



PLANNING COMMITTEE: 23rd November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

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PLANNING APPLICATION REF: 2022/0883/FUL

PROPOSAL: Change of use, alterations and conversion of the Sisters Of Notre Dame Convent buildings (Lancaster House, The Cottage and Coach House) into 10 residential units with the construction of 13 no. new build houses, including widening of Lancaster Lane entrance to provide access and egress, parking, landscaping and other associated works.

APPLICANT: Parbold Convent

ADDRESS: Sisters of Notre Dame Convent, Lancaster Lane, Parbold

REASON FOR CALL IN: Application has been called in by Cllr David Whittington to consider impacts on the village including implications for the local primary school opposite the site and the surrounding highway network.

Wards affected: Parbold

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks the conversion of the convent buildings into 10 dwellings and the erection of 13 new dwellings with associated egress, car parking and landscaping.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That planning permission be GRANTED subject to conditions and a legal agreement.

3.0 THE SITE

- 3.1 The application site comprises the former Sisters of Notre Dame Convent and its grounds situated at the junction of Tan House Lane to the north and Lancaster

Lane to the east. The site spans approximately 2.67 hectares and is currently accessed from two points on Lancaster Lane.

- 3.2 Lancaster House is the former home of the Ainscough family and was constructed around the middle of the 19th Century. Since 1947 it was used by the Sisters of Notre Dame of Everton Valley, Liverpool before being used as a home for retired nuns. The convent closed in 2020, with the diminishing size of the Order resulting in the property being surplus to requirements.
- 3.3 The wider site within which Lancaster House sits includes a number of different buildings of differing eras as the care facility development was added to over time. A part 2 and part 3 storey residential expansion and chapel was built in the 1980s. These formed a nursing wing to the west of Lancaster House, dividing the site, with the historic landscaped grounds to the south and a parking area to the north.
- 3.4 There is a 19th century Coach House located to the north of Lancaster House. This is a substantial two storey stone built block with a tower which in part was converted into residential accommodation with the remainder being in office use. The site is enclosed by stone walling with substantial boundary tree planting within the grounds of the former convent.
- 3.5 Parbold Douglas Church of England Academy School is located on the opposite side of Lancaster Lane, opposite the main access into the site. The west of the site shares a boundary with houses on Brandreth Drive and Tan House Lane with the southern boundary adjacent to Our Lady & All Saints RC Church, a Grade II listed building.
- 3.6 The site lies within the Lancaster Lane Conservation Area.

4.0 PROPOSAL

- 4.1 The application proposes the conversion of Lancaster House and its attached cottage into five apartments and the conversion of the existing Coach House also into five dwellings. The former nursing wing and chapel will be demolished, and 10 dwellings will be erected within the grounds. Two new detached dwellings are proposed to the east of Lancaster House.
- 4.2 The formal landscaped gardens which lie to the south of Lancaster House will be retained and restored. The extensive landscaping to the site boundaries with Tan House Lane and Lancaster Lane will be retained where possible.
- 4.3 The proposal includes the widening of the existing Lancaster Lane southern entrance to be used as an access and egress point whilst the existing northern entrance will be used for pedestrians and cyclists only.
- 4.4 The proposed dwellings will be provided with car parking with a mix of parking courts, detached and integral garages. Electric Vehicle charging points will be provided for the dwellings.
- 4.5 Through negotiations with the Applicant during the planning application process, the design of the scheme has been amended as follows:

- The Tan House Lane egress has been removed to retain more of the perimeter trees.
- The internal site access has been reconfigured to allow access from Lancaster Lane southern entrance including the redesign of Plot 1
- Plots 6 and 7 towards the north of the site have been pulled away from the perimeter to allow for more tree retention and are smaller dwellings.
- Dwellings to the east have been redesigned to avoid root protection areas.
- Lancaster House has been redesigned from a dwelling/apartment scheme to an apartment only scheme with undercroft parking to reflect market demands.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 There have been a number of planning applications in relation to tree works and minor alterations to the site but only two are relevant as below:

- **T/2023/0095/TCA** – Highways Act 1980 – Section 154 – Fell three dead elm trees and prune low branches over the highway to achieve the required clearance opposite 26 and 28 Tan House Lane – Pending Consideration.

It is important to clarify that the above application has been submitted by Lancashire County Council Highways, and not the landowner, to fell dead trees which are overhanging the highway and require removal on highway safety grounds.

- **2017/0975/OUT** – Outline – Conversion of Lancaster House to care village including details of access, layout and scale – GRANTED 9 August 2018

6.0 OBSERVATION OF CONSULTEES (SUMMARIES)

6.1 **Arboricultural Officer (23/06/23)** – All trees are protected by the Lancaster Lane Conservation Area and provide a high level of public amenity to Lancaster Lane and Tan House Lane. They also offer some private amenity to adjacent residents. The proposal has not given material considerations to trees and has not taken them as a constrain. All A & B classified trees are material considerations, and the proposal should be designed in a way to harmonise with them. Significant numbers of trees would be lost during the construction phase and following occupation further trees would be lost due to compromised light conditions. The extent would see the vast majority of the trees fronting Tan House Lane removed which would significantly change the character of the area. I recommend refusal in accordance with Council Policy and suggest that future designs take into account BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations.

