be required to provide public open space on-site. For residential developments over 39 and below 290 dwellings, developers are required to provide 13.5 square metres of public open space per bedroom developed. This public open space should typically take the form of informal amenity green space. If the developer proposes not to meet the requirement on-site, they must provide clear and robust justification why. In this instance, the outline consent associated with the wider site incorporated open space, including the creation of a 'Linear Park', the delivery of which has subsequently been commenced. Development on this site of older persons accommodation was factored into this overall provision hence the delivery of further space is not considered necessary. It is noted that there is communal provision within the site in the form of the landscaped gardens adjoining the apartment block. The applicant

has confirmed that this would be accessible to all residents including those occupying the bungalows.

Impact on Residential Amenity

- 10.17 The presence of accommodation in this location backing on to housing was established via the outline planning permission in 2015. This proposal provides for a three storey building that lowers to two storeys towards the rear of established housing on Liverpool Road South. Due to the layout and orientation, the primary aspects of the new flats would be north south and as such at an angle away from the rear windows of neighbouring housing. Some oblique views into rear garden views would be possible but not to an extent that would likely prejudice privacy given the distances involved. The nearest habitable room window to an existing window is in excess of 25 metres and is not facing, hence the privacy of neighbours in this regard would be safeguarded. A perception of overlooking within gardens could be associated with the flats at upper levels closest to existing residential boundary, however even then the distances and viewing angle preclude significant impacts. The one area where amenity could be prejudiced, concerns the presence of balconies within 15 metres of the nearest garden (at its closest). As the balconies are projecting more direct overlooking could be possible into neighbouring private amenity to the east. With that in mind a condition is recommended that the nearest balconies have privacy screens fitted to 1.6m to restrict views. In a similar vein, the introduction of opaque glazing is thought appropriate to the stairwell windows at the rear which are the closest openings to neighbouring property.
- 10.18 The three storey element is at least 25 metres west of neighbouring housing and the two storey over 22 metres away. This means that any overshadowing and loss of light associated would not prejudice amenity to any significant degree and would be primarily limited to late evening during summer months. As stated, the principle of development on it is established and subject to condition the harm of it is limited and not significantly prejudicial to neighbouring amenity.
- 10.19 Internally future residential amenity will be preserved given the proposed layout and scale. The bungalows by their nature will not present overlooking opportunities given the 1.8m high boundary treatment and are set sufficiently away from neighbouring housing not to present other amenity issues.
- 10.20 A number of residents have identified issues arising from construction noise and activity. Such harm is inevitable but short lived and can be addressed through planning condition and other relevant environmental protection legislation.
- 10.21 Whilst the development will result in the loss of some openness and limited light and overshadowing impacts, overall, the design is thought to be well considered and subject to conditions it is considered that the proposed development would satisfy the requirements of Policy GN3 of the Local Plan in respect of neighbouring amenity.

Access, Traffic and Highways

- 10.22 Lancashire County Council as Highway Authority consider that highway safety and capacity in the surrounding area will not be compromised as a result of the increased traffic generated by the proposal. The Transport Statement indicates that the development would generate approx. 4 two-way vehicle movements per hour during am peak hours and approx. 6 two-way vehicles movements per hour during

evening peak hour. This is less than the extra care accommodation would have created.

- 10.23 The applicant proposes that the internal road and footways/footpaths serving the development will remain private and will not be offered for adoption as a public highway, although it is expected that the internal roads and footway should still be constructed to LCC Specification for the Construction of Estate Roads. The Highways Authority initially raised concern with the details of the new junction onto Chancel Way which was considered short on width and lacked a footway on both sides of the road. Subsequent amendments have been made and the scheme is now in line with requirement subject to details to be later submitted under section 278 of the 1980 Highways Act.
- 10.24 In terms of parking provision there is sufficient off-street parking for the bungalow accommodation. In respect of the apartment units, the provision of 30 spaces to serve 48 apartments, represents a parking provision of 0.625 spaces per apartment. This falls shy of the Local Plan policy requirement of 57 spaces for the mix proposed. There is however a recognition that the nature of the occupiers and this accessible location means that the shortfall in this case is justified. The applicant has provided parking survey detail on a number of comparable schemes and shown that the ratio of parking to flats proposed is in keeping with the peak parking numbers for these other sites. It is also recognised that the type of user of this form of accommodation is less likely to have a private vehicle particularly in later years. The Highways Authority have raised no objections to parking numbers and the scheme is not considered to prejudice highway safety or create congestion in this regard.
- 10.25 The car parking includes 3 accessible spaces and 2 electric vehicle charging points with ducting being provided to the remainder of the parking spaces so that further electric vehicle charging points can be provided based on demand in the future. Such an approach is considered appropriate and in line with recent West Lancashire planning decisions. A condition on this is recommended, alongside one in respect of cycle storage for both occupiers and visitors to the site.
- 10.26 Subject to conditions the proposed development is acceptable and would not lead to a detrimental impact on highway safety, in accordance with Policy GN3 and IF2 of the Local Plan.

