



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

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

Contact for further information:

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PLANNING APPLICATION REF: 2023/0296/FUL

PROPOSAL: Erection of 13 residential dwellings with associated highway works and landscaping

APPLICANT: Kingscrown Land & Commercial Ltd

ADDRESS: Land to rear of 126-160 Ormskirk Road, Up Holland

REASON FOR COMMITTEE DECISION: The application has been called-in by Councillor Suresh Patel due to concerns with the privacy of existing neighbours and concerns with additional traffic and the site access.

Wards affected: Up Holland

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for residential development of 13 dwellings on the site.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the application be GRANTED subject to conditions.

3.0 THE SITE

3.1 The application site comprises of an area of mainly overgrown grassed land situated to the rear of a row of dwellings (no. 126-160) fronting onto Ormskirk Road and the rear of dwellings fronting onto Carlton Avenue. The site is mainly open with some scattered trees. The land levels change across the site with the land sloping down towards the properties on Carlton Avenue. The rear of the site adjacent to Carlton Avenue is approx. 1.5m lower than the front of the site.

3.2 Access to the site is via two separate private roads; one that runs between nos. 138 and 142 Ormskirk Road and another between nos. 152 and 154 Ormskirk Road.

4.0 PROPOSAL

4.1 The application proposes the erection of 13 dwellings, mainly laid out in semi-detached rows, with one detached dwelling close to the site access. Each dwelling will have parking for two cars in front or to the side, a garden to the rear and a small front garden.

4.2 It is proposed that the entrance adjacent to nos. 138 and 140 Ormskirk Road would be used for access to the new properties. The other access in between nos. 150 and 152 Ormskirk Road has been retained but would be used to allow access to the rear of the properties on Ormskirk Road and an existing garage which lies to the rear.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2022/0273/FUL | Planning application for the development of 20 residential dwellings with associated highway works, accesses and landscaping – Refused and Appeal Dismissed

5.2 1996/0443 - Outline- residential development comprising of 23 semi-detached and terraced two storey houses (Including details of siting and means of access) - WITHDRAWN

6.0 OBSERVATION OF CONSULTEES

6.1 **Arboricultural Officer** – no comments received.

6.2 **Contaminated Land Officer (28/12/23)** - The application is supported by an 'Engineering Desk Study' carried out by Soil & Structures. The report highlights well the potential low-moderate risks on site mainly from historical colliery use and Made Ground. The proposals for investigations to confirm the risks on site are reasonable and should be confirmed when final development details are known. Recommend the full contaminated land condition be applied.

6.3 **Environmental Protection (19/12/23)** – The proposed development site is located in the urban area of Up Holland, Skelmersdale with the application site surrounded on all sides by existing residential properties. These properties may be adversely affected by noise and vibration from the construction phase of the development is not sufficiently mitigated and therefore conditions/informative to restrict construction and delivery hours are recommended if any approval is granted.

6.4 **Lancashire Highways (02/04/24)** – Whilst the internal layout is acceptable it is not to the standard expected for the estate road to be adopted by Lancashire County Council as the Highway Authority. The applicant has previously confirmed in an email dated 17/07/23 that the internal road is to remain under private ownership.

Parking should be to the West Lancashire Local Plan recommendations. Based on the above recommendation I am of the opinion that the applicant has provided adequate number of parking spaces for the size of development proposed however the two Parking Spaces no's 25 & 26 serving Plot 13 are parallel parking spaces. Parallel parking spaces should be 6m long x 2.4m wide where there is no footway alongside. The plans should be amended to show the correctly sized spaces before deciding this application. The applicant should also provide cycle and electric vehicle charging points in accordance with your council's standards.

LCC Highways has no objection to this application and is of the opinion that the proposed development should have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site. If you are minded to approve this application LCC Highways request conditions and notes are included in any formal planning decision.

- 6.5 **Lancashire Highways (30/08/23)** – the applicant has now provided a prescribed access with a 5.5m wide road with 2m wide footways on both sides. The proposed works for the construction/upgrading of the existing access and construction of the ghost right turn land and pedestrian refuse on Ormskirk Road must be carried out under Section 278 of the Highways Act 1980. Whilst the internal layout is acceptable it is not to the standard expected for the estate roads to be adopted by LCC as the Highway Authority. The internal road however, is to remain under private ownership. I still have concerns regarding the swept path for existing properties 144 and 148 but note there is a flat/dropped kerb at the end the proposed turning head which will allow more room for vehicles to turn. Provided no fences are erected along the red line edge along the existing access road then I have no problem. The applicant has provided adequate number of parking spaces for the size of development. Cycle and electric vehicle charging points should also be provided. LCC Highways has no objection subject to conditions and notes.
- 6.6 **Lancashire Highways (12/05/23)** – no objection in principle of residential development and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site subject to demonstrating safe and suitable access for all in accordance with NPPF. However, as submitted the site access is not acceptable with concerns in relation to the access/internal layout of the site which should be addressed.
- 6.7 **Lancashire Police (03/05/23)** – requirement for development to consider crime and security in the design process.
- 6.8 **Lead Local Flood Authority (10/04/24)** - The Lead Local Flood Authority has no objection to the above application subject to the inclusion of conditions requiring a surface water sustainable drainage strategy, construction surface water management plan, sustainable drainage system operation and maintenance manual and an informative note. The following advice is provided to inform the applicant and the Local Planning Authority of our expectations at the discharge of conditions stage:
- Rear gardens – the submitted FRA states that site levels will be raised but the rear gardens of properties will remain at the existing levels to essentially be as a flood storage area. While this approach is broadly acceptable, the applicant