6.2 **Arboricultural Officer (16/10/23)** – I consider the trees fronting the site to provide a significant level of public benefit by way of visual amenity. This scheme will degrade that level of visual amenity whereas it could very easily contribute and enhance the area with a scheme that harmonises with the existing trees and improves the frontage tree belt. In my view the trees fronting the site are very important and the scheme should protect and enhance a belt of greenery around the perimeter to justify any development. Currently all trees along the Tan House Lane frontage and Lancaster Lane are at risk. They may survive the initial development but as soon as residents move in the trees will be removed due to the oppressive relationship left between trees and dwellings. The applicant needs

to consider a retained belt of trees around the perimeter of the site and showing enhancement to that belt. Ensuring continuity and gapping up. That belt shall not form part of any planning 'garden curtilage' or usable garden space and would be best served in a management company. Where a good belt of trees can be shown fronting the site and providing a good level of public benefit by way of visual amenity that also harmonises with the design of the dwellings and site layout then this would justify the large number of conservation area tree that are being removed as part of the scheme.

- 6.3 **Conservation Officer (07/02/23)** – Supports the principle of the conversion of the original buildings subject to conditions relating to sample of materials. The intensification of development on the site would result in less than substantial harm to the special character and appearance of Lancaster Lane Conservation Area.
- 6.4 **Environmental Protection Team (13/07/23)** – No objections subject to conditions
- 6.5 **Housing Strategy (06/12/22)** – No objections
- 6.6 **LCC Archaeology (28/09/23)** – The submitted Written Scheme of Investigation is appropriate.
- 6.7 **LCC Highways (20/09/23)** – No objections subject to conditions and informatives.
- 6.8 **LCC School Planning Team (27/09/22)** - An education contribution is not required at this stage in regard to this development.
- 6.9 **Lead Local Flood Authority (26/09/23)** - The Lead Local Flood Authority wishes to withdraw its objection to the above application as further information has been made available to the Lead Local Flood Authority. The application will be acceptable subject to the inclusion of the conditions and informatives.
- 6.10 **Merseyside Environmental Advisory Service (MEAS) (23/10/23)** – No objection subject to conditions
- 6.11 **Natural England (21/06/23)** – No objection
- 6.12 **Strategic Planning (26/09/22)** - The application is located within the settlement boundary of Parbold, a Key Sustainable Village, as identified by policies GN1 and SP1. There are environmental constraints at the site, principally the fact that part of the site is identified as open space and the historic environment (the presence of designated and non-designated heritage assets). Part of the site is identified as open space and therefore Policy EN3 applies. Consideration needs to be given as to whether the function of the open space and green infrastructure network in the area will change as a result of the proposed development.
- 6.13 **United Utilities (06/07/23)** – No objection subject to conditions
- 6.14 **WLBC Principal Engineer** – No comments received.

7.0 OTHER REPRESENTATIONS

7.1 Four letters of objections were received to the original scheme as summarised below.

- Positioning and design of proposed type 'D' dwelling would be located beyond the footprint of the Convent buildings proposed to be demolished and encroaches onto land designated as green infrastructure and open recreational space to be protected. The proposed dwelling will overlook and lead to a loss of privacy and amenity to no 97 Brandreth Drive which is located 2m lower. Type D is three storeys and has a rear balcony at first floor level. Type D dwelling should be repositioned, redesigned or removed.
- Trees should be protected by a Tree Preservation Order
- The access point from the original Convent access further south on Lancaster Lane has good sight lines, is well away from the school crossing patrol and has minimal impact on the Conservation Area. The scheme should be amended to take all access from this alternative point.
- The exaggerated pointed gables are out of character with the historic Convent buildings and the conservation area
- Existing trees many of which are Category B trees on the northern boundary of the site bordering Tan House Lane are located within a conservation area and should not be removed unless necessary.
- Plot 7 on the Proposed Layout Plan is not in line with the existing houses on Tan House Lane and is near the proposed egress onto Tan House Lane
- Further clarification is required for the operation of the proposed vehicular egress onto Tan House Lane which is particularly busy between the hours of 08.00-09.00 and 15.00-16.00 and is used throughout the rest of the day as on-road parking. The application documents do not outline what additional parking restrictions will be implemented on Tan House Lane. There should be an extension of double yellow lines along Tan House Lane to control parking, improve visibility for cars exiting the site and overall highway safety. The exit of vehicles from the site onto Tan House Lane needs to be controlled but further information is needed on how this will be managed.
- Negative impact on residential amenity as a result of the proposed access onto Tan House Lane
- Increased flood risk not only on the site itself but onto surrounding roads and properties
- Serious concerns with the one way system to access the new properties with an exit through the current stone wall onto Tan House Lane due to conflict with school traffic.
- A footpath should be incorporated within the development for the use of residents, pedestrians and school children from the car entrance onto Lancaster Lane close to the RC Church, to the other entrances on Tan House Lane and to Lancaster Lane opposite the school.
- Some form of attenuation tank should be installed during the construction phase of the Convent to reduce the water flow from the grounds and water that may come from the hillside through the Parbold Douglas school grounds, which has in the past caused significant flooding.
- An environmentally friendly heating system should be installed, ground source heating pipes installed during the construction phase, solar panels fitted and possibly a 3 phase supply to the larger houses.