Trees/Landscaping

- 10.27 A Tree Survey was submitted alongside the application. It highlights that there are no Tree Preservation Orders associated with the site. The proposal will provide for at least 40 new trees alongside hedging and shrub planting. The level of planting is welcomed. It will enhance the scheme visually and provide additional benefits such as screening. Overall, subject to condition the proposal accords with Policy EN2 of the Local Plan.

Drainage and Flooding

- 10.28 A Flood Risk Assessment (FRA) was submitted following an objection raised by the Local Lead Flood Authority (LLFA). The FRA highlighted that the site is located within Flood Zone 1, which indicates that the site is at low risk of fluvial or tidal flooding. In addition, Environment Agency records state that the site is at very low risk of surface water and/or Groundwater flooding.

- 10.29 In relation to the control of surface water, the FRA sets out that the surface water run-off from the undeveloped greenfield site currently discharges by overland flow across the existing ground contours to an existing drainage ditch along the west site boundary. Paragraph 169 of the NPPF requires that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy GN3 and the Masterplan SPD require the use of SuDs on this site and identify that due to fragmented ownership across the site, a comprehensive strategy is unlikely and therefore a series of safeguards in respect of phasing of development will be required.
- 10.30 The Planning practice guidance sets out the approach to the types of sustainable drainage system which it may be considered. Where possible, preference should be given to multi-functional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following drainage hierarchy:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 10.31 As mentioned, development on this site has been subject to a recent consent which was the subject of an FRA. A detailed geotechnical survey carried out at the Yew Tree Farm site in 2011, identified that there is a boulder clay sub soil strata over the entire area and that consequently, the use of any ground infiltration techniques within the SuDS design may be limited to only partial infiltration at best. Hence, in relation to this site, given the ground conditions the appropriate mechanism for addressing surface water drainage was to discharge surface water existing streams and watercourses. This method has already been determined and constructed in the form a balancing Pond A and the associated flow controlled discharge (5 litres per second), a result of the drainage strategy submitted in connection with the Redrow scheme opposite this site. The proposed surface water drainage system will discharge to the constructed Pond. The applicant has accounted a 40% Climate Change Allowance (CCA) in their modelling. The LLFA have advised that due to recently updated guidance the CCA for sustainable drainage were updated to 45% for peak flow control and volume control for the 1% (1 in 100-year) annual exceedance probability event, and a 40% allowance to be applied for the 3.3% (1 in 30-year) annual exceedance probability event. A pre-commencement condition in that regard is recommended alongside others concerning construction surface water and long term sustainable drainage management.
- 10.32 The proposed foul water discharge will connect to a new Private Pumping Station and rising main, discharging into the adopted public foul sewer in Chancel Way to the north of the site. This foul sewer flows east and connects to the public combined water sewer in Liverpool Road South. United Utilities have raised no objections.
- 10.33 The drainage strategy for this greenfield site is established. The Lead Local Planning Authority has been consulted and have raised no objections to the proposal subject to planning conditions requiring the submission of full surface water drainage strategy details prior to commencement and other conditions in respect of drainage management. Consequently, it is considered that an appropriate drainage strategy can be implemented in accordance with Policy GN3 of the Local Plan.