should carefully consider how the flow path will be managed (e.g., will placing fencing between gardens disrupt the flow path, and how will this impact surface water flood risk?) and ensure that no flood risk is posed to the adjacent properties as a result of this development. The applicant should therefore provide the relative levels of adjacent properties in their final drainage strategy to demonstrate this.

- Culvert – the proposed development will connect to a surface water culvert to discharge surface water from the site. In order to satisfy the LLFA's recommended conditions, the applicant must provide a survey of the culvert to demonstrate that it is in suitable condition to facilitate the discharge of surface water from the site. If the culvert is found to be blocked or in poor condition, the applicant / landowner will be expected to carry out any necessary and appropriate remediation works.

6.9 **Lead Local Flood Authority (18/05/23)** – no objections subject to the inclusion of conditions.

6.10 **Planning Contributions** – no comments received.

6.11 **Principal Engineer (25/08/23)** – The development platform is to be raised above the area that currently floods due to engineering constraints associated with the surface water drainage and therefore the risk to the proposed dwellings is considered low. I understand why this approach has been adopted, but ground levels will be raised by a metre or two. Thus, the rear gardens of some properties will be allowed to flood, but not the dwellings. My concern now is not drainage related per se but is whether the degree of change in ground levels is acceptable or not in planning terms. If it is deemed to be acceptable then will support the LLFA recommended conditions.

6.12 **Principal Engineer (22/05/23)** – it used to be the case that since the site is located within a Zone 1 area of flood risk and the development is classified as 'More Vulnerable' the development was considered to be appropriate and the Sequential and Exception Test would not apply. That is not the case today. The applicant does not need to do a sequential test for a development in flood zone unless there are flooding issues in the development area. However, the applicant recognises that there is significant risk of surface water flooding, so much so that a surface water modelling exercise has been undertaken to understand the risk. Seemingly the existing watercourse needs to be diverted to mitigate that risk and allow the development to proceed. In light of the foregoing, the question now is whether a sequential test should be carried out.

6.13 **Lancashire County Council School Planning Team (10/05/23)** – an education contribution is not required.

6.14 **Strategic Planning (11/04/24)** – Strategic Planning have been reconsulted in relation to above planning application in view of additional information being provided on behalf of the applicant relating to surface water flood risk. This primarily comprises the Surface Water Flood Risk Technical Note produced by Betts Hydro dated 15 March 2024. In addition, Proposed Site Plan 14,744/205/Revision C dated 12/2/24 appears to indicate a revised site layout which results in the number of proposed dwellings being reduced from 16 to 13. The following comments are supplemental to those previously provided by

Strategic Planning dated 5 June 2023 and 14 July 2023. They relate solely to the proposed development's accordance with national and local policy relating to flood risk, including from both surface water and groundwater sources.

As the previous responses from Strategic Planning indicated, the north-west portion of the site is at high risk from surface water flooding with a larger area, including an area extending to the east, being at medium risk. A larger area would be at low risk from surface water flooding; however, National Planning Policy Guidance (NPPG) paragraph 023 Reference ID: 7-023-20220825 (revision date: 25 08 2022) indicates that the aim of the overarching sequential approach in relation to flood risk is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. It goes on to state that this means avoiding, so far as possible, development in current and future medium and high flood risk areas, considering all sources of flooding including areas at risk of surface water flooding. Therefore, a reasoned interpretation of NPPG is that an area identified as being at low risk of surface water flooding is not necessarily required to be avoided under national advice, either through the application of the sequential approach or the sequential test, but can provide a context to the wider risk of flooding on a site. Each case would be considered on its merits in relation to the extent of the area of risk.

