



PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

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PLANNING APPLICATION REF: 2023/0581/FUL

PROPOSAL: Construction of a Wellbeing and Leisure Hub with associated landscaping and parking and demolition of the existing Nye Bevan leisure facility

APPLICANT: West Lancashire Borough Council

ADDRESS: Land to the South of Ingram, Birch Green, Skelmersdale, Lancashire

REASON FOR CALL IN: Application has been called in by Cllr Ian Rigby as the application is in the Council's own interest and a more transparent and open discussion by the Planning Committee would provide the public with greater confidence in the decision making process.

Wards affected: Tanhouse & Skelmersdale Town Centre Ward

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks the demolition of the existing Nye Bevan leisure facility and the erection of a Wellbeing and Leisure Hub with associated landscaping and parking.

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 site comprises circa 1.0ha of open space located between the existing Asda superstore to the north and the new retail development to the south comprising Lidl and B&M. The Miners Peg Public House is located to the west. The retail development links into the Concourse where the current Nye Bevan leisure facility is located circa 175m to the southeast. Ingram passes along the northern site boundary with the Tawd Valley Park beyond.
- 3.2 Ground levels onsite vary from 64.6m AOD to 59.5m AOD from north to south with a walkway which passes through the site at the eastmost corner forming a low point. The northern boundary has a landscaped bund (in part) which rises to the north to form a junction with the existing road level.

4.0 PROPOSAL

- 4.1 The application proposes a two-storey leisure centre spanning 3,794 sqm of floorspace. The ground floor level will include a 12.5m x 25m six lane pool, 12m x 10m learner pool, café, adventure soft play and wet changing facilities whilst the first-floor level includes a 110 station fitness suit with fitness studio and cycle/spin studio and dry changing facilities.
- 4.2 The building will front Ingram with parking for 67 cars (including 5 accessible bays, 2 motorcycle bay and 6 Electric Vehicle charging points) to the rear which will also include an area for refuse and servicing. 10 cycle spaces will be located close to the building entrance.
- 4.3 A cut and fill exercise will be required to manage the level changes on the site with landscaping providing screening to the north site boundary with Ingram which also provides the new vehicular access.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2010/1029/SCR – Screening Opinion – B1 Office development (approx. 105,000sqft gross) – Development is not EIA development September 2010

6.0 OBSERVATION OF CONSULTEES (SUMMARIES)

- 6.1 Arboricultural Officer – No objection
- 6.2 Environmental Protection Team – No objection subject to conditions
- 6.3 Head of Wellbeing and Place – The site is adjacent to the town centre phase one development and will provide improved health and leisure provision for the area, replacing inadequate existing facilities.
- 6.4 Lancashire County Council Highway Services – no objection subject to conditions and a contribution of £6,000 to enable the implementation and monitoring of a Full Travel Plan.
- 6.5 Lancashire County Council Mineral Safeguarding – No comments received

- 6.6 Lancashire Fire and Rescue Service – No comments received
- 6.7 Lancashire Police Architectural Unit – Secure by design comments received
- 6.8 Lead Local Flood Authority – No objection subject to conditions
- 6.9 Merseyside Environmental Advisory Service (MEAS) – No objection subject to conditions
- 6.10 Principal Engineer – No objection
- 6.11 Sport England – No objection as it is considered that there is a strategic/local need for a replacement facility at this location. Advisory design comments are provided.
- 6.12 Strategic Planning – No objection
- 6.13 The Coal Authority – No objection subject to informative note
- 6.14 United Utilities – Proposals are acceptable subject to conditions

7.0 OTHER REPRESENTATIONS

- 7.1 None received

8.0 SUPPORTING INFORMATION

Air Quality Assessment
Arboricultural Impact Assessment
Biodiversity Net Gain Assessment
Building Sustainability and the Environment
Construction Environmental Management Plan
Demolition Methodology Strategy
Design and Access Statement
Desk Study Report
Flood Risk Assessment and Drainage Strategy Report
Highways Technical Note
Infrastructure Delivery Statement
Noise Impact Assessment
Phase I Geo Environmental Site Assessment
Phase II Geo Environmental Site Assessment
Planning Statement
Pre-construction Management Plan and Logistics Strategy
Preliminary Ecological Appraisal
Statement of Community Involvement
Transport Assessment

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 site is located within Skelmersdale Town Centre in a Strategic Development Site.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

SP2 – Skelmersdale Town Centre

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF1 – Maintaining Vibrant Town and Local Centres