Biodiversity

- 10.34 Policy EN2 in the Local Plan requires that 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.
- 10.35 The applicant submitted an Ecology Report alongside the application. The site is close to agricultural land which may provide functionally linked habitat to the international and national designated natural sites. MEAS have reviewed the submission and advised that there are no likely significant effects on the national and international sites and the proposals do not warrant a Habitats Regulations Assessment. The proposed site comprises partly of arable land; however, it is enclosed on all sides with housing to the east, housing development to the west, wooded area to the south, and the balancing pond, roads, and further housing to the north. Being enclosed reduces the likelihood of species such as pink-footed goose and whooper swan using a site like this for feeding. The proposed development lies within the Natural England SSSI Impact Risk Zone (IRZ) (August 2022). As such Natural England needed to be consulted. In response, Natural England raised no objections.
- 10.36 In terms of existing ecology, Montbretia, an Invasive Species as listed on Schedule 9 of the Wildlife and Countryside Act, has been identified as present. In that regard a pre-commencement condition requiring details and methods associated with its disposal is recommended.
- 10.37 There are no evidence of bats present on the site. A condition in respect of lighting is recommended to safeguard roosting, foraging and commuting habitats. The PEA provides for a series of suggested biodiversity enhancements associated with the scheme. In that regard conditions concerning bird and bat boxes and other measures are recommended. These conditions plus those others referred to will ensure that the proposal complies with policy EN2 of the Local Plan.

Coal Mining

- 10.38 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD Policy M2 identifies the site as falling within a Minerals Safeguarding Area. A Mineral Assessment was submitted with the original outline application. This concluded that the future extraction of the silica sand from the site was unlikely, due to the very small thickness of the deposit which is too thin to be worth extracting. The principle of residential development on this site is established and as such the proposal is in compliance with Policy M2 of the Minerals and Waste Site Allocations DPD.

11.0 CONCLUSION

- 11.1 The development of a residential development for older persons on this site is considered to accord with the aspirations of the Yew Tree Masterplan SPD and deliver a form of housing in need locally. The scheme will deliver a valuable affordable housing contribution and is acceptable in terms of design, highway safety, residential amenity, drainage and ecology. Subject to appropriate conditions and a legal agreement it is considered that the proposals accord with relevant policies in the NPPF and Local Plan.

12.0 RECOMMENDATION

- 12.1 That the decision to grant planning permission be delegated to the 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 require:

McCarthy and Stone, on implementation of the new planning permission (or subsequent s73 (if applicable):

- Make a contribution of £118,000 towards off-site affordable housing

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Director of Place and Community be given delegated authority to REFUSE the application.

12.2 That any planning permission granted by the Director of Place and Community pursuant to recommendation 12.1 above be subject to the following 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:

NO-2788-3-AC-0001 Rev A Location Plan
NO-2788-3-AC-0002 Rev B Proposed Site Plan
NO-2788-3-AC-0003 Rev A Proposed Boundary Treatment Plan
NO-2788-3-AC-0005 Streetscene A – A
NO-2788-3-AC-1001 Proposed Floor Plans
NO-2788-3-AC-1002 Proposed Roof Plan
NO-2788-3-AC-2001 Proposed Elevations 1 of 2
NO-2788-3-AC-2002 Proposed Elevations 2 of 2
NO-2789-3-AC-2000 Bungalow B4 Triple, Floor Plan and Elevations
NO-2789-3-AC-2001 Bungalow B7 Semi, Floor Plan and Elevations
NO-2789-3-AC-2002 Bungalow B4 Semi, Floor Plan and Elevations
NO-2788-03-LA-101 Rev A Landscape Layout
McC&S-CW-H-DEV-100-001 Rev B Proposed External Levels Layout 1 of 2
McC&S-CW-H-DEV-100-002 Rev B Proposed External Levels Layout 2 of 2
McC&S-CW-H-DEV-100-003 Rev B Proposed Drainage Layout 1 of 2
McC&S-CW-H-DEV-100-004 Rev B Proposed Drainage Layout 2 of 2

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 occupation of each of the Retirement Living apartments and bungalows shall be restricted at all times to people of 55 years and above.

Reason: To safeguard the provision of older persons accommodation in accordance with the Yew Tree Farm Masterplan Supplementary Planning Document and Policies RS1 and RS2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. All hard and soft landscape works shall be carried out in accordance with the approved details shown on NO-2788-03-LA-101 Rev A Landscape Layout. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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.

