



**PLANNING COMMITTEE: Thursday,
23 May 2024**

**Report of: Deputy Chief Executive
Lead Member for Planning and Community Safety**

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SUBJECT: PLANNING APPLICATION REF: 2023/0809/FUL

PROPOSAL: Erection of residential 29 dwellings with associated parking and access road.

APPLICANT: Tawd Valley Development

ADDRESS: Land to The West of Maryvale, Skelmersdale

REASON FOR CALL IN: As a Council led scheme the planning application requires determination at Planning Committee.

Wards affected: Skelmersdale North;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks the erection of 29 residential dwellings. 11 units will be for affordable housing and 18 units will be for open market sale. The works also include the creation of an access road and parking areas.

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 site is an irregular 'C' shape comprising circa 0.96 ha of grass, tree and shrubland. St Mary Queen of Apostles Church and car park lies centrally within the site but outside of the development boundary. The site has a significant change in level from east to west (7.5m) with a nominal change (0.5m) from north to south. The site is located within the residential area of Birch Green. To the west is Cobbs Brow Primary School, to

the south is Houghtons Road, to the east is Toby Island roundabout and to the north is a cycleway/footpath linking Manfield and Fairburn estates via an underpass.

3.2 Vehicular and pedestrian access to the site is via Maryvale, a private road with a barrier currently in place about 50m from the junction. The first 5m of Maryvale is adopted by LCC Highways.

3.3 The site is designated as Green Infrastructure/Open Recreation Space and predominantly comprises of trees which buffer the site to the north, west and south. Some of the trees to the north are subject to a Tree Preservation Order (TPO)

4.0 PROPOSAL

4.1 The application proposes the erection of 29 dwellings set out around a new access road to encompass St Mary Church. Access to the site will be from the existing established unadopted road (Maryvale) which serves the church.

4.2 The dwellings will be semi-detached with one terrace of 3, set out over 14 blocks. It is proposed to include a mix of typologies including 2, 3 and 4 bedroom houses. Each dwelling has private amenity areas and parking provision. The tenure of the dwelling houses will be split between 11 units for affordable housing and 18 for market sale. The affordable homes will be shared ownership and managed by the Council.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 None

6.0 OBSERVATION OF CONSULTEES (SUMMARIES)

6.1 **Strategic Planning** – 16th November 2023

Principle of residential development is acceptable at the site subject to the proposal complying with all other relevant planning policies.

The proposal is in compliance with the Local Plan in terms of affordable housing.

Although the development will result in the loss of open space, there is adequate provision of alternative public open space in the locality. Given the proposal will deliver 11 affordable homes this should be given additional weight to the planning balance.

6.2 **Principal Engineer** – 23rd October 2023

No objection

Conditions suggested

6.3 **Lead Local Flood Authority (LLFA)**– 24th October 2023

No objection

Conditions suggested

6.4 **United Utilities (UU)**

26th March 2024

Objection

Following submission of Drainage Strategy, prepared by ARP Associated, ref NW134/01/4/11 dated 15/02/2024 can confirm whilst the strategy for the disposal of foul and surface water is acceptable in principle, there are elements of the detailed drainage design that are not acceptable to UU and will require resolution by the applicant.

Proposed drainage strategy should not be approved until all concerns are resolved.

Following matters should be taken into consideration by the applicant and further information provided for review:

- Due to overland flood routes, recommend that finished floor levels (FFL) for the plots in the vicinity of and including plots 19-20 are reviewed and raised above the highways cover level of 59.05 AOD.
- Recommend that the flood route between Plot 17 and Plot 16 is removed.
- Recommend the FFL of plot 10 is raised at least a similar level to Plot 9 to mitigate any flood risk.

Should permission be granted without resolution of all drainage concerns, which is not our recommended approach, particularly where flood risk is a concern and the application is for full planning permission where site levels and layout are intrinsically linked to the drainage proposals, conditions are recommended.

Request that current submitted drainage plans and levels plans/ details are not approved as part of any planning permission and are not listed as approved documents on the decision notice.

5th December
Objection

Following review of drainage documents; Fouls and Surface Water Drainage Strategy, prepared by ARP, ref NW134/01/4R4A and Section 104 Drainage Plan ref NW134/01/4/03 Dated 31.08.2023, the plans are not acceptable to UU.

Not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Existing public sewers pass through the site which modelling data identifies as being at risk of sewer flooding.

The sequential approach should be applied in accordance with the NPPF. New development should be located so that it is safe and will not increase flood risk elsewhere.

Applicant should consider site topography and any exceedance flow paths from existing and proposed drainage systems. The proposed site layout and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Careful consideration will need to be given to the incorporation of mitigation measures. This should include the approach to drainage including the management of surface water; the point of connection; whether the proposal will be gravity or pumped; the proposed finished floor and ground levels; and any appropriate measure to manage any risk of sewer surface surcharge.

Further clarification / information required for a number of points which need resolution prior to determination.

6.5 Merseyside Environmental Advisory Service (MEAS)

5th March 2024

Applicants submitted updated reports:

- Preliminary Roost Assessment (1761/Ba), Version 2 – January 2024
- Arboricultural Impact Assessment (AIA), Urban Green, Rev 02 – January 2024
- Proposed site plan, Dwg no L03C, 11.01.2024
- Soft Landscaping Plan Dwg no UG_2124_LAN_SL_DRW_003, P04, 24.01.2024

Bats

Updated PRA now includes a ground and ladder based assessment of all trees and woodland areas.