IF2 – Enhancing Sustainable Transport Choice

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 Cultural and Heritage Assets

Supplementary Planning Document

Skelmersdale Town Centre SPD and Masterplan (2008)

Design Guide SPD (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this application are:

Principle of Development

Design

Impact on Neighbouring Amenities

Highways Impacts

Drainage Impacts

Biodiversity

Principle of Development

- 10.2 The NPPF and the Local Plan provide the policy framework against which the development proposals will be assessed. The NPPF defines a health and fitness centre as a main town centre use in retail planning terms. The site is located within the Town Centre of Skelmersdale which is a Regional Town, as defined by Policy SP1 of the Local Plan. Policy SP2 encourages the provision of a wide range of uses across the Strategic Development Site with office or retail uses being appropriate on this particular site. The comments go on to state that justification should be provided on why the proposal would not prejudice delivery of any part of the Town Centre regeneration scheme or identify whether any other material considerations could apply.

- 10.3 Firstly it is important to note that the policy wording specifically refers to proposals being in accordance with the ‘broad principles’ of the masterplan therefore suggesting there is an element of flexibility in how the masterplan would come forward. Allowing for an element of flexibility is typical practice for the delivery of masterplans given the scale and time involved in their delivery and various factors which can influence their delivery, such as wider market conditions. The Local Plan was adopted over 10 years ago in 2013 and during this timeframe it is inevitable that circumstances will have changed.

- 10.4 In the early stages of the leisure centre project (2019), the project team liaised closely with the council's Project Manager for the Skelmersdale Town Centre Scheme and it was agreed within the Council that the site would come forward for the delivery of a new, replacement leisure centre to address the sporting and leisure requirements within the locality. The proposals for the replacement leisure centre in this location have also been through the approval process at relevant Council Scrutiny and Cabinet meetings.
- 10.5 Whilst the masterplan in the Local Plan identifies the site for office/retail use, the masterplan and policy also seeks to deliver a wider range of uses across the masterplan area, which does include leisure uses and the proposals are therefore considered to be in general accordance with the vision for the town centre. The proposed use is suitable for this location given it is a main town centre use and also accords with the masterplan principles outlined within Policy SP2, as noted below:
- The delivery of the new leisure centre complies with policy criteria 1i. which seeks to make Skelmersdale a 'leisure, recreational and retail centre of excellence'.
 - The proposed site layout helps to promote walking/cycling connections across the site with appropriate footpaths in line with criteria 1iii.
 - Criteria 1iv. seeks to increase the number of people in the town centre and the proposed leisure centre will facilitate this by encouraging linked trips to other town centre facilities and assist with enhancing town centre vitality and viability.
 - Criteria 1v. seeks to ensure proposals within the town centre include low carbon design. The proposals will deliver a modern, energy efficient building reducing its environmental impact during both the construction and operational phases. A Sustainability Statement is submitted as part of the application and outlines in detail the measures that will be implemented to achieve this.
- 10.6 Overall, it is considered that the leisure proposals are appropriate, are in line with the principles of the masterplan and would complement the surrounding uses. There are parts of the wider masterplan which are still to be delivered and therefore there is potential for office uses to come forward elsewhere within the town centre and as such, the leisure centre proposals would not prejudice the delivery of employment uses within the town centre.
- 10.7 In light of the above, it is considered that the principle of development is acceptable.

Design

- 10.8 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance the attractive attributes through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 10.9 In addition, the SPD Design Guide states that new development should be of an overall scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale

and form, including the roofline, do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.

- 10.10 Active frontages are key aspects of good design and whilst this scheme does not fully exploit its road frontage along Ingram, it has been laid out so that the car park is not visible along the street. New street trees were initially proposed alongside the road frontage but upon review by the applicant team it was deemed to interfere with the highway and the proposed building construction. On this basis, the trees have been relocated to the side of the building. Notwithstanding this, some level of screening will still be required along this frontage to soften the elevation. This could be in the form of hedging, but a planning condition will be attached to secure this. The eastern elevation will also introduce a new external public space alongside the entrance plaza which will create activity at ground floor level with Northway.
- 10.11 In terms of the scale, the building spans a height of 10m along Ingram and steps down to the rear to 6.3m. This is appropriate to its site context given the bulky retail units to the south and the Asda superstore to the north. Due to level changes between Ingram/Northway and the proposed building, as well as the proposed soft landscaping, the first floor level will be more prominent than the ground floor. However, its massing will be broken up by curtain wall glazing introduced along the fitness suite and the play zone as well as by the use of different materials at this level: metal composite wall panelling in grey and flat pan vertical standing seam cladding in brown. The built form has also been orientated to make the most of the views towards Tawd Valley Park whilst ensuring passive heat gain to the south facing indoor pool.

