



**PLANNING COMMITTEE: Thursday,
15 February 2024**

Report of: Corporate Director of Transformation, Housing and Resources

**Relevant Portfolio Holder: Councillor Deputy Leader & Portfolio Holder for
Planning & Community Safety**

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF: 2023/0974/FUL

**PROPOSAL: Erection of 12 residential dwellings with associated parking and
access.**

APPLICANT: Tawd Valley Development

ADDRESS: Blythewood, Digmoor, Skelmersdale

**REASON FOR COMMITTEE DECISION: As a council led scheme the planning
application requires determination at Planning Committee**

Wards affected: Skelmersdale South;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks the erection of an apartment scheme for 12 affordable residential units.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be GRANTED subject to conditions and a S106 Legal Agreement.

3.0 THE SITE

3.1 The quadrant shaped site comprises circa 0.12ha of grassland with shrub and scattered trees. The site has a significant change in level from Ormskirk Road and Blythewood to the perimeter of the site (circa 2.95m) with a largely level area to the western boundary. The site is located in the residential area of Digmoor, north

of Skelmersdale Town Centre. The surrounding area is predominantly residential and greenspace with housing comprising largely council owned stocks from the 1970s. To the immediate west of the site is a single storey nail bar and a separate two storey block with restaurants (formerly The Highwayman Pub) both served by courtyard parking. To the south are three storey apartment blocks whilst Blythewood and Ormskirk Road bound the site to the east and north respectively, intervened by tree planting.

4.0 PROPOSAL

- 4.1 The application proposes a three-storey apartment block separated into two parts by a glass link stair core. One half comprises a gable front and houses 9no 1-bed apartments whilst the other half is flat roofed and houses 3no 2-bed apartments. All apartments will be for social rent and managed by the Council. Externally all dwellings will have access to a communal garden which will be bound by 2.1m timber boarded fence and will include a covered and secure cycle storage with six Sheffield stands. Car parking for 6 vehicles and three twin-post EV chargers will be laid out to the front of the block.
- 4.2 This proposal is earmarked as the first phase of a wider and more comprehensive regeneration of the area.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None

6.0 OBSERVATION OF CONSULTEES (SUMMARIES)

- 6.1 Arboricultural Officer – The tree survey highlights important trees on the site. These trees are a material planning consideration and should be retained in accordance with BS5837 and Council Policy. In my opinion T4 and T5 are the most important trees for our residents amenity, closely followed by T6, T7 with G1 which form a cohesive group and provide both a high level of visual amenity to the public and form an important visual and toxin screen between Ormskirk Road and residential properties. The submitted proposals show that the trees did not feed into the design process at all. The Arboricultural Impact Assessment has been based on incorrect drainage information. The submitted drainage details will have further impact than the building into the few remaining trees of Group 1. Realistically leaving the site void of any arboricultural merit. The planting schedule is also inappropriate as there is insufficient room for trees to grow. Any tall vegetative growth in this area will cause an unacceptable level of light loss for principal rooms/windows and create a very restricted outlook.
- 6.2 Contaminated Land Officer – No objection subject to condition requiring further investigation.
- 6.2 Environmental Protection Team – No objection subject to conditions in relation to glazing and ventilation and informative notes and no objection to the submitted Construction Method Statement.
- 6.3 Housing Strategy & Development Programme Manager – Supports the application as it will increase affordable housing supply for which there is an annual shortfall

as recorded in the Housing and Economic Development Needs Assessment 2022. In addition, the proposed application site is intended to complement proposed revival activity in the immediate area which is borne out of a desire to create property and local area improvements for the benefits of the local community.

- 6.4 Lancashire County Council Highway Services – No objections subject to conditions and is of the opinion that the proposal would not severely impact highway safety or highway capacity.
- 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 – crime and security issues should be addressed as early as possible in the design process.
- 6.8 Lead Local Flood Authority – No comments received.
- 6.9 Merseyside Environmental Advisory Service (MEAS) – Aerial inspection of the moderate potential trees is required prior to determination and confirmation that no net loss of biodiversity is achievable. Conditions and informatives recommended in relation to works to trees outside of bird nesting season, the installation of bird nesting boxes, reasonable avoidance measures for hedgehogs.
- 6.10 Merseyside & West Lancashire Bat Group – additional surveys are required prior to determination.
- 6.11 Principal Engineer – no objection as the impact on flood risk due to the proposed development will be negligible.
- 6.12 Strategic Planning – Principle of residential development is acceptable subject to the proposal conforming with all other planning policies. The proposal is in compliance with the Local Plan in terms of affordable housing. Consideration needs to be given to the loss of trees and vegetated habitat balanced against the delivery of 12 affordable homes in a sustainable location.
- 6.13 The Coal Authority – no objection subject to standing advice.
- 6.14 United Utilities – No objection subject to conditions