No trees within the site offer suitable features for roosting bats – no further surveys or mitigation is required.

The Landscaping plans show existing woodland around periphery of site will be retained. The retention of the areas with additional planting will maintain connectivity for foraging and commuting bats

Priority habitats

Revised site layout plan, landscaping plan and AIA now show areas of broadleaved woodland Priority habitat within the site will be retained and enhanced. Only minor pruning required on northern and southern boundary – No compensation required.

Previous comments in respect of protected species including breeding birds, bats, badgers and hedgehog, invasive species and requirements for a LEMP and CEMP to secure protection remain relevant.

15th December 2023

Applicant has submitted updated reports:

- Preliminary Roost Assessment (1761/Ba) – November 2023

Bats

Only ground based assessment carried out

Trees within the broadleaved woodland priority habitat not included within assessment Accepted – trees and tree groups to be removed do not support any potential roosting features

Small section of the Priority Habitat woodland parcel to north is shown to be removed / impacted by the proposal. – further surveys of any trees removed / impacted required prior to determination

Further information on the suitability of the woodland within the northern portion of the site for *Myotis* sp. And *Noctule* species roost required prior to determination.

Previous comments in relation to Priority habitats, landscaping planting, bat sensitive lighting, breeding birds, terrestrial mammals, invasive species, LEMP and CEMP all remain relevant.

6th November 2023

Applicant has submitted the following reports:

- Preliminary Ecological Appraisal (PEA), 2023, revision, Ref JE 7934-23
- Bat Activity Survey Report 2023, Update v2, ref JE 7934-23

Reports and proposals not acceptable owing to the significant ecological impacts on Priority Habitat and additional information required Prior to determination regarding roosting bats.

Priority Habitats

Proposal affect a Priority Habitat

Current layout has not taken the lowland mixed deciduous woodland Priority habitat into account

Buffer zone should be retained between property boundary fences and woodland areas–proposed layout should be amended to avoid / minimize harm.

Habitats and landscape planting

A number of trees will be removed to facilitate development – tree removal should be minimised and compensatory tree planting of an equal or greater quantity should be accommodated. - Soft landscaping plan needs updating

Bats

Preliminary Roost Assessment is required prior to determination

Presence of a single day roost for common pipistrelles at the church is confirmed. The church lies outside the development area and will not be impacted by the development. The Council does not need to consider the church against the three tests

Lighting

Sensitive approach to lighting is required

CEMP to include measure to limit light pollution.

Breeding Birds

Woodland and vegetation provide nesting opportunities on site.

CEMP is required to include standard breeding bird reasonable avoidance measures (RAMs) for protection of nesting birds.

Badgers and hedgehogs

Habitats on site suitable for badger and hedgehog

RAMs should be implemented and included within eh CEMP

Invasive species

Variegated Yellow Archangel present within site boundary

Listed on Schedule 9 of the wildlife and countryside act

Method statement should be provided within the CEMP

Landscape and Ecological Management Plan (LEMP) is required which covers the management of the site in perpetuity or for the duration of the development

Construction Environmental Management Plan (CEMP) is required to manage and mitigate the main environmental effects during construction phases of the development

The submitted reports do not reference trees being subject to detailed investigation for potential roost features.

Further surveys should be carried out prior to determination.

A lighting plan should be provided prior to determination

6.7 Housing Strategy and Development Programme Manager – 18th October 2023

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.

The provision of 11 shared ownership units are acceptable. This would also be the case if any of the dwellings came forward using Rent to Buy and / or Affordable Rent tenure.

6.8 Environmental Protection – 10th October 2023

As a result of location within residential area, residential properties may be impacted by vibrations and noise from building works if not managed properly.

Future occupants may be subject to road traffic noise.

Conditions and informative suggested for the submission of an acoustic report; noise insulation schemes for the residential development and working hours for construction;

6.9 Lancashire County Council Highways (LCC) - 16th October 2023

No objection subject to conditions and is of the opinion that that the proposal would have a negligible impact on highway safety or highways capacity within the immediate vicinity of the site.

6.10 Cadent Gas – 5th October 2023

No objection

Informative note required

6.11 School Provision and Sufficiency Team – 3rd May 2024

An education contribution is not required at this stage in regard to this development

6.12 Arboricultural Officer

No comments received at the time of writing this report.

6.13 Lancashire County Council – Mineral Safeguarding

No comments received at the time of writing this report.

7.0 OTHER REPRESENTATIONS

7.1 1 neighbouring letter was received as part of the consultation process and can be summarised as follows:

- Has consideration for local infrastructure been considered e.g. schools, doctors and dentists which already have limited availability

- parts of Manfield have woodland areas they can enjoy regarding wildlife in which trees provide natural drainage, prevent erosion and also help clean the air and reduce the risk of air pollution.
- During construction noise and traffic will increase