Impact on Neighbouring Amenity

- 10.12 The Miners Peg Public House has a first floor apartment, screened from the proposed development by the pub building. This is the closest residential receptor. Beyond this lies West Lancashire College. Commercial uses surround the building in all directions and screen existing residential buildings beyond.
- 10.13 A Noise Impact Assessment has been submitted which has confirmed that noise from the car park is not expected to generate significant levels of noise and therefore are not expected to be any significant deliveries or servicing activities taking place outside the building. The main environmental noise source associated with the proposed leisure centre will therefore be from noise from fixed plant installations. The Environmental Protection Team has reviewed this report and confirmed that whilst the report does not address the impact of mechanical services due to the information not being available at the time, it does specify emission limits (rating levels) that should be considered for any plans or equipment that may be used on the site. In light of this, they have recommended a condition requiring the development to proceed in accordance with the Noise Impact Assessment and for any externally located plant or equipment to not increase the ambient background sound levels at the boundary of the nearest residential property.
- 10.14 Subject to the imposition of the conditions requested by Environmental Protection the proposed development would not have an undue impact on neighbouring amenity in accordance with Policy GN3 of the Local Plan.

Highways Impacts

- 10.15 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.
- 10.16 The new leisure centre will be accessed by a new priority access junction off College Way which LCC Highways have confirmed to be acceptable however, they raised concerns with two areas:
- The coach layby to the west of the site which had no management in place and no turning area; and
 - Use of the car park for large vehicles leading to parking conflicts
- 10.17 In response, the Applicant proposed a revised coach drop-off strategy which retains use of the two coach spaces at the existing Nye Bevan leisure facility from where school children will then walk with teachers to the new leisure centre site. In doing so, the red line of the site was amended to include the Nye Bevan coach parking site, and the planning application underwent additional re-consultation with neighbours and a site notice republished. To prevent parking conflicts at the site, the Applicant will install a height restrictor at the access which will be temporary removed for service access. LCC Highways have confirmed that both amendments are acceptable.
- 10.18 In terms of parking on the site, the proposed scheme shows 67 cars (including 5 accessible bays, 2 motorcycle bays and 6 Electric Vehicle charging points). This is a reduction from the standard provision however, the Transport Assessment has confirmed that the site relates well to the community it will serve and can be accessed as part of linked trips with other uses in the town centre. The site is also served by bus services. A parking accumulation has been undertaken that is based on comparable sites from the TRICS database. This confirms that the level of parking is suitable for the type of use and location. LCC Highways has reviewed and confirmed acceptance, but they have also requested that a contribution of £6000 is required to enable them to monitor, implement and review a Full Travel Plan. This will be secured by S278 which LCC Highways has also confirmed is acceptable.
- 10.19 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 Impacts

- 10.20 The site is within Flood Zone 1 and therefore has a low probability of flooding from rivers and sea. A Flood Risk Assessment has been submitted with the application. To ensure that the proposed development does not increase flood risk within the surrounding area, surface water runoff generated onsite will be managed. A Surface Water Management Strategy will be implemented to manage surface water runoff; attenuation will be designed to store surface water for all storm events up to and including the 1 in 100 year event plus an allowance for climate change. Measures will include filter drains, porous paving and an attenuation tank. It is proposed that the surface water run-off will discharge via gravity as a restricted

rate of 6.8l/s to the existing culverted watercourse that passes through the Site. This will meet the requirement outlined in the DEFRA Sustainable Drainage Systems technical standards to restrict greenfield rates.

- 10.21 The operation of the proposed swimming pool will require that pool water is filtered. The filters require regular cleaning which produces wastewater or effluent which must be stored onsite in a below ground backwash attenuation tank. Effluent stored below ground is then pumped into the proposed foul water system and discharged from the Site.
- 10.22 In terms of foul water, the proposed development will outfall to an existing 225mm diameter foul public sewer located in Ingram. The onsite below ground system will be positively drained and will connect to the existing public sewer.
- 10.23 In terms of the proposed demolition, the shallow foundations and building slab will be broken up and removed and the swimming pool slab will be punched to allow free drainage. Drainage leaving the existing site will be removed and any connections will be grubbed up to prevent water entering the wider drainage system.
- 10.24 The Lead Local Flood Authority, United Utilities and the Principal Drainage Engineer have reviewed the drainage proposals and recommended conditions to secure its implementation.