7.0 OTHER REPRESENTATIONS

- 7.1 None received at the time of writing.

8.0 SUPPORTING INFORMATION

Arboricultural Impact Assessment
Biodiversity Net Gain Report
Construction Management Plan
Design and Access Statement
Ecological Desk Study
Ecological Impact Assessment

Foul and Surface Water Drainage Strategy
Noise Impact Assessment
Planning Statement
Preliminary Ecological Assessment Report
Soakaway Assessment
Stage 1 Geo-Environmental Desk Study Report
Sustainability Statement
Transport Statement

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 the Regional Town of Skelmersdale as designated in the Local Plan.

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
RS2 – Affordable and Specialist Housing
IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space

Supplementary Planning Document

Design Guide SPD (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

- 10.1 The main considerations for this application are:

Principle of Development
Residential Mix, Affordable and Specialist Housing
Design
Impact on Neighbouring Amenity
Highways Impacts
Drainage Impacts
Biodiversity
Ground Conditions

Principle of Development

- 10.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town, 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. Therefore, the principle of

residential development on the site within the Regional Town of Skelmersdale is acceptable subject to the proposal conforming with all other relevant planning policies.

Residential Mix, Affordable and Specialist Housing

- 10.3 Policy RS2 sets out the requirement for the provision of 10% of units to be affordable in Skelmersdale town centre. Elsewhere in Skelmersdale, no affordable housing will be required for developments of fewer than 15 units, whilst on sites of 15 or more dwellings, 20% of units will be required to be affordable, with up to 30% on greenfield sites on the edge of the built-up area. The development proposal is for 100% affordable housing to be socially rented, which is more than the minimum requirement and will be secured by a S106 Legal Agreement.
- 10.4 Whilst the scheme is not obliged to provide any apartments specifically to accommodate the elderly as it does not meet the minimum threshold (15 or more units in Skelmersdale), the four ground floor units (33%) will be suitable for the elderly. The scheme is therefore compliant with Policy RS2 of the Local Plan.
- 10.5 The Council's Housing Officer has reviewed the proposal and confirmed that the Housing and Economic Development Needs Assessment (2022) identifies an annual shortfall of affordable housing in the Borough. This means there is a need for additional affordable housing to be provided across West Lancashire. In addition, the Housing Officer has confirmed that the proposed application site is intended to complement wider regeneration in the immediate area which is borne out of a desire to create property and local area improvements for the benefit of the local community.

Design

- 10.6 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.
- 10.7 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.
- 10.8 The three storey apartment block matches the scale of the surrounding apartment blocks, but both pitched and flat roofs are proposed. This references the existing context but also creates a varied roofscape. Simple architectural brickwork detailing is broken up by window reveals and projecting surrounds to principal windows, with the glazed central circulation link also helping to break up the massing and add interest to the overall appearance of the building.
- 10.9 The apartment block has been provided with a large area of communal but private amenity space. The 2.1m timber boarded fence around this space does not provide a particularly attractive interface with Ormskirk Road however existing trees and vegetation will provide screening in this direction. Notwithstanding this, generally

the scale, layout and design of the development is well suited to this location in accordance with Policy GN3 of the Local Plan.