8.0 SUPPORTING INFORMATION

- **Planning Statement and Affordable Housing Statement**, revision A – prepared by zerum. Received by the LPA 19.10.2024
- **Design & Access Statement** (1761) – Prepared by John McCall Architects. Received by the LPA 27.09.2023
- **Open Space Assessment** (August 2023) – Prepared by Zerum. Received by the LPA 06.09.2023
- **National Design Guide Assessment** 02.08.23 v1 – Prepared by John McCall Architects. Received by the LPA 06.09.2023
- **Crime Impact Statement** – Prepared by Lancashire Constabulary. Received by the LPA 06.09.2023
- **Sustainability Statement pre construction** 02.08.23 v1 – prepared by John McCall Architects. Received by the LPA 06.09.2023
- **Stage 1 Desk Study Report** (NW134/01/4r1) – prepared by ARP (North West) LTD. Received by the LPA 06.09.2023
- St Mary's Church (1761/Ba) **Preliminary Roost Assessment**, Version 2-2024 (refJE8152-24) – prepared by ccnw. Received by the LPA 30.01.2024
- **Arboricultural Impact Assessment (AIA)**, January 2024 – prepared by Urban Green. Received by the LPA 30.01.2024
- **Minerals Safeguarding Report** (NW134/01/4/12/WWjc) – prepared by ARP. Received by the LPA 27.09.2023
- **Infrastructure Delivery Statement** – prepared by Zerum (September 2023). Received by the LPA 29.09.2023
- **Transport Statement (September 2023)** – prepared by Mosodi. Received by the LPA 28.09.2023
- **Flood Risk Assessment** (NW134/01/4r3) – prepared by ARP. Received by LPA 11.09.2023
- **Foul and Surface Water Drainage Strategy** (NW134/01/4r4a) Rev A – prepared by ARP. Received by the LPA 06.09.2023.
- **SW Hydraulic calcs surcharged outfall** (NW134/01/4c5a) – Prepared by ARP Geotechnical LTD. Received by the LPA 24.04.2024.
- **SW Hydraulic calcs no surcharge at outfall** (MW134/01/4c4a) - Prepared by ARP Geotechnical LTD. Received by the LPA 24.04.2024.

9.0 RELEVANT PLANNING POLICIES

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

9.10 The site is located within the settlement area of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD. The site is also designated for Green Infrastructure/Open Recreation Space.

9.11 National Planning Policy Framework (NPPF)

Chapter 5: Delivering a sufficient supply of homes
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well designed and beautiful places
Chapter 15: Conserving and enhancing the natural environment

9.12 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
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space

9.13 Supplementary Planning Document (SPD)

- Design Guide (Jan 2008)
- Provision of Open Space in New Residential Developments (July 2014)

10.0 OBSERVATIONS OF DEPUTY CHIEF EXECUTIVE

10.1 The main considerations for this application are:

- Principle of Development
- Residential Mix, Affordable and Specialist Housing
- Design
- Impact upon Living Standards
- Highway Impacts
- Drainage Impacts
- Biodiversity
- Ground Conditions

Principle of Development - Residential 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 of Skelmersdale, 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 compliance with other relevant planning policies.

Principle of Development - Loss of Open Space Recreation Space / Green Infrastructure

10.3 The site is currently an undeveloped, grassed / tree area and it is designated as Green Infrastructure/ Open Recreation Space within the West Lancashire Local Plan. As such, Policy EN3 should be considered. Policy EN3 outlines the Council's approach to

provide a green infrastructure strategy to support the provision of a network of multi-functional green space to facilitate active lifestyles.

10.4 Policy EN3 part 2(a) states that development that results in the loss of existing open space will only be permitted if one of the following conditions are met:

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

10.5 The proposal would result in the loss of Green Infrastructure/ Open Recreation Space; therefore, evidence would need to be provided to meet one of the above conditions. The proposed development does not appear to satisfy criteria (ii) or (iii). Therefore the Council would need to agree that the open space is unsuitable for retention. The applicant has submitted an Open Space Assessment in support of the application to justify the development against Policy EN3 and to demonstrate compliance with condition (i) of the Policy EN3.

10.6 The applicants open space assessment (OSA) grades the site as being poor quality open space that is unmaintained and overgrown. A group of trees to the northern part of the site are subject to a Tree Preservation Order (TPO) and the site forms a green corridor to the Tawd Valley Park. Therefore, the ecological value of the site should be considered and respected. Thus, criterion (i) of Policy EN3 part 2 (a)(i) cannot be met in terms of quality.

10.7 The OSA also demonstrates that the site has a low level of use due to there being no permeability through the site and that there are a number of accessible alternative public open space within 15 minutes walk of the site. The Council concur with the conclusion that there is adequate provision of open space in the locality, coupled with the site's limited use as publicly accessible open space, Policy EN3 part 2 (a)(i) is satisfied in terms of being under used.

10.8 Furthermore, Policy EN3 part 2(b) states that development on open space will not be permitted where:

- (i) Development would affect the open character of the area
- (ii) Development would restrict access to publicly accessible Green Space
- (iii) Development would adversely affect biodiversity in the locality
- (iv) Development would result in the loss of Green Space, Green Corridors and Countryside
- (v) The open space contributes to the distinctive form, character and setting of a settlement
- (vi) The open space is a focal point within the built up area
- (vii) The open space provides a setting for important buildings (being listed or of local historic importance) or schedules ancient monuments

10.9 The site lies in an area between two residential areas as open space to separate the existing built up area. The two residential areas (Ashurst and Birch Green) appear to be joined with the proposed residential development and this could potentially alter the character of the area. That said the development site only measures 0.96ha and has the built form of St Marys Church located centrally within it. Furthermore, it is noted that the development has sought to retain substantial crucial natural areas of the site to the north and west which make up a key characteristic of it. In addition to this on site public amenity greenspace is proposed. Therefore, whilst some loss of open character would result, the retention of the green corridors (which link in with a wider networks of green corridors) and the provision of new amenity spaces on site retain some of the open character. Therefore, I am satisfied that the small loss of open character as a result of the development is on balance acceptable on this occasion.