Biodiversity

- 10.25 A Preliminary Ecological Appraisal (PEA), Arboricultural Impact Assessment and Biodiversity Net Gain Assessment has been submitted with the planning application. The site is in close proximity to Westheads Clough Biological Heritage Site and whilst not direct impacts are anticipated, MEAS consider indirect impacts including pollution from the site across Northway may occur. They have advised the Construction Environmental Management plan which will be secured by condition. The development will result in the loss of bird breeding habitat and to mitigate for this loss, details of bird nesting boxes that will be erected on the site will be secured by condition.
- 10.26 No built structures are present on the site, but a Preliminary Roost Assessment (PRA) has been conducted for the existing Nye Bevan leisure facility which is being demolished. The report details that there are no suitable potential roosting features present, and the building has been concluded to offer 'Negligible' suitability for roosting bats. MEAS has agreed with this conclusion and no further surveys and / or mitigations is required in respect of roosting bats. The PEA recommends that a bat sensitive lighting strategy should be implemented at the site. A lighting plan has been submitted as part of the application detailing lux contours. The submitted plan shows that no additional lighting is proposed within areas of retained habitat deemed suitable for foraging and commuting bats and that retained habitats will be subjected to lighting levels of below 1 lux. MEAS consider that impacts of additional lighting at the site on foraging and commuting bats are therefore considered to be negligible and recommend the lighting plan is conditioned.
- 10.27 Other conditions have been recommended by MEAS in terms of invasive species, Japanese Rose, protecting hedgehogs, amphibians and reptile species, avoiding

certain works during bird nesting season, however these will instead be covered in informative notes as they are covered by different legislations.

- 10.28 In terms of trees, six individual trees and four groups of trees/shrubs were recorded. The proposed development requires the removal of two individual trees and three groups of trees/shrubs, all categorised as category C trees (low quality). New tree planting will be provided along the site boundary with Northway and within the car park. The Council's Tree Officer has reviewed the proposal and confirmed that the landscape proposals far outweigh the amenity currently provided.
- 10.29 The proposals would result in the loss of 0.7ha of 'other neutral grassland' and the loss of 0.19ha of 'modified grassland'. 0.19ha of neutral grassland will be retained and enhanced on-site and 0.02ha of modified grassland will be created on-site, alongside other ecological features. However, the loss of grassland cannot be fully compensated on-site and therefore the submitted Biodiversity Net Gain Assessment recommends off-site enhancement by enhancing 2.7ha of grassland at Tawd Valley Park. In doing so, the proposal results in a substantial net change of 100% for hedgerow/linear units and 73.46% of habitat units, well in excess of the 10% net gain which will come into force in January 2024. The off-site enhancement will be secured by a Section 106 Agreement.
- 10.30 Subject to appropriate conditions, advice notes and a Section 106 Legal Agreement the proposed development will not adversely impact on ecology and trees and on that basis the proposal complies with the requirements of Local Plan Policies GN3 and EN2.

Ground Conditions

- 10.31 Part of the site falls within the defined Development High Risk Area. The Coal Authority records indicate that there is a recorded mine entry 348406-012 circa. 18m from the south-western boundary of the existing Nye Bevan leisure facility. The Coal Authority note that this feature was treated in 1970 via capping with two 600mm thick concrete slabs one on top of the other. Mine entries pose a potential risk to surface stability and public safety. The application is accompanied by a Phase I Geo-Environmental Site Assessment report (D10594/1.0), a Phase II Geo-Environmental Site Assessment and a Desk Study Report.
- 10.32 Although limited coal mining information is presented in the reports, they identify the presence of a shaft 18m southwest of the site. The Coal Authority have reviewed these documents and confirm no objections, subject to an informative, as the development would be sited entirely outside the defined Development High Risk Area. Further to this, they acknowledge that the Nye Bevan leisure facility will be de-commissioned and then demolished with no development proposed in this area as part of the current planning proposal. The Council's Contaminated Land Officer has also reviewed the reports and recommended a condition requiring the submission of a gas assessment.