Impact on Neighbouring Amenity

- 10.10 Policy GN3 of the Local Plan requires that development retains or creates reasonable levels of privacy, amenity and sufficient garden or outdoor space for occupiers of the neighbouring and proposed properties.
- 10.11 The proposed apartment sizes for the one bedroom is 50sq.m and 70sq.m for the two bedroom. This exceeds the Nationally Described Space Standards. A communal private garden to the rear is proposed. Within the adopted development plan there is no specific guidance on the recommended size of communal gardens for apartment buildings. It is considered that this amenity space is suitable, given it is unlikely that families with children will be occupying the flats due to the proposed housing mix, and given the access to open space in the area.
- 10.12 The closest existing residential windows are those at the flats to the south, which are over a distance of around 29m across a public highway, and at an angle. This well exceeds the guidance in the Design Guide SPD of 21m. With respect to overshadowing, there is a distance of circa 9.5m between the living room of the most north-westerly ground floor apartment to the single storey nail bar. The guidance in the Design Guide SPD is that there should be at least 12m from a habitable room to a blank gable. However, the Design Guide acknowledges that in areas of high density, this may not be appropriate to the character of the area. The density of the surrounding area is high, at 50 dwellings per hectare, and the proposed development will contribute to this high density by delivering 12 apartments on a site of 0.12 hectares (a development of 100dph). As such, the provisions of Policy GN3 of the Local Plan is complied with.
- 10.13 The Environmental Protection Team has reviewed the submitted Noise Impact Assessment and agrees with the mitigation scheme including glazing and ventilation scheme necessary to ensure residential amenity is protected and has recommended a condition on that basis. Subject to this condition, the development accords with Policy GN3 of the Local Plan.

Highways Impacts

- 10.14 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.
- 10.15 The site is located within easy walking distance of local shops and services and has very good access to sustainable modes of transport, including a bus stop 400m away with at least 4 services an hour into Skelmersdale.
- 10.16 A parking court with 6 no. car parking spaces is provided within the curtilage of the property, which equates to a 0.5 ratio. The Local Plan allows for proposals under the recommended parking standards to be supported by evidence detailing the local circumstances that justify this deviation. Although the parking provision is lower than the Local Plan standards, the Transport Statement confirms that due to the levels of car ownership in the area, at 0.56 car per person ratio, and the

proposed tenure of the apartments, six parking spaces is acceptable. A 1:1 cycle parking ratio is proposed which is also noted to compensate for the lower car parking provision. The Transport Statement also notes that there will be opportunities for additional unallocated car parking spaces within the future phase of regeneration for the wider area, should the demand for parking exceed existing provision.

- 10.17 For developments with communal parking areas, Policy IF2 requires at least one or 10% of parking spaces to be marked out for use by electric vehicles and have adequate charging infrastructure and cabling. Three twin-post EV chargers are proposed on the site which exceeds the current policy requirement.
- 10.18 I therefore consider that the proposed level of car parking and access arrangements are acceptable and in accordance with Policies GN3 and IF2 of the Local Plan.

Drainage Impacts

- 10.19 The site is within Flood Zone 1 and therefore has a low probability of flooding from rivers and sea. The Phase 1 Desk Study confirms that the site is not in an area at risk of river flooding.
- 10.20 A Drainage Strategy report for foul and surface water drainage has been submitted with the application. Infiltration techniques are unsuitable on this site. There are no watercourses to which a surface water discharge can be practicably made with proportionate costs, the local highway drainage system is likely to discharge to the combined public sewer, and there is no surface water public sewer to which a surface water discharge can be practicably made with proportionate costs. It is therefore proposed that surface water will be discharged to the 225mm diameter combined public sewer on Ormskirk Road. The maximum rate of surface water discharge will be 2l/s, which is as close as reasonably practicable to the equivalent pre-development greenfield runoff rate from the site.
- 10.21 United Utilities have reviewed the drainage proposals and recommended conditions to secure its implementation. Subject to their conditions, the drainage proposals are acceptable and in accordance with Policy GN3 of the Local Plan.

Biodiversity

- 10.22 An Ecological Desk Study, Preliminary Ecological Assessment Report, Ecological Impact Assessment, Biodiversity Net Gain (BNG) Report, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted with the planning application. The Ecological Impact Assessment notes that the majority of the site comprises amenity grassland and hardstanding with scrub and scattered trees. There are no notable habitats on the site or immediately adjacent.
- 10.23 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.