10.10 Policy EN2 provides an effective framework to balance the need for conservation and protect the Borough's natural assets against the need to meet development requirements. Policy EN2 part 6(i) states that the development will be permitted where it meets the criteria – the development maintains or enhances the distinctive character and visual quality of the Landscape Character Area as shown on the Policies Map, in which it is located.

10.11 The site is recorded covering the 'No Main Habitat but additional habitats present' type of Priority Habitat in the Priority Habitats Inventory dataset published by Natural England. The site also provides a green corridor to the Tawd Valley Park (Tawd Valley Park Biological Heritage Site) recorded as 'Deciduous woodland' Priority Habitat Inventory via on site and off site linear woodland. A soft landscaping scheme has been submitted as part of the application which shows the retention of trees subject to a TPO in the northern part and buffer zone to be provided along the western and southern boundaries to the bat corridor and woodland. Although on site provision of public open space will not be required for this development size as set out in the Council's Open Space Supplementary Planning Document (2014), the development will provide on site amenity greenspace. The applicant's assessment demonstrates that the green infrastructure link will not be broken and retention of the tree belt on site as well as its enhancement is proposed in order to maintain a green corridor for fauna.

10.12 Paragraph 103 of the NPPF also states that existing open space should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

10.13 The submission does not propose to provide any alternative provision therefore the proposed development does not satisfy criteria b) or c) and will only be permissible if a) were satisfied.

10.14 The Applicant's Open Space Assessment demonstrates a surplus of amenity open space in Skelmersdale and South Eastern Parishes area if the site were to be development. The Council's Open Space Standards Paper indicates that there are a

variety of types of open space in the vicinity of the site, including a number of amenity green spaces identifies which can be considered to serve the site in 15 minutes walk of the application site, including natural and semi natural greenspace at Tawd Valley Park, play and natural play at Summer Street and allotments at Houghton's Road and Tawd Valley. In terms of the requirements of the NPPF, criterion (a) is considered to be satisfied.

10.15 Although the development will result in the loss of open space, this open space has been demonstrated to be under used and to have limited public accessibility. Furthermore, the development seeks to retain green corridors at the site which link into wider green corridors offsite and is proposing green amenity areas within the development. Thus, maintaining some degree of the open space at the site. It has also been demonstrated that there is adequate provision of alternative public open space in the locality. Given that the development will deliver 11 affordable homes which is higher than the Local Plan requires (as per paragraph 10.16 below), this can be afforded additional weight in the planning balance. On that basis I consider that the development complies with the requirements of the NPPF and the Local Plan Policy EN3.

Residential Mix, Affordable and Specialist Housing

10.16 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.

10.17 The development proposal is for 29 dwellings in total. The tenure mix will be 18 units for market housing (62%) and 11 units for shared ownership (38%). This is more than the minimum requirement and will be secured by a S106 Legal Agreement. The housing will be allocated through West Lancashire's choice based letting scheme.

10.18 In addition to this, Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly. Policy is flexible as to how this requirement can be met. Each dwellinghouse has been designed to meet the requirements of Homes England and internal design standards, which encompasses Part M Category 1 (visitable dwellings) of the Building Regulations. 20% of the homes are designed to Category 2 (accessible and adaptable). This will be secured by a S106 Legal Agreement. The scheme is therefore compliant with Policy RS2 of the Local Plan.

10.19 The Council's Housing Officer has reviewed the proposal and confirmed that the Housing and Economic Development Needs Assessment (2022) identified 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. The Housing Officer has confirmed that the proposed application for the provision of 18 market units and 11 shared ownership units is acceptable. They have advised that this would also be the case of any of the dwellings came forward using Rent to Buy and / or Affordable Rent tenure.

Design / layout

10.20 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.

10.21 In addition, the SPD Design Guide stated 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 street scene and impact on any significant wider landscape views.

10.22 The site will be arranged around St Mary's Church along a new access road. The development will be split into 14 blocks of 2 storey dwellings. Blocks 1 – 13 will be semi-detached whilst block number 14 is a terrace of 3. The properties will be a mix of 2, 3 and 4 bedroom dwellings. 6 no. 2 bedroom homes (20.7%); 19 no. 3 bedroom homes (65.5%); and 4 no. 4 bedroom homes (13.8%).

10.23 To inform the design of the development the applicant has assessed the local identity and typical characteristics and patterns of houses in the local area. As a result of this assessment, the dwellings would be 2 storey, comprising of brick elevations with decorative detailing and pc concrete roof tiles with a 30 degree roof pitch. Dwellings would have recessed porches to the entrance doors. Window proportions and locations are considered acceptable.

10.24 All properties have private areas of hardstanding for access, parking and servicing, with secured private gardens and landscape areas. A variety of boundary treatments are proposed. The boundaries in between dwellings and sectioning between boundaries are mainly timber panel fence (2.1m high) and to the rear 1.5m timber panels with 0.3m trellis above. The most sensitive areas to the front gardens and to the eastern corner of block one, which fronts Toby Island, would be constructed from 1.2m brow top railings. These elements are considered acceptable.