The applicant's Surface Water Flood Risk Technical Note indicates that the risk of surface water flooding on the application site has been modelled, taking an appropriate climate change allowance into consideration, and raising the ground level of the proposed residential development to 109m AOD (approximately between 1 and 2 metres above the existing ground level) would satisfactorily address this risk without increasing surface water flood risk to others. However, residential gardens along the northern boundary of the application site would remain at their existing level resulting in a risk of ponding of surface water in gardens of those properties in the north-west part of the site.

Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. As indicated above, the applicant's Surface Water Flood Risk Technical Note states that flood risk would not be increased for others off site. In addition, paragraph 173 also says: "Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location";

The applicant has not located the most vulnerable proposed development, i.e., dwellings, in areas of lowest surface water flood risk on site nor have they provided overriding reasons for not doing so. However, NPPG paragraph: 004 Reference ID: 7-004-20220825 (revision date: 25 08 2022) provides additional guidance indicating that "In addition, measures to avoid flood risk vertically can then be taken, by locating the most vulnerable uses on upper storeys, and by raising finished floor and/or ground levels, where appropriate." The applicant has proposed raising ground levels on site to avoid proposed dwellings being within areas of surface water flood risk, taking modelled depths into consideration, which would therefore partly accord with a solution advocated by this part of NPPG. As

indicated above, whilst the dwellings would be raised, the residential gardens of properties along the northern part of the site would remain at their existing level and therefore some of those gardens would still remain at both medium and high risk from surface water flooding (see below).

The Lead Local Flood Authority have also indicated they have no objection to the proposed development, subject to the inclusion of appropriate conditions.

A significant part of the application site is also in a location where modelling provided by the West Lancashire Level 2 Strategic Flood Risk Assessment (May 2020) indicates groundwater would be between 2.5cm and 0.5m below the surface. This data would require on site ground investigation to be verified. The applicant's Flood Risk Assessment (March 2022, incorporating revision A of 29.3.23) produced by Lees Roxburgh Ltd indicates that infiltration based drainage would not be a feasible solution on-site due to geological mapping identifying underlying clays (see paragraphs 5.5.1, 5.5.2 and 6.2.2). However, it would appear that this conclusion has been reached on the basis of desktop assessment and on-site ground investigation would have been superior, in order to ground truth geological mapping as well as groundwater modelling the Council holds. Therefore, accordance with Part 3 (Reducing Flood Risk) of West Lancashire Local Plan (WLLP) Policy GN3 criterion v) demonstrating that sustainable drainage systems have been explored is uncertain.

In this instance, modelling shows the western part of the site not having groundwater close to the surface. It is Strategic Planning's view that the applicant should have undertaken on site investigation of this area to consider a potential infiltration-based solution as an alternative to their proposed solution. The applicant's proposed solution to raise ground levels over part of the application site still results in a notable area of domestic gardens in the north-west of the site in association with proposed residential Block 5, and to a lesser extent Block 4, where the ground level is not raised, being at medium and high risk of surface water flooding, to the detriment of residential amenity. This is because remaining natural topography on site, which rises to the east, means that the natural flow of surface water is from east to west.

Paragraph 3.1.12 of the applicant's Surface Water Flood Risk Technical Note indicates the proposed solution of raising ground levels would result in a reduced flood extent in the north-west area of ponding, when compared to the existing situation/ scenario. However, the flood depth in this area would increase when compared to the existing situation/ scenario, with a maximum increase within the site boundary of 60mm. The proposed dwellings would be flood free and sufficiently raised above the area of surface water flood risk.

The risk of surface water flooding in the residential gardens of the two dwellings at Block 5, and to a lesser extent at Block 4, presents the potential to cause harm to the residential amenity of proposed occupants. This would be contrary to Policy GN3 part 1 criterion iii. of the Local Plan.

Summary

The north-west part of the application site is at medium and high risk from surface water flooding, for which the applicant proposes a solution. The Lead Local Flood Authority (LLFA) raise no objection to the proposal and it is therefore the view of

Strategic Planning that the sequential test, as referenced by West Lancashire Local Plan (WLLP) 2012-27 Development Plan Document Policies GN3 and GN5, NPPF and NPPG is not engaged under current circumstances. Nevertheless, Strategic Planning consider that the applicant's proposed solution for dealing with surface water flood risk is sub-optimal in view of a risk of ponding of surface water in domestic gardens in the north-west part of the site. Therefore, the proposal is currently contrary to WLLP Policy GN3 part 1 criterion iii and accordance with part 3 criterion v) of the same policy (relating to the demonstration that sustainable drainage systems have been explored) is uncertain. I leave the case officer to consider this further in consultation with the Council's Principal Drainage Engineer and the LLFA.