- 10.24 Four trees on site were categorised as have a PRF-I (i.e. Potential Roost Feature suitable for individual bats or very small number of bats either due to size or lack of suitable surrounding habitats). The Ecological Impact Assessment states that the trees classified as PRF-I that are being lost (T6 and G1.1) do not need further surveys. However, these trees will be required to be soft felled under a Precautionary Working Method Statement (PWMS) under the supervision of a licensed ecologist and the loss of roosting habitat across the site must be compensated for. The recommendations of the Ecological Impact Assessment will be secured by planning condition to ensure habitats are protected and the recommendations of the report are taken forward.
- 10.25 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.
- 10.26 In terms of trees on the site, 10 individual trees and three groups of trees were recorded within influencing distance of the application site, most of which are Category B, with one Category A (T6) and one Category C (T1). Trees T1 to T7 and T8 to T10 which include silver maple, sycamore and small leaved lime are all good species for the site and have a large mature size providing a good level of public amenity. Trees along the northern boundary with Ormskirk Road includes G1, G2, T6 and T7 and collectively provide screening and habitat connectivity along a steep bank. None of the trees are subject to a Tree Preservation Order nor are they protected by a Conservation Area.
- 10.27 The pre-application submission initially sought to develop the apartment block closer to the boundary with Ormskirk Road which would have resulted in a larger number of tree losses. As a result of the pre-application advice, the scheme has been reorientated and re-sited and the car parking numbers, and the width of the vehicular entrance reduced to try and minimise the tree impacts and loss. This has led to the reduction of tree removals across the site as follows:
- removal of a section of low quality tree group (G2)
 - high quality silver maple tree (T6)
 - moderate quality sycamore (T5)
 - part of moderate quality tree group (G1)
 - moderate quality sycamore (T4)
- 10.28 In total the proposed tree removal includes five large trees and a number of smaller trees and shrubs which would have an effect of reducing tree canopy cover and associated amenity, environmental and habitat benefits. It is for these reasons that the Tree Officer has objected to the scheme. In response to the Tree Officer's objection the Applicant has reviewed whether Trees T4-T6 could be retained however, doing this would require the Applicant to do one of the following:

- Take the main access through the courtyard car park serving the restaurants and nail bar into the site from the west, about 8m north of T4. Essentially, this would be replacing the third, fourth and fifth existing parking bays (from the southern end) with the access. All services would also need to follow this route into the site and the extent of the car park to the south would be reduced which will result in the loss of one bay. As the courtyard car park is not adopted and not owned by the Council, this solution was not considered viable.
- Move the main access outside of the root protection area of T4, about 9m further to the east, immediately adjacent to the building. It would be necessary to lose at least one parking space and route all services within the access further to the east. Visibility splays over land in the Council's ownership and/or highway land would also be difficult to achieve under this scenario. Due to these reasons, this solution was not considered viable.

10.29 The Applicant also explored the possibility of constructing the access and the southernmost part of the car park using a no-dig method and pervious surface however, this had four notable consequences as follows:

- It would increase costs, making the scheme potentially unviable.
- An alternative route into the site for services would be needed (e.g. through the verge and parking bays east of the access rather than within the access itself). Some redesign of surface water drains might also be needed. As the car park to the Highwayman Pub is not adopted, and not owned by the Council, this solution was not considered deliverable.
- It would mean building the access and car park above existing ground levels, by circa 250mm. This would influence levels across the entire site, including Finished Floor Levels of the building, as well as drainage, because everything would need to tie in with this section of car park.
- It would be unlikely that the car park or the access would be adoptable.

10.30 As such, it was deemed that mitigation of the tree loss would be the only viable and practical solution. The AIA recommends a landscaping scheme but recognises that this does not include sufficient tree planting to replace the quantum or quality of the trees that would be removed. This is not possible within the proposed layout because there is insufficient space.

10.31 Instead the AIA recommends a scheme of off-site planting to offset the adverse effects associated with the proposed tree loss. It should, in combination with the on-site planting, comprise tree planting to achieve a net gain in tree canopy cover within 30 years and include at least as many trees of species with a large mature size as would be removed (5no.) This will be secured by a S106 Legal Agreement in line with other biodiversity net gain enhancements as stated below. On balance, the development of the site for 12 affordable dwellings, four of which will be designed to accommodate the elderly, as part of the first phase of regeneration for the wider area, coupled with the on-site and off-site tree mitigation, in my view provides an overriding public benefit to the loss of these trees in compliance with Policy GN3 and EN2 of the Local Plan.