10.25 The site is constrained by land topography, TPOs, green corridors, service easements as well as the existing St Mary's Church. All of these elements have dictated and led the layout of the development as well as assimilation of housing formation taken from the existing housing estates surrounding the site. I am satisfied that the layout of the development is acceptable.

10.26 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 living standards

10.27 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.

10.28 Within the development site, all dwellings respect the guidance in the SPD, Design Guide of 21m separation distance between principal elevation to principal elevation and 12m from side elevations to principal elevations. Each dwelling is to have either a rear or side garden. Plots 1, 2, 6, 11 – 29 all have gardens that meet the minimum requirement of 10m garden depth. Plots 3, 4, 5, 7, 8, 9 and 10 all fall slightly below the minimum standard having a depth of 8.70m. It is worth noting that plots 3-8 are the 2 bedroom

properties and as such a slight under provision in these cases can be considered acceptable noting likely occupancy levels.

10.29 Plots 9 and 10 are 3 bedroom dwellings and the under provision is slightly more problematic in these locations. However, plot 9 has a width of about 9m x 8.7m and as such on balance is considered to provide satisfactory private amenity space. Plot 10 has a garden depth of 8.70m x 7m and as such about 60sqm of private amenity space. Whilst this plot does fall short of the requirements set out in the SPD, it is noted that the reasons these gardens on the northern side of the site have slightly reduced projection is to ensure that a 10m ecology buffer can be secured at the site. Within the site it is proposed to provide areas of open amenity space for the benefit of all residents, furthermore the site is within walking distance of public open space. On balance, whilst not ideal, the slight under provision is considered acceptable on this occasion.

10.30 To protect the proposed standards of private amenity space within the development, noting that private garden areas in some cases fall below the required standards, permitted development rights for rear extensions will be removed from plot 9 and 10. This will ensure that the LPA can have control over any future development that may reduce the size of private garden areas.

10.31 With regard to the impact the development would have upon the living standards of existing neighbouring properties, I am satisfied that as a result of the separation distances, existing boundary screening and land levels that the development would not impact upon the privacy or amenity of any neighbouring properties on the Mansfield estate or properties on Irwell to the south. This includes Cobbs Brow School to the east and St Marys Church located centrally within the development.

10.32 The Environmental Protection Team has reviewed the submitted application and has advised that existing residential properties surrounding the site may be adversely affected by noise and vibrations from building works if undertaken at unreasonable hours. Similarly, it is considered the future occupants of the proposed development may be subjected to adverse road traffic noise from the aforementioned main conurbations close to the site and therefore conditions and informative regarding the submission of an acoustic report and a scheme for insulating the buildings from noise sources have been requested. I am satisfied that these conditions are acceptable and appropriate for the development. Subject to conditions I am satisfied that the proposed development accords with Policy GN3 of the Local Plan.

Highways Impacts

10.33 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.

10.34 Birch Green can be described as a walkable neighbourhood with numerous footpaths and cycleways. It is also located close to sustainable modes of transport with the nearest bus stop being located about 130m to the north on Ashurst Road. Other bus stops are located within a radius of 250 m of the site providing services to Skelmersdale, Lathom, Burscough Bridge and Kirkby every hour.

10.35 Vehicular access to the site is proposed from Maryvale which currently only serves St Mary's Church and is adopted for the initial 5m. The use of this access for the proposed

development is considered acceptable. The submitted plans indicate that the existing footway from the site access to the existing cycle route (the Manfield-Fawcett subway link) to the north is to be increased to 3m wide to provide a suitable link to the surrounding built environment which satisfies NPPF for a safe and suitable access and encourages sustainable transport.

10.36 Internally within the site the proposed layout is considered acceptable and would meet the standards expected for the estate road to be adopted by LCC Highways. This would be subject to applications under Section 38 of the Highways Act.

10.37 Dwellings with 2 and 3 bedrooms have been allocated two parking spaces and dwellings with 4 bedrooms have been allocated 3 parking spaces which is in accordance with Policy IF2 of the Local Plan. Plots 12 and 13 have a single garage which has internal dimensions of 3m x 6m and accords with the relevant standards. All other plots benefit from side or front parking.

10.38 LCC highways have been consulted as part of the submission and raise no objection to the proposal. The applicant has provided updated plans to address original concerns from the highways department relating to footways within the site and confirmation of parking for plot 15. I am therefore satisfied that the proposed level of car parking, access arrangement and internal layout is acceptable and in accordance with Policies GN3 and IF2 of the Local Plan.

Flooding and Drainage Impacts

10.39 Policy GN3 of the Local plan requires that development does not result in unacceptable flood risk or drainage problems. 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.

10.40 A drainage report for foul and surface drainage water has been submitted with the application. United Utilities (UU) originally objected to the application as they were concerned that robust evidence had not been submitted to demonstrate that the drainage hierarchy had been thoroughly investigated. An existing public sewer also passes through the site which modelling data identified as being at risk of sewer flooding. This risk needed to be further assessed by the applicant before UU would remove their objection.

10.41 The applicant provided updated reports, drawings and calculations. These were forwarded to UU for comment. UU note that the strategy for the disposal of foul and surface water is acceptable in principle. However there remain elements of the detailed drainage design that are not acceptable to UU. UU comment that due to the overland flood routes, finished floor levels for plot 19-20 should be raised above the highway cover level. Additionally, the flood route between plot 16 and plot 17 should be removed. UU also request that the finished floor level of plot 10 be raised to at least a similar level to Plot 9 to mitigate flood risk.