- 7.2 One further objection has been received since the redesign in relation to overshadowing, loss of privacy and noise levels from Plots 1-7 to dwellings to the west along Brandreth Drive.
- 7.3 One letter of support has been received to the original scheme as follows:
- I am pleased to see that our objections to the previous plan have been recognised and support the application insofar that the recognition awarded by the Heritage Statement to the historic importance of Our Lady & All Saints Church and grounds is given the prominence it deserves.
- 7.4 One further letter of support has been received since the redesign as follows:
- It is a good plan to change the use of the convent of Notre Dame and build residences. To leave the building to deteriorate would be detrimental to the area. The tree survey seems very comprehensive. Some trees are old and need reducing in height and can be replaced by more diverse planting.
- 7.5 One neutral letter has been received since the redesign summarised as follows:
- Pleased to see the damaging access to Tan House Lane now omitted but it is unclear as to the extent of tree felling. The trees make a major contribution to the character of the Conservation Area. The Layout appears to have been designed as if it were a cleared site, not one containing many mature trees. The council should make a Tree Preservation Order for the more significant trees on the site before the application is considered by the Planning Committee.
- 7.6 Parbold Parish Council also provided their comments to the original scheme stating that they support the in (Lancaster Lane) and out (Tan House Lane) access arrangement as this would limit the environmental impact of a 2-way access on either of these frontages. On Tan House Lane, the single exit access would require the felling of several trees, all of which are poor specimens and in the case of the large ash, clearly dying. The single access would also limit the amount of stone wall to be removed and repositioned. To position this proposed access anywhere else on that frontage, or to widen it, would require the felling of much better quality mature trees, and a much wider and more intrusive opening in the stone wall. We would therefore strongly oppose any suggestion that the sole vehicular site access be to and from Tan House Lane. We feel that necessary adjustments to the width and/or visibility splay at the (in) access on Lancaster Lane (for example, to achieve a safe pedestrian access at that point) would have a minimal impact on the Conservation Area.

The proposed house on Plot 10 would be sited in an area currently overhung and dominated by massive (oak?) trees. The plot is itself very large, and the precise positioning of the house should take account as far as possible of the impact on these trees (root areas) and of the trees themselves upon the proposed house (daylight, leaf fall). Otherwise, there would be strong subsequent pressure for works which would damage the tree.

We consider that drainage matters should not be left to a condition on a planning consent, but should be dealt with in advance, in depth, and by S106 agreement.

The Parish Council collectively has had considerable experience, over the past decade, of flooding in Parbold, its causes and potential solutions, and we would be happy to assist discussions in any way we can. Since the major floods in 2015, several development sites in Parbold have had to be engineered with special works to forestall flooding. We would expect WLBC to draw the current Applicant's attention to these, and to insist upon appropriate preventative measures on this particular site to prevent knock-on impacts of development upon properties downhill of the site.

We would ask that a pedestrian access path should be provided roughly north-south through the site. This would bring considerable public benefit, both to the residents of the site themselves, and also to local people who would be able for the first time to enjoy the landscaped areas at the far southern end (which do not form part of the development). It is acknowledged that such access should be daytime only.

8.0 SUPPORTING INFORMATION

Air Quality Assessment and Technical Note
Arboricultural Impact Assessment
Arboricultural Method Statement
Bat Dusk Dawn Survey and Mitigation
Biodiversity Net Gain Assessment
Daylight Analysis Report
Design and Access Statement and Note
Energy Statement
Flood Risk Assessment
Heritage Statement
Lighting Impact Assessment
Noise Impact Assessment
Phase 1 Geo Environmental Investigation
Planning Statement
Preliminary Arboricultural Assessment
Statement of Community Involvement
Transport Assessment and Technical Note
Updated Preliminary Ecological Appraisal
Utility Services Due Diligence Assessment
Written Scheme of Investigation

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (Local Plan) provide the policy framework against which the development proposals will be assessed.
- 9.2 The north portion of the site is included within the settlement boundary of Parbold, which is classed as a Key Sustainable Village, whilst the southern section is designated as Green Infrastructure/ Recreation Space in the Local Plan. The entire site is within the Lancaster Lane Conservation Area. Lancaster House is a Locally Listed Building, and the site lies adjacent to the Grade 2 Listed Our Lady and All Saints Church.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 – Residential Development

IF2 – Enhancing Sustainable Transport Choice

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 Cultural and Heritage Assets

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 and Specialist Housing for the Elderly

Heritage and Design

Residential Amenity

Arboricultural Impacts

Ecology

Highways Impacts

Drainage

Principle of Development

10.2 The NPPF and the Local Plan provide the policy framework against which the development proposals will be assessed. Policy RS1 of the Local Plan states that within the Key Sustainable Villages, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. The principle of residential development on the majority of the site (outside of the Green Infrastructure/Open Recreation Space) would therefore be acceptable subject to compliance with other relevant planning policies.

10.3 Unlike the Outline Application for the conversion to a care home which was granted in 2018, this planning application proposes a slight incursion into the southern part of the site which is designated as Green Infrastructure/Open Recreation Space in the Local Plan. This includes the gardens of Plots 1 and 13. Policy EN3 requires the loss of existing open space to meet one of three conditions which includes:

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

10.4 The gardens of Plots 1 and 13 are in areas which are currently laid down as lawn and will remain as such, albeit not accessible to the public. Importantly the site is

privately owned, and public access has always been at the discretion of the landowners. This public access will be retained through the site as part of this proposed development with a footpath connection north-south. Alongside this, the development overall provides mitigation for the loss of the lawned areas through restoration and enhancement of the formal historic gardens, further details of which is provided in the chapters below. I therefore consider that the principle of development is acceptable.