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 in relation to design matters, neighbouring amenity, highways, drainage and ground issues. No representations have been received to the proposals.
- 11.2 The loss of habitats on the site will be compensated both on-site and off-site resulting in a substantial net change of 100% hedgerow/linear units and 73.46% habitat units which will be secured via a S106 Legal Agreement. It is therefore considered that when applying the planning balance, the proposal complies with the NPPF, the relevant policies of the Local Plan and the guidance within the Design Guide SPD and the Skelmersdale Town Centre SPD and Masterplan.

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:
- Details of the Biodiversity Net Gain, including management and maintenance over 30 years, to be reported in a Landscape Monitoring and Management Plan in accordance with the Biodiversity Net-gain Assessment (November 2023).

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:

Existing Site Location Plan dwg no EX-110 Rev B
Proposed Block Plan dwg no B-001 Rev A
Proposed Site Access General Arrangement dwg no SK222105-001 Rev C
Existing Nye Bevan Leisure Centre Ground Floor Plan dwg no EX-120
Existing Nye Bevan Leisure Centre 1st Floor Plan dwg no EX-130
Existing Nye Bevan Leisure Centre Elevations dwg no EX-140

Existing Nye Bevan Leisure Centre Elevations dwg no EX-150
GA Elevations Sheet 01 of 02 dwg no 21014 - GT3 - 00 - ZZ - DR - A - 08-0051 - RevP2
GA Elevations Sheet 02 of 02 dwg no 21014 - GT3 - 00 - ZZ - DR - A - 08-0052 - RevP2
Level 00 GA Plan dwg no 21014 - GT3 - 00 - 00 - DR - A - 08-0002 - RevP2
Level 01 GA Plan dwg no 21014 - GT3 - 00 - 01 - DR - A - 08-0003 - RevP2
Level B1 GA Plan dwg no 21014 - GT3 - 00 - B1 - DR - A - 08-0001 - RevP2
Level R1 & 01 Roof GA Plans dwg no 21014 - GT3 - 00 - 02 - DR - A - 08-0004 - RevP2
Existing & Proposed site sections dwg no S-100
GA Building Sections Sheet 01 of 02 dwg no 21014 - GT3 - 00 - ZZ - DR - A - 08-0101 - RevP2
GA Building Sections Sheet 02 of 02 dwg no 21014 - GT3 - 00 - ZZ - DR - A - 08-0102 - RevP2
Detailed Hard Landscape dwg no SLC-ECS-XX-00-DR-L-0005(P01)
Detailed Planting Plan dwg no SLC-ECS-XX-00-DR-L-0003(P03)
Landscape General Arrangement dwg no SLC-ECS-XX-00-DR-L-0002(P03)

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. Prior to commencement of development, details of the programme and timetable of demolition of the existing Nye Bevan Leisure Facility shall be agreed in writing with the Local Planning Authority. Thereafter the demolition shall be implemented in accordance with the agreed programme.)

Reason: To ensure the vitality and viability of the town centre in accordance with Policy SP2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access off Ingram, 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. The works to include a new site access off Ingram, and a new minimum width 2m footway on the site frontage to Ingram, and wider network changes to direction signs on approaches to the site, the removal or modification of direction signs for the existing leisure centre facility where no longer relevant.

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.

5. No part of the development shall be occupied until the highway work subject to condition 4 have been constructed in accordance with the scheme submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

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

6. The new site access between the site and Ingram 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 to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

7. No use hereby permitted shall be occupied or the use commenced until the car parking (including electric vehicle charging bays) and servicing areas have been paved and marked out in accordance with the approved plan. The car parking/service areas shall thereafter be kept free of obstruction and available for parking cars at all times.

Reason: To allow for the effective use of the parking areas and to support sustainable transport objectives.

8. Prior to commencement of the demolition of the existing Nye Bevan Leisure Facility, a plan shall be submitted with details of the location of the temporary coach parking facilities that will need to be delivered during the demolition period. The temporary coach parking shall thereafter be kept free of obstruction and available for parking during the demolition period. Following the demolition of the existing leisure facility, the approved coach parking area as shown on dwg no EX-110 Rev B shall be made available for the parking of coaches and kept free of obstruction at all times.

Reason: To allow for the effective use of the parking areas.

9. Within 6 months of the first occupation of any building or use hereby permitted commenced a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

10. The development shall not proceed except in accordance with the noise assessment prepared by Acoustic Design Technology (Ref ADT3497/ENIA dated 19th May 2023). Any externally located plant or equipment shall not cause an increase in the ambient background sound level at the boundary of the nearest residential property. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted.