10.42 As a result of the outstanding matters, UU maintain their objection and recommend the resolution of all drainage matters prior to determination. Their concern is that if agreement cannot be reached on a subsequent condition application than the scheme might not be able to proceed in the form currently envisaged and a resubmission might be necessary. Whilst not their preferred option, UU have recommended conditions to

enable the Council to move to determination whilst still ensuring matters of flood risk can be addressed at a later stage.

10.43 The Applicant has taken on board the latest UU comments and have submitted to the Council amended plans which address raising the finished floor levels of plots 19-20 so they are now above the adjacent road level. Similarly, the site levels have been revised so there is no longer a low point on the road outside of Plot 16 and 17, thus removing the potential exceedance flow route between these properties. Due to level constraints, it is not possible for Plot 9 and 10 to have the same finished floor level, however the finished floor levels and external levels in this area have been revised such that they are above the level of the main access road, thus reducing the risk of flooding from surcharge. In addition to the amended plans, updated calculations have been provided to address UU's outstanding concerns. UU have been consulted of these amendments however the Council have not received a response at the time of writing this report.

10.44 Noting that the Councils Drainage Engineer and the Lead Local Flood Authority have raised no objections to the proposal, subject to conditions, I am of the opinion that the Council can proceed to determination subject to conditions being discharged before work commences on site.

Biodiversity

10.45 A Preliminary Roost Assessment (PRA), Arboricultural Impact Assessment (AIA), proposed site plan and soft landscaping plan have been submitted with the planning application.

10.46 The PRA reported that no trees within the site offer suitable features for roosting bats and as such no further survey or mitigation is required. Therefore, the Council does not need to consider the proposal against the three-tests (Habitat Regulations). The landscaping plans for the site show that existing woodland around the periphery of the site along the northern, western and southern boundaries will be retained and enhanced as part of the development. The retention of these areas along with additional planting within the site will maintain connectivity for foraging and commuting bats within the site.

10.47 The AIA shows that areas of broadleaved woodland Priority Habitat within the site will be retained and enhanced as part of the woodland edge along the northern and southern boundary of the site. This is acceptable and no compensation for the loss of Priority habitat within the site will be required. Mitigation measures to protect retained habitats including Priority habitat should be included within the Construction Environmental Management Plan (CEMP), and Landscape and Ecological Management Plan (LEMP). These aspects will be conditioned.

10.48 Subject to conditions, it is anticipated that the proposed development will not result in a negative impact on ecology and trees at the site and a betterment in terms of biodiversity is proposed. The development is therefore in accordance with the Local Plan Policies GN3 and EN2.

Trees / Landscaping

10.49 To support the application an AIA and Arboricultural Method statement has been submitted along with soft and hard landscaping plans. The site comprises disused land, largely covered in naturally colonised trees and unmanaged vegetation. To the north of

the site is an area of woodland which is protected by Tree Preservation Orders (TPO). No development will be within this area with the exception of a small area of hardstanding from plot 2. Mitigation measures have been proposed for this slight encroachment.

10.50 The proposed development would necessitate the removal of some individual trees and groups from within the site. Two individual trees (T7 and T17) are to be removed. These trees have been categorised as High Quality, Grade 'A' trees. The other tree removal falls within 'B' or 'C' Grade. The removal of these trees would have some impact on the long term visual amenity of the site however their removal would be partially mitigated through retention of most of the moderate and high quality boundary tree groups and woodlands. The mitigation measures proposed would ensure that these trees and woodlands are protected throughout the proposed development. In addition, a landscaping plan has been submitted which would result in a significant amount of new tree planting as well as wildflower meadow, hedge planting and domestic ornamental planting.

10.51 On balance and subject to conditions, I am satisfied that the proposal would not result in a negative impact to trees within the site and as such the proposal is in accordance with the Local Plan Policies GN3 and EN2.

Local Infrastructure

10.52 A neighbouring letter received raised concerns about the impact of the additional population on local services such as school places and health provision. A consultation response received from the School Provision and Sufficiency Team advises that an education contribution is not required for the site. I am satisfied that no significant impacts should result.

Ground Conditions

10.53 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 Minerals Safeguarding Report (stage 2) and Phase 1 Desk Study Report which has assessed the geological and coal mining aspects, site history, potential contamination sources and receptors, and other environmental aspects including radon gas and indicative flood risk. A Coal Mining Report was obtained to facilitate the study.

10.54 The site contains densely vegetated land with numerous mature trees. Historical maps were used to assess the geology of the local area which found the site to be underlain by Devensian Till over undifferentiated strata (mudstone, siltstone and minor sandstone) of the Pennine middle Coal Measure Formation.

10.55 The desk study confirms that there has been no previous development on the site. However, aerial imagery from 2005 suggests that a haul road crossed the centre of the site connecting Maryvale to construction works on the adjacent school to the west. The surrounding area was developed significantly between the 1960s and 1980s, with the construction of houses, a school, and an upgraded road network. Several reservoirs and ponds were located between 30m and 150m north of the site and most infilled by the 1960s. Several collieries were located to the west and southwest between the 1890s and the 1920s, with the closest being 150m to the west.

10.56 The site is not within a Development High Risk Area as defined by the Coal Authority but is within a coal mining referral area which has resulted in the Coal Mining Report being obtained and submitted as part of this application. The site is underlain by deep underground coal mine workings with the last working date being 1923. The site is not within a surface area that could be affected by historical, known or unrecorded shallow (less than 30m depth) underground mining. Based on this, the site is considered stable with regard to coal mining.