Affordable and Specialist Housing for the Elderly

- 10.5 In accordance with Policy RS2 of the Local Plan and recent Government case law residential developments involving 15 or more dwellings are required to provide a minimum of 35% of affordable housing. National policy includes 'Vacant Building Credit' where, in the case of redevelopment of sites that include vacant (but not abandoned) buildings, the proportion of affordable housing required is reduced according to the amount of vacant floorspace being redeveloped. This equates to the provision of one affordable unit which in consultation with the Housing Strategy and Development Programme Manager will be secured either on site or via a commuted sum to deliver off-site via a S106 legal agreement.
- 10.6 Both Policy RS1 and Policy RS2 require that at least 20% of the total number of residential units on the site should be designed specifically to accommodate the elderly and which will be secured via a S106 legal agreement. The new dwellings will be designed to Part M4 (1) standard of the Building Regulations as the properties will have level access and sanitary facilities on the entrance storey. The existing lift within Lancaster House will also be retained to serve Apartment 2, enabling it to be fully accessible.

Heritage and Design

- 10.7 The site lies within the Lancaster Lane Conservation Area. Lancaster House is a Locally Listed building, and the site lies adjacent to the Grade 2 Listed Our Lady and All Saints Church.
- 10.8 The principal statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities (LPA's) should, in coming to decisions, refer to the principal act in its decisions and/or assessments, which requires for;

Conservation areas – Section 72(1)

That special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Listed Buildings - Section 66(1)

That the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 10.9 Decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and take into account the fact that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

- 10.10 The NPPF states that, in determining planning applications LPAs should take account of:
- a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *The desirability of new development making a positive contribution to local character and distinctiveness.*
- 10.11 Paragraph 199 of the NPPF goes on to say that the significance of a heritage asset needs to be given weight to the asset's conservation. The more important the asset, the greater the weight be provided to its significance. Paragraph 202 requires that where a proposal leads to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 10.12 Policy EN4 of the Local Plan advocates a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects listed buildings, a Scheduled Ancient Monument, a conservation area, historic park or garden or archaeological remains, and part 2(ii) of the policy states that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of special interest.
- 10.13 The scheme will retain the key historic buildings within the site – Lancaster House, including the attached 'cottage' and the former Coach House. The remaining 20th Century buildings (including the Nursing Wing and Chapel) which have low significance in terms of their contribution to the overall heritage value of the site will be demolished as part of the redevelopment. The application has been supported by a Heritage Statement which has confirmed the demolition of the modern detractor buildings will have a beneficial effect on the setting of the non-designated Lancaster House and Coach House and this conclusion has been accepted by the Conservation Officer.
- 10.14 In the wider context the site benefits from an extensive area of mature trees, gardens and landscaping, glimpsed from the streetscene over the 2m stone boundary wall which runs along the perimeter of the site along Lancaster Lane and Tan House Lane. The Conservation Area Appraisal (January 2003) describes the character of this section of Lancaster Lane: *"The area retains a rural feel, enhanced by mature fields and the areas of open farmland which run alongside parts of Lancaster Lane"*. There is significant screening provided by vegetation along the northern and eastern boundary and the site represents a transition from the surrounding rural landscape to the beginning of the settlement of Parbold.
- 10.15 From a conservation point of view, it is the northern part of the site which is the most sensitive. The current buildings within the site are a mix of two and three storey blocks, dictated by the changes in land levels across the site. The proposed new residential blocks would be three storeys but with the impact of this upper storey reduced by setting it in from the front elevation and the incorporation of balconies at first floor level. Their size and location will clearly mark them out as a new feature of the streetscape along Tan House Lane, which is typically formed of

large Edwardian and mid-20th Century properties, with some infill of smaller bungalows. The street scene is therefore domestic in scale, which is an important consideration for any proposed new development along this stretch of the Conservation Area. The Conservation Officer has confirmed the new dwellings will be subservient to Lancaster House, in terms of scale and mass, and whilst of a high-quality design, they will not compete with the architecturally dominant 19th century villa element. Instead, the proposed dwellings will complement Lancaster House by incorporating design cues such as a gabled roofline and a consistent materials palette of coarse and smooth facing stone and grey slate roof.

- 10.16 In terms of Lancaster Lane, the proposed new development would be largely imperceptible from the principal view of the site from the Conservation Area along this road. This is due to the screening provided by vegetation and the location of the new development away from the eastern boundary. The majority of the extent of new development proposed will be located in the northern section of the site which is mainly hard surfaced for parking or replacing the demolished nursing wing.
- 10.17 In relation to the Listed Church, the issue is whether the proposal would preserve the character (including its setting) of the building. The Church is a significant landmark in the area which can be glimpsed through the generous tree cover when travelling along Lancaster Lane, but its spire can also be clearly viewed from across the fields around the southern end of Parbold due to its location on higher ground partway up the rise of Parbold Hill. However, given the separation distance (occupied by landscaped grounds) between the proposed development which would be to the rear of Lancaster House and the Listed Church set within its churchyard, in consultation with the Conservation Officer it is not considered that the proposed development would be seen within the same context as the church. Therefore, the proposals would not impact upon its setting.
- 10.18 The Conservation Officer has requested two conditions, one relating to the submission of materials/samples so that they can be fully assessed for their visual impacts and the consideration of additional tree planting. Subject to these, and given the above assessment, the Conservation Officer has concluded that the intensification of development on the site would result in some harm to the character and appearance of the Conservation Area. The harm is likely to be 'less than substantial' as defined by paragraph 202 of the NPPF and therefore this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. Public benefits include the removal of 20th century additions from the non-designated heritage asset, bringing the site back into use, the delivery of market housing and the improvement in the quality of the open space which leads to a 10% Biodiversity Net Gain (further details provided in the below paragraphs).
- 10.19 Lancashire Archaeological Advisory Service has also been consulted as there is potential for below-ground remains and to assess the submitted Written Scheme of Investigation (WSI). They have recommended that the WSI is appropriate for the work and should be carried out in advance of, and during, the proposed redevelopment of the former convent site which will be secured via a planning condition.