For the avoidance of doubt, calculated rated sound levels from any externally mounted plant or equipment at the boundary of the nearest noise residential

property should not exceed the existing background sound level in accordance with the results of the BS4142:2014+A1:2019 noise assessment.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

11. All external lighting shall be installed in accordance with the lighting calculation scheme submitted to the local planning authority by Kingfisher Lighting dated 2nd June 2023 reference D49589 and maintained in accordance with the agreed scheme.

Reason: To minimise the visual impact of light on nearby residential properties and in the interests of biodiversity conservation in accordance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

12. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. 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 and 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 and shall be retained at all times thereafter.

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

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

15. The development shall only be carried out in accordance with all of the recommendations for mitigation set out in Section 8 of the Preliminary Ecological Appraisal, Tyrer Ecological Consultants Ltd, October 2023.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

16. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Strategy Ref: 01900-ENGZZ-XX-DR-C-3000 P3, dated 2.6.23 which was prepared by ENGINUTI. No surface water will be permitted to drain directly or indirectly into the public sewer. 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.

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.

17. Prior to commencement of development, the details of drainage for the proposed swimming pool shall be submitted to the Local Planning Authority and agreed in writing. The details shall include:

- (i) rate of discharge;
- (ii) volume of discharge; and
- (iii) timings for emptying of the swimming pool.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the swimming pool can be properly emptied without damage to the local water environment and to manage the risk of flooding.

18. The commencement of use 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.

19. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

20. No development shall take place, including any works of demolition or site clearance, until a Construction Environment Management Plan (CEMP) 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.
- Pollution prevention measures for the site.

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.

21. Notwithstanding the submitted Phase 2 Geo-Environmental Site Assessment no development approved by this permission shall be commenced until:

- a. A further site investigation of ground gas and groundwater sampling shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. 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.

22. All soft landscaping works shall be carried out in accordance with the approved details shown on Detailed Planting Plan dwg no SLC-ECS-XX-00-DR-L-0003(P03) and the Landscape General Arrangement dwg no SLC-ECS-XX-00-DR-L-

0002(P03). 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

23. Notwithstanding the details shown on the approved drawings and pursuant to Condition 22, no above ground construction works shall take place until details of the soft landscaping screen planted along Ingram has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping screen shall be implemented and completed prior to the occupation of the development unless otherwise agreed in writing with the Local Planning Authority. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

24. The development hereby approved shall be carried out in accordance with the Biodiversity Net-gain Assessment (prepared by Tyrer Ecological Consultants dated November 2023) to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development and the Assessment shall be implemented in full thereafter.

Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from the commencement of development unless otherwise stated in the Biodiversity Net-gain Assessment, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

INFORMATIVE – BIRD NESTING SEASON

No vegetation removal or management, ground clearance or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are

present. If present, details of how they will be protected are required to be submitted for approval.

INFORMATIVE – REASONABLE AVOIDANCE MEASURES

The habitats on Site B are suitable for hedgehog which is a Priority Species and Local Plan policy EN2 applies. RAMs to protect hedgehog from impacts throughout demolition and construction works are detailed within paragraph 8.13 of the Site A report and 8.11 of the Site B report. These measures are accepted and can be secured by a suitably worded planning condition or included as part of the CEMP for the site.

INFORMATIVE – INVASIVE SPECIES

Japanese rose is present within the site boundary. Japanese rose is listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies.

The applicant should submit a method statement, prepared by a competent person, which includes the following information:

- A plan showing the extent of the plant;
- The method that will be used to prevent the plant/s spreading further, including demarcation;
- The method of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

The method statement should be submitted for approval to the Local Planning Authority prior to commencement of any works on site. The method statement can be secured by a suitably worded planning condition or included as part of the CEMP for site.

INFORMATIVE – COAL MINING

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and

safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

INFORMATIVE - 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.

Ordinary watercourse consent is subject to the asset owner's permission to connect. 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 Lead Local Flood Authority 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>

INFORMATIVE - HIGHWAYS

- a) The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the LCC Highways Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
- b) The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 1, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details,

as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

- c) The alterations to the existing highway as part of the new works may require changes to the existing street lighting and drainage at the expense of the client/developer.
- d) 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.

INFORMATIVE – CONSTRUCTION AND DEMOLITION

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site. Works audible at or beyond the site boundary should not occur outside the following hours:

Monday to Friday 08.00hrs to 18.00 hrs
Saturday 08.30hrs to 13.30hrs
Sundays or Public/Bank Holidays not at all

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

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.