10.57 The western half of the site is within a Mineral Safeguarding Area. Within these areas, planning permission will generally not be granted for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals found on the land unless the applicant can demonstrate that the mineral concerned is no longer of any value or has been fully extracted, or there is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.

10.58 In order to assess the extent and value of the resource, and to assess the ability of the land for future development, a Mineral Assessment has been submitted by the applicant. The assessment found there are no mineral resources of economic value at the site. Consequently, as the mineral resource is not a commercially viable deposit, the development of the site for uses not compatible with mineral extraction (i.e. housing) would be in conformity with Policy M2.

10.59 The site investigations carried out by the applicant have confirmed that no minerals of economic significance are present beneath the site. The Coal Mining report indicates that there are no significant coal seams beneath the site at depths which could be worked by open excavation. No other mineral resources have been identified on or near the site.

11. 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 matters, neighbouring amenity, highways, protected species, trees or drainage. 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 with the Design Guide SPD. The proposal is therefore recommended for approval.

12. RECOMMENDATION

12.1 That the decision to grant planning permission be delegated to the Deputy Chief Executive 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 to require:

- The terms, conditions and phased delivery of the affordable housing and specialist housing
- Connection to existing public sewer

12.2 If the Obligations 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 Deputy Chief Executive be given delegated authority to REFUSE the application.

12.3 That any planning permission granted by the Deputy Chief Executive 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:

Plan reference

L05C – Block 01

L09B – Block 05

L10B – Block 06

L11B – Block 07

L14B – Block 10

L16B – Block 12

Received by the Local Planning Authority 14th May 2024

Plan reference

NW134/01/4/15 Rev A – Refuse vehicle swept path analysis

NW134/01/4/02 Rev A – Section 38 Layout

UG_498_ARB_AMS_01 Rev 00 – Arboricultural Method Statement

UG_498_ARB_AMS_02 Rev 00 – Arboricultural Method Statement

UG_498_ARB_AMS_03 Rev 00 – Arboricultural Method Statement

Received by the Local Planning Authority 30th April 2024

UG_2124_LAN_GA_DRW_001 rev P04 – General arrangement plan

UG_2124_LAN_HL_DRW_002 rev P04 – Hard landscaping plan

UG_2124_LAN_SL_DRW_003 rev P04 – Soft landscaping plan

received by the Local Planning Authority on 29th January 2024

Plan reference

L03C – Proposed site plan

L04B – Constraints site plan

received by the Local Planning Authority on 25th January 2024

Plan reference

NW134/01/4/00 rev A – Topographical survey

received by the Local Planning Authority on 6th September 2023

Plan reference

L00A – Location plan

L01A – Existing site plan

L06A – Block 02

L07A – Block 03

L08A – Block 04
L12A – Block 08
L13A – Block 09
L15A – Block 11
L17A – Block 13
L18A – Block 14
L19A – Proposed boundary details
L20A – existing site layout plan
received by the Local Planning Authority on 21st September 2023

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 buildings 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. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
 - 24 Hour emergency contact number;
 - Details of the parking of vehicles of site operative 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 (pedestrian and cyclists);
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;

- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery, demolition and construction working hours.

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

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to ensure the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

Reason: In order to satisfy the Local Planning Authority and Highways Authority that the final details of the highways scheme / works are acceptable before work commences on site and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No construction works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to an approved by the local planning authority. The street shall therefore be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenity of the locality and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

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

9. No construction works shall commence until the new estate road / access between the site and Maryvale / Houghtons Road has been constructed in accordance with Lancashire County Council's Specification for Construction of Estate Road to at least base course level.

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

10. Before construction above ground floor slab level commences, a scheme for insulating the building envelope from noise sources both within and outside the properties shall be submitted to and approved by the Local Planning Authority. This scheme must achieve the internal noise levels set out below and include any transportation, industrial, commercial and entertainment noise and shall be based on findings from an appropriate noise assessment.

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:

- o Daytime Noise (07:00-23:00) Living Rooms & Bedrooms - 35 dB LAeq,16hr
- o Daytime Noise (07:00-23:00) Dining Areas - 40 dB LAeq,16hr
- o 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.
- o Night time Noise (23:00 - 07:00) Bedrooms - 30 dB LAeq,8hr,
- o 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. If the above levels cannot be achieved with open windows, then the scheme must also include provisions for acoustically treated mechanical ventilation that will not compromise the acoustic performance of any proposals.

Prior to the first occupation of the approved use or any individual phase of development, the developer shall submit a validation report, in writing, to the Local Planning Authority, demonstrating the inclusion of all mitigation measures as agreed along with a report to show evidence of the installation of mitigation measures within the building to validate the submitted proposal scheme.

Reason: To ensure a satisfactory standard of living environment for incoming occupiers and 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.

11. All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday

09:00 – 17:30

Saturday	09:00 – 13:00
Sunday and Public Holidays	None

In addition to the above, prior to the commencement of development the developer shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement: The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.

Reason: To minimise any increases in background sound and vibration levels and to protect the amenity of any existing residents and 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.

12. Works audible at or beyond the site boundary should not occur outside of Monday to Friday 08:00hrs to 18:00 hrs, Saturday 08:30hrs to 13:30hrs and at no time on Sundays or Public/Bank Holidays.