10.20 The duty imposed by s.66(1) and S.72 of the P(LBCA) Act 1990 has been given considerable weight in the assessment of this application. In this instance the proposed development would lead to a less than substantial harm of character or appearance of the Lancaster Lane Conservation Area, but public benefits outlined above outweigh the level of harm. As such the proposal meets the statutory test and conforms to the planning guidance contained in the NPPF, Policy EN4 of the Local Plan and the Design Guide.

Residential Amenity

10.21 There are residential dwellings on Tan House Lane and Brandreth Drive (to the west of the site). The part of the development that would be closest to dwellings on Brandreth Drive (no. 97 and The Spires) would sit largely on the footprint of the existing building that is to be demolished (Nursing Wing) and would be set off the boundary by approximately 13m. At the point which would be closest to the residential boundary it would be smaller in scale than the existing building at approximately 6m high (compared to the existing building which is approximately 7m high), rising to approximately 11m which would be the highest point of the first floor of the new building. The first floor would be set in from the main elevation of the new building and as such would be approximately 26m from the residential boundary. In terms of potential impact on residents of Brandreth Drive I consider that the separation distances are sufficient to ensure that there would be no undue impact on residential amenity. There would be a separation distance of over 20m between the northern part of the new buildings and properties on the opposite side of Tan House Lane, this coupled with the screening provided by trees on the boundary ensures that residential amenity would be protected.

10.22 Concern has been raised about the increase in noise and activity on the site. The site has previously been used for residential purposes and I do not consider that the introduction of market houses on the site would increase noise and disturbance to a level that would warrant refusal of the application. The Environmental Protection Officer has reviewed the proposed development and is satisfied that the submitted design submission meets the Local Plan guidelines and therefore acceptable in environmental health terms subject to a number of conditions.

10.23 I consider that the proposed development would not have an undue impact on residential amenity in accordance with Policy GN3 of the Local Plan.

Arboricultural Impacts

10.24 Policy GN3 requires development to minimise the removal of trees, hedgerows, and areas of ecological value, or, where removal is unavoidable, provide for their like for like replacement or provide enhancement of features of ecological value. Policy EN2 states development involving the loss of trees of significant amenity will only be permitted where that development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. In such cases, the developer will be required to replace the trees lost on site with ones of at least equal value either on site or in that locality where it is unsuitable for the trees to be located on the particular site. Conditions will be imposed, or legal agreement made to ensure such mitigation measures are carried out.

- 10.25 The trees on site are located within a formal garden setting to the south of the site and also around the site boundaries. The trees are not subject to a Tree Preservation Order; however, they are protected as the site lies within the Lancaster Lane Conservation Area.
- 10.26 The original planning application initially sought to create a new access off Tan House Lane which resulted in the loss of a greater number of trees along the perimeter. As a result of this the Tree Officer objected resulting in the redesign of the scheme which now utilises the existing access points along Lancaster Lane. This has led to the reduction of tree removals across the site as follows:
- Category B – 6 trees, 2 groups, 1 tree from 1 group.
 - Category C – 14 trees, 4 groups, 1 tree from 1 group.
 - Category U – 11 trees
- 10.27 Only one Category B tree will be lost along the Tan House Lane perimeter, but this is part of a wider group (G21). G18 and T28 will also be lost but this is inset of the northern perimeter, whilst the remaining Category B trees are all inset of the site to the east (T93) and west (G38, T39, T40, T41, T42).
- 10.28 An Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted with the application. Due to the loss of trees identified, including the existing orchard and fruit trees located to the north of the application site, it is proposed that along with general soft landscaping, more substantial supplementary tree planting will support the development as shown on the soft landscaping plan. This includes the translocation of the orchard with fruit trees to the south of the site and the inclusion of street trees which is a key focus of the government in the NPPF and the National Design Guide (2021). The soft landscaping plan will see the planting of 81 trees which includes the translocated orchard, new species rich hedgerow including the gapping up of existing hedgerows and low hedging for the public open space areas. The AIA states the soft landscaping plan will give a greater diversity of age class on the site, increasing sustainability and give a greater diversity of species and therefore wildlife habitat.
- 10.29 It is clear from the Conservation Officer's comments that the development which is set back from Lancaster Lane retains many of the existing trees and hedging along the perimeter and will continue to retain the spacious sense of place within a residential area whilst being screened from view by the mature trees. It is this aspect which the Conservation Officer states will retain the character and appearance of the Conservation Area. This special interest will also be maintained by the retention of garden space within the southern half of the application area. The proposed layout does intend to allocate some of the garden space to the occupants of Lancaster House and the two new flanking detached dwellings, some of which will utilise existing hedgerows or tree alignments. However, to the south of the southern access, this area of the gardens will remain undeveloped which will maintain this portion of the visual and historic setting to the church.
- 10.30 Despite the amendments and the comments from the Conservation Officer, the Tree Officer has maintained their objection on the grounds of tree loss. It is considered by the Tree Officer that the trees fronting the site provide a significant level of public benefit by way of visual amenity and the scheme should protect and

enhance a belt of greenery around the perimeter to justify the development. As mentioned, many of the trees being lost are inset of the perimeter. Notwithstanding this, in the Tree Officer's opinion all trees along Tan House Lane and Lancaster Lane are at risk due to their oppressive relationship between the dwellings including no usable garden areas due to shading and the requirement for constant maintenance.