10.32 The BNG Report notes that in terms of biodiversity the proposal will result in the loss of 1.25 Biodiversity Units or a 33.86% loss but a net gain of 0.09 Biodiversity Unit for linear/ habitats/hedgerows. In accordance with NPPF, paragraph 180

requires biodiversity net gains. The Applicant's Ecologist has confirmed that the landscaping scheme that has been submitted has maximised the biodiversity enhancement on site in line with the Ecological Impact Assessment and the scope/boundary has been maxed out as far as further planting is concerned. As such the BNG Report recommends off-site biodiversity enhancement to be achieved in the next phase of redevelopment at Blythewood and failing this on adjoining Council owned land to provide the shortfall of biodiversity units. The BNG Report recommends a condition for the submission of a detailed 30-year management and monitoring plan to achieve a net gain in biodiversity however given the length of time the plan will account for and the financial implications for the Local Planning Authority, the BNG enhancements will be secured by a S106 Legal Agreement.

- 10.33 The Preliminary Ecological Assessment Report recommends that a bat sensitive lighting strategy should be implemented at the site which will also be secured by condition. Other conditions have been recommended by MEAS in terms of protecting hedgehogs and avoiding certain works during bird nesting season, however these will instead be covered in informative notes as they are covered by different legislation.
- 10.34 Taking all of the above factors into account, it is deemed that the development has been amended accordingly through the pre-application process to minimise tree loss and alternative design solutions explored to try and overcome the Tree Officer's objection. Overall, subject to the above conditions and S106 Legal Agreement, it is anticipated that the Proposed Development will not result in a negative impact on ecology and trees and that biodiversity net gain can be secured through on-site and off-site planting. The development is therefore in accordance with Local Plan Policies GN3 and EN2.

Ground Conditions

- 10.35 Policy GN3 requires that development seeks to remediate and restore contaminated land and minimise the risk from all types of pollution and contamination. The application has been supported by a Phase 1 Desk Study which has investigated potential contamination sources and receptors, in addition to the geology and geo-technical characteristics of the site.
- 10.36 The desktop research confirms the previous uses of the site. There was a quarry in the north-east of the site adjacent to Ormskirk Road, which had been replaced by the access road of Blythewood in 1969. To the north of Ormskirk Road in the 1880s there was also a quarry, which had closed in 1894. It is unknown if significant infilling occurred at the off-site quarry.
- 10.37 The site is not affected by any underground coal mining and there are no recorded mine entries.
- 10.38 The site has superficial deposits and Brooksbottoms Grit underneath. Due to the on and off-site previous uses of the quarry, there is possible made ground, minor hydrocarbons from long-term parking, and possible harmful gases from the former quarries.

10.39 The Phase 1 Design Study recommends an intrusive ground investigation and that gas wells should be installed and monitored. This will be secured by condition ensuring compliance with Policy GN3 of the Local Plan.

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 design matter, neighbouring amenity, highways, drainage and ground issues. The loss of trees and habitats on the site will be compensated both on-site and off-site which will be secured via 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.

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 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 Report (January 2024)

12.2 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.

12.3 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 L00
Existing Site Plan dwg no L01A
Site Sections dwg no L02
Proposed Site Plan dwg no L03C Rev C

Proposed Block Plan and Elevations dwg no L04

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. 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 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 building is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Prior to the occupation of development hereby permitted full details (including elevations and materials) of the bin store to be provided for the apartments shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be constructed in accordance with the approved details prior to the first occupation of the building to which it relates.

Reason: In the interests of residential amenity and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The development shall not proceed except in accordance with the noise assessment submitted by e3p Consultants (dated 20th November 2023 reference 51-040-R1-1) which includes the specification for the suitable glazing and

ventilation scheme that is required for achieving internal noise conditions. Specific attention must be drawn to the glazing specification that has been recommended for the facades along the northern boundary with Ormskirk Road which will require a higher specification of glazing.

All approved control measures shall be implemented prior to the use of the building and shall be retained as such thereafter.

For the avoidance of any doubt the proposed scheme must achieve the internal noise levels set out below and include any transportation, industrial and commercial noise and shall be based on findings from the submitted noise impact assessment that was submitted to support the application.