6. The works should be undertaken in full accordance with the Tree Survey (Keen Consultants, November 2021) and Tree Constraints Plan.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The building shall not be occupied/brought into use until details of the number and location of bird nesting boxes, bat boxes, hedgehog highways and other biodiversity enhancements to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The boxes and other enhancements shall be installed in accordance with the approved details prior to the first occupation of the building and shall be retained at all times thereafter.

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

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

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

9. 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:
- 24 Hour emergency contact number;
 - Details of the parking of vehicles of site operatives and visitors;
 - Details of loading and unloading of plant and materials;
 - Arrangements for turning of vehicles within the site;
 - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
 - Measures to protect vulnerable road users (pedestrians and cyclists);
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
 - Measures to control the emission of dust and dirt during construction;
 - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Construction vehicle routing;
 - Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to comply with policies GN3 and IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. Prior to the commencement of development, the applicant should submit a method statement on the removal of Montbretia, an invasive species, which includes the following information:
- A plan showing the extent of the plant(s).
 - The method(s) that will be used to prevent the plant/s spreading further, including demarcation.
 - The method(s) of control that will be used, including details of post-control monitoring.
 - How the plants will be disposed of after treatment/removal.

Reason: To remove an invasive species as listed under Schedule 9 of the Wildlife and Countryside Act (1981) and ensure the protection of the native natural environment in accordance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

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 to comply with policies GN3 and IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. Prior to the commencement of any part of the development details of a scheme to prevent mud, stones and debris being carried onto the highway shall be submitted to and approved in writing by the Local Planning Authority. Provision to sweep the surrounding highway network by mechanical means shall be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety and to ensure compliance with the criteria of Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and to ensure compliance with the criteria of Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. The new estate road / access between the site and Chancel Way shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and to comply with Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The parking provision shown shall be provided prior to first occupation of the building hereby approved. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Prior to first occupation, details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

17. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk and surface water drainage assessment (October 2022, Ref: 16079 – FRA_PHASE 3, Rutter Johnson). The measures shall be fully implemented prior to the first use of the development 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 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

18. 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 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.

The details of the drainage strategy to be submitted for approval 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) for the whole site, including all existing and proposed surface water drainage systems.

b) Where existing on site surface water drainage systems are to be reused, evidence is required to confirm that these systems are in sufficient condition to accept additional surface water runoff generated from the development.

c) 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. Surface water sustainable drainage layout plan showing all pipe and structure references, dimensions and design levels, to include all existing and proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing 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 building and connecting cover levels to confirm minimum 150 mm+ 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, protect 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 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

19. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the local planning authority. The details of the plan to be submitted for approval shall include for each phase, as a minimum:
 - a) Measures taken to ensure surface water flows are retained on-site during construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
 - 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 plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: 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 during any construction phase in accordance with Paragraph 167 of the NPPF.

20. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
 - a) A timetable for its implementation;
 - b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
 - c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
 - d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
 - e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
 - f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
 - g) Means of access for maintenance and easements.

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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

21. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

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 the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

22. Prior to the occupation of development hereby permitted full details (including elevations and materials) of cycle stores for occupiers and visitors shall be submitted to and approved in writing by the Local Planning Authority. The covered cycle stores shall be constructed in accordance with the approved details prior to the first use of the building.

Reason: In the interests of residential amenity and to encourage more sustainable methods of transport in accordance with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

23. Notwithstanding the approved plans a minimum of 10% of the approved car parking spaces associated with the apartment building shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the buildings hereby permitted. The spaces shall be made available for electric vehicle charging in accordance with the approved timetable at all times thereafter.

Reason: In the interests of residential amenity and to encourage more sustainable methods of transport in accordance with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

24. At least 1 electric vehicle charging point should be provided for each bungalow hereby approved prior to occupation.

Reason: To encourage more sustainable methods of transport in accordance with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

25. Notwithstanding the approved plans details of the effective privacy screening of windows within the east stairwells of south facing elevation and the east facing balconies of the flats nos. 29 and 44 (as shown on approved drawing: NO-2788-3-AC-1001 Proposed Floor Plans) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the apartment building. The approved details shall be installed and retained as such at all times thereafter.

Reason: To protect the privacy and amenity of adjacent residential properties and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.