- 10.31 In respect of the garden spaces, the Design Guide SPD states that the minimum rear garden depth will generally be 10m which every dwelling on this site adheres to. The six dwellings along the north and east (Plots 7-12) are the most affected by existing trees but each of these plots have gardens ranging from 96sqm to 622 sqm. Of these six gardens, three have garden spaces outside of the tree canopies well exceeding 100sqm (which is a widely recognised industry standard for minimum garden sizes). Plots 8 and 9 have 88sqm of garden space outside of the tree canopy area, whereas Plots 7, 11 and 12 have over 200sqm of garden space outside of tree canopies. Therefore, whilst it is acknowledged that Plots 7, 8, 9, 11 and 12 will have mature trees within their gardens, they will have ample garden space that is not covered by tree canopies for the use and enjoyment of those residents.
- 10.32 The one plot that will be most affected is Plot 10 where of its 173sqm garden, only 26sqm will not be under tree canopy. This is primarily due to the presence of T16, a category B1 oak tree along Tan House Lane. The removal of this tree could be accommodated but given the importance of trees along Tan House Lane and the Conservation Area, it has been decided to retain this tree.
- 10.33 To supplement the above, the application has been supported by a Daylight Analysis Report of Plots 7-12. The results of this assessment found that all habitable rooms in these plots received adequate daylight. Plot 10 was found to receive the least amount of sunlight off all assessed dwellings. However, in winter the amount of daylight is expected to improve as the seasonal foliage naturally thins during winter months, allowing more sunlight to penetrate the habitable spaces – as is the case in all dwellings. It is also important to highlight that residents of this site will have also have a substantial amount of open space within the site, primarily to the south, next to the church, to enjoy at their leisure,
- 10.34 The Applicant has also confirmed that the properties will be sold on a freehold basis and the transfers will contain strict covenants including an obligation for each owner to comply with the requirements of the local authority and the conditions of any planning permission affecting the property. This would include any planning requirements relating to trees on site through both the approved scheme and site's location within a Conservation Area. This obligation is secured to apply to future purchasers in perpetuity by the new owner of each property having to enter into a deed of covenant directly with P J Livesey (the Developer) and the Estate Management Company every time each property is sold. There is also a restrictive covenant which will automatically bind future owners in perpetuity that no tree works can be undertaken on the property without first having obtained the prior written consent of P J Livesey - this is a second route by which P J Livesey ensure owners are bound to comply with any requirements relating to trees, and consent can be withheld at their discretion. This is done to ensure that the high-quality development delivered by P J Livesey can remain in perpetuity. In addition, there will be a covenant not to erect or plant any additional boundary features or make

any alterations or additions to any boundary features and a covenant restricting the erection of extensions, conservatories, porches, garages, outbuildings, sheds, greenhouses, oil tanks or hardstanding on any part of the Property or any area in respect of which rights of exclusive usage are granted. This level of restriction enforced by the developer will be closely matched by planning conditions restricting permitted development rights, ensuring that the soft landscaping plan and the AIA and AMS is adhered to, and the management of the site, including trees and open space is secured through a S106 legal agreement.

- 10.35 Taking all of the above factors into account, it is deemed that the development has been amended accordingly through the application proposal to minimise tree removals, whilst undertaking substantial tree and hedgerow planting which will retain the character and appearance of the Conservation Area and enhance the site's ecological value (see below Chapter) in accordance with Policies GN3 and EN2.

Ecology

- 10.36 Policy EN2 (1) of the Local Plan states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the development against the three tests of the Habitats Regulations:

Test 1: Regulation 55(1)(e): “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

- 10.37 The conversion of the building will create 23 dwellings which will contribute to Local Plan objectives. The proposals will replace an inefficient and abandoned building and create 23 modern, energy efficient dwellings. This test has been met.

Test 2: Regulation 55(9)(a): “that there is no satisfactory alternative”.

- 10.38 If the existing building is left it will continue to deteriorate. There are no satisfactory alternatives to the demolition of the building. Continued deterioration of the building could result in the loss of the existing bat roosting opportunities and as discussed below, the proposals will ensure that the site provides opportunities for bats in the longer-term. This test has been met.

Test 3: Regulation 55(9)(b): “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

- 10.39 A single Common Pipistrelle day roost is present within B2, three Common Pipistrelle day roosts used by singular bats was identified in B3 and one Common Pipistrelle day roost used by up to four bats was identified at B3. The August 2023 bat survey report enables the Council to complete the three test assessment (Habitats Regulations). As the proposals involve the destruction of a bat roost, the applicant will require a Natural England European Protected Species licence prior

to any demolition works commencing. Replacement roosting provision will be provided in the form of 2no. bat boxes that will be erected upon retained trees. These will be retained post works. Where roosts are to be lost new, like for like roosts will be created to provide permanent roosts. With the implementation of these mitigation measures, this test has been satisfied.

- 10.40 The applicant has submitted outline details of a scheme for compensating for the loss of the existing habitat and ensuring that there will be a net biodiversity gain on the site which involves the planting of trees, woodland, hedgerows and grassland and the incorporation of a wildlife pond to the south of the site. This results in a substantial net change of 28.97% of habitat units and 183.52% of hedgerow units well in excess of the prospective 10% net gain which will come into force in 2024. MEAS advise that the information provided is acceptable at this stage and that its implementation can be secured by means of a planning condition. The production of a full and detailed Landscape and Ecological Management Plan (LEMP) which covers management of the site in perpetuity is also required and can be secured by planning condition. The Estate Management Company will be responsible for following the LEMP which will include all woodland and individual trees within the individual private gardens, and which will be secured by a Section 106 Agreement.
- 10.41 Subject to appropriate conditions, advice notes and a Section 106 Agreement the proposed development would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of Local Plan Policy EN2.