The following noise levels will need to be achieved in habitable rooms and outdoor areas as set out in BS8233:2014 and/or WHO Guidelines:

- Daytime Noise (07:00-23:00) Living Rooms & Bedrooms - 35 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Dining Areas - 40 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Outdoor Amenity Areas - 50 dB LAeq,16hr 55dB LAeq,16hr can be accepted in exceptional cases where normal mitigation cannot reach the 50dB level.
- Night time Noise (23:00 – 07:00) Bedrooms - 30 dB LAeq,8hr,
- Night time noise (23.00 – 07.00) Bedrooms - 45dBLAmax no more than 10-15 times per night (WHO guidelines)

These levels must be capable of being achieved with windows open (except for short term purge ventilation) or alternatively with passive ventilation systems in the open position. For the purposes of calculation noise reduction through a partially open window should be assumed to be 15dBA.

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

8. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing NW134/06/05, Rev 0 - Dated Oct 23 which was prepared by RF. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

9. 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.

10. 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.

11. The development shall take place in accordance with the Construction Method Statement (prepared by Whitfield & Brown) and Site Set Up Plan and 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.

12. For the full period of construction 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.

13. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

14. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

15. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

16. The development hereby approved shall not be occupied until the cycle parking provision as shown on dwg no L03C has been constructed in accordance with the approved plan. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

17. 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 installed, paved and marked out in accordance with dwg no L03C. The car parking/service areas shall thereafter be kept free of obstruction and available for parking cars at all times.

Reason: In the interests of sustainability and air quality in accordance with Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and agreed in writing by the Local Planning Authority:

- a. The 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.
- b. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in

writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- 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.

19. 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, has been submitted to and approved by the Local Planning Authority to enable discharge of the condition. 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 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

20. No external lighting shall be installed at the site until full details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any approved lighting scheme and retained as such thereafter.

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

21. The development shall only be carried out in accordance with all of the recommendations for mitigation set out in Section 5 of the Ecological Impact Assessment, The Environment Partnership, December 2023.

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

22. The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, The Environment Partnership, October 2023, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

23. All soft landscaping works shall be carried out in accordance with the approved details shown on Detailed Planting Plan dwg no D10108.01.001B. 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

24. Prior to occupation of the development, a 30-year Management and Monitoring Plan, in accordance with the Biodiversity Net Gain Report (prepared by Tyrer Ecological Consultants dated January 2024), shall be submitted to and approved in writing by the Local Planning Authority. The Management and Monitoring Plan shall ensure that there is a 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 shall be submitted to the Local Planning Authority during years 2, 5, 7, 10, 20 and 30 from the commencement of development unless otherwise stated in the Biodiversity Net Gain Report, 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 Policies GN3 and EN3 in the adopted 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 are suitable for hedgehog which is a Priority Species and Local Plan policy EN2 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for hedgehog mammals;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them

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 - HIGHWAY

This consent requires the construction, improvement or alteration of an access to the public highway. A list of approved contractors only can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact highways@lancashire.gov.uk for the list of approved contractors and to start the section 171 process.

This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

Construction Method Statement

- Any movement on and off the site will be under the strict supervision of banksman who will be competent and pre-appointed individuals as noted in the CMS and large vehicle tracking shown to Blythewood
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.

- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
- All references to public highway include footway, carriageway and verge.

INFORMATIVE – CONSTRUCTION SITE NOISE

The developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

INFORMATIVE - WORKING HOURS FOR DEVELOPMENT SITES

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.

INFORMATIVE - VENTILATION

The developer must consider Section 5.2.1 of the e3p Consultants report dated 20th November 2023 reference 51-040-R1-1 which addresses ventilation. This report recommends that any whole ventilation system that is installed into the development must be installed in accordance with Part F of the Building Regulations as the results of the noise assessment carried out by e3p indicates that natural ventilation is not appropriate for the proposed dwellings.

INFORMATIVE – OVERHEATING

Report 51-040-R1-1 as submitted by e3p as part of the application addresses the potential for overheating of future occupants of the proposed dwellings. Report 51-040-R1-1 indicates that some of the occupied spaces in the proposed development may exceed the noise criteria stipulated in Approved Document 0 should windows be opened to mitigate against overheating. The report recommends that a full overheating assessment in accordance with the guidelines indicated in Part 0 is required for habitable rooms along the northern façade and any full overheating assessment should be undertaken by a suitably qualified consultant.

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.