Reason: To minimise any increases in background sound and vibration levels and to protect the amenity of any existing residents and to safeguard local residents from noise and disturbance, and to comply with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No plant machinery shall be operated on the application site, no process shall be carried out and no deliveries taken at or dispatched from the site outside of the following hours: Monday to Friday 08:00hrs to 18:00hrs, Saturday 08:30hrs to 13:30hrs and at no time on Sundays or Public / Bank Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. 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 provided for approval and implemented in accordance with those details. Evidence of implementation (i.e. photographs) will need to be provided to 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.

15. 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.

16. All soft landscaping works shall be carried out in accordance with the approved details shown on UG_2124_LAN_SL_DRW_003 rev P04. 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.

17. No development approved by this permission shall be commenced until a Landscape and Ecological Management Plan (LEMP), which covers management of the site in perpetuity or for the duration of the development is submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved document.

The LEMP should include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site which may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsibility for implementation of the plan; Confirmation of funding and ownership and
- Details of a programme of monitoring and remedial measures triggered by monitoring.

Reason: To safeguard protected species and Priority Habitat 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.

18. No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved document.

This shall include:

- Measures to protect the lowland mixed deciduous woodland Priority Habitat within and adjacent to the site
- Measures to protect habitats suitable for bats during the construction phase
- Measures to protect nesting birds
- Measures to protect terrestrial mammals
- Measures to prevent the spread of invasive species
- Standard pollution control measures to protect all retained on-site and adjacent habitats

Reason: To mitigate any ecological impacts in support of Policy EN2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

19. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment (August 2023, Ref: NW134/01/4r3, ARP Associated) and indicative surface water sustainable drainage strategy (August 2003, Ref: NW132/01/4r4a, ARP Associated) submitted and sustainable drainage principles and requirement set out in the NPPF, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1 year) annual exceedance probability event;
 - ii. 3.3% (1 in 30 year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100 year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure reference, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground level for all sides of each building and connecting cover levels to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigations and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

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

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 167 and 169 of the NPPF, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 20. No development shall commence until a Construction Surface water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum;

- a) Measures taken to ensure surface water flows are retained on site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any received groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and therefore managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on site or elsewhere during any construction phase in accordance with Paragraph 167 of the NPPF.

- 21. The occupation of the final unit of development shall not be permitted until a site specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;

- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risk from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the NPPF.

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

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail and minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid reference) 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 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 Paragraph 167 and 169 of the NPPF.

23. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendments thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In

- the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 6.4l/s;
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to ensure the proposal accords with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

24. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Impact Assessment, January 2024, prepared by Urban Green unless otherwise agreed in writing by the Local Planning Authority.

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

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 A, B, C, D and E and Part 2 A, or any amendments made to that Order, no rear extensions shall be carried out to Plot 9 or Plot 10 unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: The site is constrained such the Local Planning Authority wish to exercise control over future development and in order to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework

26. The garages hereby permitted shall not be converted into living accommodation (either in whole or part) and shall be retained for use by the dwellings hereby approved at all times, unless the written permission of the Local Planning Authority has been sought and obtained beforehand.

Reason: To ensure adequate garaging/off street parking provision is retained and thereby avoid harm to amenity, safety or convenience caused by on street parking and to comply with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

REASON FOR APPROVAL

The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space

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

Informative:

INFORMATIVE - HIGHWAY

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

The land referred to in Condition 4 of this response shall be the subject of a dedication agreement with the Highway Authority under the provision of Section 38 of the Highways Act or other appropriate agreement.

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

Construction Method Statement

- There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
- 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 Ihsstreetworks@lancashire.gov.uk

- All references to public highway include footway, carriageway and verge.

INFORMATIVE – LEAD LOCAL FLOOD AUTHORITY

Connection to public sewer

The applicant will require an agreement with the appropriate water and sewerage undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

Site Specific Advice

The following advice is provided to inform the applicant and the Local Planning Authority of our expectations at the discharge of conditions stage:

- Hierarchy of drainage options- the submitted drainage strategy states that infiltration will not be viable for the proposed site based on a desktop study of the BGS's online tools. Tools such as Soliscapes and Geoindex are not sufficiently details or scaled investigations of site specific ground conditions, and the applicant must carry out a detailed assessment of site conditions, including testing to confirm infiltration rates and groundwater levels in accordance with BRE 365 in order to satisfy part c) of the LLFA's recommended condition 1. The applicant must demonstrate that they have maximised any opportunities to discharge surface water via infiltration, based on the results of these ground investigations.

If the applicant wishes to discuss any aspects of this response with the Lead Local Flood Authority, they can do so through our planning advice service.

General advice

The Lead Local Flood Authority's general advice is provided though the Lancashire SuDS Pro-forma and accompanying guidance. All applications for major development are expected to follow this guidance and submit a completed SuDS pro forma

INFORMATIVE – ENVIRONMENTAL PROTECTION

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.

Construction site noise

Due to the proximity of existing noise sensitive premises and the potential for disturbance arising from contractors' operations, 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.

Noise Assessment

BS 4142:2014, BS 8223:2014 and the World Health Guidelines all give values and design ranges for the measurement of noise. It is VERY UNLIKELY that anyone other than a qualified, experienced noise consultant will be able to carry out an assessment of the noise.

INFORMATIVE – CADENT GAS

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works or review, ensuring requirements are adhered to.

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:

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

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.