Highways

- 10.42 Policy GN3 of the Local Plan states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with Policy IF2.
- 10.43 It is noted that the amended scheme removes the proposed vehicular access point from Tan House Lane and now proposes that all vehicular access will be provided via the existing southern access from Lancaster Lane. As part of this amended scheme layout (shown in drawing CBO-0738-004), it is proposed that this southern access be widened to allow 2 vehicles to pass. The existing gate piers and a section of wall would be taken down, and the gate piers rebuilt circa 5.5 metres apart. The actual vehicular footway crossing is wider than this and all widening would be within the site. Thus, there are no highway works associated with the amended scheme. The Highway Authority has been consulted and confirmed that the proposal to utilise the existing south access is acceptable. With this arrangement it is also proposed that the northern Lancaster Lane access be closed to vehicles and retained as a pedestrian and cycle access. The proposed gated estate road would not be suitable for adoption by LCC as highway authority and would remain privately maintained. There are no objections to the proposed amended scheme from the Highway Authority, subject to conditions and informative notes.
- 10.44 In terms of parking on the site, the proposed scheme shows 46no. car parking spaces for residents and 7no. spaces for visitors. Integral garages are also provided to many of the dwellings. The car parking numbers to be provided is acceptable and in accordance with Policy Gn3 and IF2 of the Local Plan.

10.45 I consider that the proposed level of car parking and access arrangements are acceptable and in accordance with Policy IF2 of the Local Plan.

Drainage

10.46 The planning application form advises that foul sewage will be disposed of via the main sewer, with surface water being disposed of via a sustainable drainage system and use of soakaways.

10.47 The site is within Flood Zone 1 and therefore has a low probability of flooding. A Flood Risk Assessment and Outline Drainage Strategy has been submitted with the application. It is proposed that surface water will discharge to the existing combined sewer in Tan House Lane via a new manhole at a restricted rate agreed with United Utilities of 8l/s as agreed which provides a significant reduction on the predeveloped rates. Sustainable urban drainage solutions encompass water butts, permeable paving, oversized pipes and two attenuation tanks which will provide storage for the 100 year + 40% climate change peak storm event. The Lead Local Flood Authority has reviewed the drainage proposals and recommended conditions to secure the submission of detailed drainage proposals.

11.0 CONCLUSION

11.1 The principle of the proposed development is considered to be acceptable and compliant with local plan policies and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts on conservation matters, neighbouring amenity, ecology habitat or protected species and highway and drainage issues. Concerns with respect to the loss of trees will be mitigated with substantial tree and hedgerow planting and existing and proposed trees will be protected by conditions, a S106 legal agreement and a covenant enforced by the developer. Against this, the soft landscaping plan indicates the planting of 81 trees and new species rich hedgerow including the gapping up of existing hedgerows and low hedging for the public open space areas, resulting in a substantial net change of 28.97% of habitat units and 183.52% of hedgerow units well in excess of the prospective 10% net gain which will come into force in 2024. It is therefore considered that on balance, the proposal complies with the NPPF, the relevant policies of the Local Plan and the guidance within Supplementary Planning Document - Design Guide.

12.0 RECOMMENDATION

12.1 That the decision to grant planning permission be delegated to the Director of Transformation, Housing and Resources in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into planning obligations under S106 of the Town and Country Planning Act 1990 to require:

- The terms, conditions and phased delivery of the affordable housing and specialist housing
- Details of the Estate Management Company responsible for the management of the site in perpetuity including onsite POS, formal and informal landscaping (including within the curtilage of dwellings) and the estate roads.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Director of Transformation, Housing and Resources be given delegated authority to REFUSE the application.

12.2 That any planning permission granted by the Director of Transformation, Housing and Resources 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:

Location Plan dwg no PJL.CND.LP.01
Site Plan dwg no PJL.CND.EFP.07
Demolition Plan dwg no PJL.CND.DP.01
Lancaster House Floor Plan dwg no 120-01-1003-A
Lancaster House LGF and GF Plan dwg no 120-01-1004-A
Proposed Hard Landscaping dwg no 130-00-1007-E
Proposed Site Layout dwg no 130-00-1101-E
Proposed Site Layout dwg no 130-00-1110-E
Proposed Refuse and Cycles Plan dwg no 130-00-1103-E
Parking Plan dwg no 130-00-1104-E
Proposed Boundary Treatment Plan dwg no 130-00-1105-E
Lancaster House Proposed Elevations Sheet 1 dwg no 130-01-1111-A
Lancaster House Proposed Elevations Sheet 2 dwg no 130-01-1112-A
Lancaster House Site Section Existing and Proposed dwg no 130-01-1201-A
House Type A dwg no 130-11-1001-A
House Type C dwg no 130-13-1001-A
House Type D dwg no 130-14-1001-A
House Type E dwg no 130-15-1001-C
House Type E.2 dwg no 130-16-1001-B
House Type E.3 dwg no 130-17-1001-B
House Type F dwg no 130-18-1001-B
House Type G dwg no 130-19-1001-A
Softworks Landscape Plan dwg no CW0238-D-001 Rev A
Coach House Elevations 01 dwg no PJL.CND.E.CH.01
Coach House Elevations 02 dwg no PJL.CND.E.CH.02
Coach House Proposed Floor Plans dwg no PJL.CND.FP.CH.01
Double Garage Plans & Elevations dwg no PJL.CND.HTDG

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. Works to Buildings B2 and B3 (as set out in the Updated Dusk Survey Results, Tyrer Ecological Consultants Ltd, August 2023) will not commence unless the local planning authority has been 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 or that evidence is provided that the site has been registered under the bat mitigation class licence (CL21).

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

4. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in Section 7 of Updated Dusk Survey Results, Tyrer Ecological Consultants Ltd, August 2023 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 2012-2027 Development Plan Document

5. 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.

6. Prior to occupation of the development, a scheme of ecological mitigation shall be submitted to and approved by the local planning authority. The ecological mitigation scheme shall deliver an enhancement in biodiversity units to the receptor site equal to or greater than the loss of biodiversity units on the development site, such that there is no net loss of biodiversity units as a result of the development. The approved ecological mitigation scheme shall be implemented no later than the first appropriate season following the occupation of the development. The season to be agreed with the local planning authority as part of the approval of the ecological mitigation 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.

7. No part of the development shall be occupied until the existing access points from B5246 Lancaster Lane are modified in accordance with the approved plans. That

is the southern access from the B5246 Lancaster Lane is modified and the existing gate piers and a section of wall would be taken down, and the gate piers rebuilt 5.5 metres apart. The northern access from the B5246 Lancaster Lane is modified to prevent vehicular access.

Reason: To ensure that satisfactory vehicular and pedestrian access is provided to the site before the development hereby permitted becomes occupied.

8. No dwelling hereby approved shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, 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: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

9. For the full period of construction including site preparation and demolition, facilities shall be available on site 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. Provision to sweep the surrounding highway network by mechanical means will 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 that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. No building hereby permitted shall be occupied until the car/vehicle parking area (and any associated turning space) shown on the approved plans has been completed. The parking (and manoeuvring) area(s) shall thereafter always remain available for parking of vehicles associated with the dwelling and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

11. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (September 2023, Ref: 3718-02 Rev 3, IGE Consulting). The measures shall be fully implemented prior to occupation 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.

12. No development, except for demolition works, 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 surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water 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. 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 for the:
- i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep. Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout 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;
- c) Evidence of an agreement in principle with the third party Water and Sewerage Company to connect to the off-site combined sewer.
- d) 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.

13. 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 method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- i. Measures taken to ensure surface water flows are retained on-site during the 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 runoff rate from the site prior to redevelopment.
- ii. Measures taken to prevent siltation and pollutants from the site entering 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 surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

14. The occupation 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:

- i. A timetable for its implementation;
- ii. Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- iii. 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;
- iv. 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;

- v. Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- vi. Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- vii. 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 surface water 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

15. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable 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 surface water 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 surface water 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.

16. 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 all hard surfaces within the development site 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. The development shall be carried out using only the agreed materials.

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

17. Notwithstanding the details shown on the approved drawings, no walls or fences shall be erected until full details including position, height, design, type and materials of the proposed hard boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the development is occupied and retained thereafter.

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

18. All soft landscape works shall be carried out in accordance with the approved details shown on Softworks Landscape Plan dwg no CW0238-D-001 Rev. 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.

19. The development shall only be carried out in accordance with the Arboricultural Method Statement.

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.

20. The development shall only be carried out in accordance with all of the recommendations set out in the Archaeological Written Scheme of Investigation, Lanpro Services, Updated August 2023.

Reason: To ensure that the archaeological and heritage features are protected and to comply with Paragraph 199 of the National Planning Policy Framework and Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

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

Reason: These details are required prior to the commencement of development to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions

of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

22. The following provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1 A, B, C, D and E and Part 2 A, or any amendments made to that Order, shall not apply:
- (i) no extensions shall be carried out to the dwelling
 - (ii) no garages or carports shall be erected within the curtilage of the dwelling
 - (iii) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling
 - (iv) no windows or dormer windows shall be added to the dwelling

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

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

23. The design and structure of the proposed buildings shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16 hrs daytime and of more than 30dB LAeq 8 hrs in bedrooms at night.

Reason: To ensure that the amenities of future occupiers are protected.

24. Prior to commencement of the development, excluding demolition works, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall and party wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise.

25. Construction works and associated activities at the development, audible beyond the boundary of the site shall not be carried out other than between the hours of 07:00 – 18:00 Monday to Friday daily, 08:00 – 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays.

Reason: To ensure the amenity of neighbours is not adversely affected.

26. Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

27. Notwithstanding the submitted Phase 1 Geo-Environmental Investigation Report (Ref 3718-01 dated July 2022) no development, except demolition works, shall be commenced until a Phase 2 Geo-environmental Investigation is carried out as follows:

- a. A further site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing. This further site investigation should more clearly identify the types and levels of contaminants present on site.
- b. The report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- 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 the building on site a closure and validation report shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: These details are required prior to the commencement of development to prevent harm to public health, to prevent pollution of the water environment and to

comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Informatives

Highways

The applicant is advised that to discharge condition 8 It is recommended that to discharge the condition the local planning authority should seek to require the constitution and details of a private management and maintenance company confirming funding, management and maintenance regimes.

This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.

Ordinary Watercourse (Land Drainage) Consent

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not:

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

Appropriate Drainage Legal Agreement

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.

Site Works

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken.

The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Section 106 Legal Agreement

This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Community Infrastructure Levy

The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement. The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate. All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to CIL@westlancs.gov.uk. Further information on CIL can be found at www.westlancs.gov.uk/CIL or by contacting the Council's CIL and S106 Officer on CIL@westlancs.gov.uk or tel: 01695 585171.

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.