- 6.15 **Strategic Planning (05/06/23)** – Previous planning application 2022/0273/FUL for 20 dwellings at this location dealt with the principle of development. The current planning application has a slightly smaller site area than the previous one. In summary, WLLP Policy SP1: A Sustainable Development Framework for West Lancashire indicates that the Regional Town (Skelmersdale with Up Holland) and the two Key Service Centres (Ormskirk with Aughton and Burscough) will take the vast majority of new development. Part a) of Policy GN1: Settlement Boundaries states that development proposals on greenfield sites within settlement boundaries will be assessed against all relevant Local Plan policies applying to the site. Policy RS1: Residential Development states that within the Regional Town of Skelmersdale with Up Holland, residential development will be permitted on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy.

The application site is located within the settlement boundary of the Regional Town and the principle of residential development is acceptable subject to compliance with other Local Plan policies. In this regard, I consider the proposal further in relation to the loss of open recreation space / Green Infrastructure (WLLP Policy EN3) and in relation to flood risk (Part 3 of WLLP Policy GN3).

Open Recreation Space/ Green Infrastructure - Previous planning application 2022/0273/FUL considered the loss of open recreation space/ Green Infrastructure and concluded that the development complied with the requirements of WLLP Policy EN3 and the NPPF, in particular paragraph 97. I agree with this conclusion, including that paragraph 97 should be afforded significant weight as the NPPF postdates WLLP Policy EN3. Whilst the site is not shown as designated open recreation space/ Green Infrastructure on the Local Plan Policies Map, Policy EN3 applies by virtue of it being open space.

The applicant's Open Space Assessment, contained at Section 7.0 within their Planning Statement, has a succinct and accurate overall assessment of open space provision within the locality. The Council's own West Lancashire Open Space Study Standards Paper (2018) indicates that the Skelmersdale and the South Eastern Parishes area has a quantitative surplus of amenity greenspace (the typology of open space at the application site) and the applicant's own assessment establishes that there are other amenity greenspace sites within a reasonable distance of the application site. The only matter for correction in the applicant's Open Space Assessment is that the application site (Carlton Avenue in the Council's open space database) has a quality score of 45.5% (and not 41% as stated) but this still falls below the quality threshold of 50% for amenity greenspace

identified by the West Lancashire Open Space Study Assessment Report (2018). Given that the site is below this quality threshold and there are other amenity greenspace sites in proximity, as indicated above, on balance the proposed development complies with WLLP Policy EN3 and the NPPF.

- 6.16 **The Coal Authority (17/05/23)** - The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority notes that the Engineering Desk Study does not definitively conclude that the site is safe and stable for the proposed development. We therefore consider that the scope of the proposed ground investigation should be widened to include an appropriate investigation to establish the exact situation in respect of shallow coal mining legacy.

The investigation should seek to confirm assumptions made in the report. If workings are found to be present within influencing distance of the development, any necessary remedial or mitigatory measures should be carried out in order to ensure the safety and stability of the proposed development. As such a pre-commencement condition is recommended to carry out a scheme of intrusive investigation on the site and a pre-occupation condition requiring a verification statement.

- 6.17 **United Utilities (21/06/23)** – request drainage conditions requiring a sustainable surface water drainage scheme and a foul water drainage scheme and management and maintenance of the sustainable drainage system.

7.0 OTHER REPRESENTATIONS

- 7.1 Up Holland Parish Council – Up Holland Parish Council welcomes the reduction in number of homes to be sited here but the concerns as to access with the busy Ormskirk Road and obstruction to the rear of the neighbouring properties remain. This area is small and even sixteen houses will have no amenity space to speak of. The 'Statement of Community Involvement' provided by the applicant appears to be cut and paste from one in another local authority area; it references Halton. I confirm that there has been no attempt to directly contact the Parish Council and an email to the applicant last October remains unanswered. The development is of such size and impact on the surrounding properties that the Parish Council would ask for the full scrutiny of Planning Committee rather than a delegated decision as is currently proposed.

- 7.2 Upon submission of the planning application for 16 dwellings, 14 objections from neighbouring residents were received. Since the redesign of the scheme to 13 dwellings, ten further objections from neighbouring residents have been received summarised as follows:

- Impact on wildlife
- Increase in traffic
- Increase in pollution
- Increase on overstretched services, doctors and school
- Flood, foul and surface water concerns

- Overlooking and privacy concerns
- Ground disturbance, disturbance to soil composition and subsidence concerns
- Increased noise and disturbance
- There is a history of refusing applications on this land and reasons for refusal have not changed
- The garden platforms will impact on the amount of sunlight
- The footpath to the rear of Carlton Avenue gardens is not shown. Many residents have been crossing the field to access wider services
- Loss of trees
- Steps leading down to lower garden will be hazardous
- Installation of traffic island on Ormskirk Road will cause more traffic flow problems and will restrict access/parking in this location for 146/148 Ormskirk Road
- Proposed bins should be screened off
- The existing accesses should be retained for existing resident use and access to their existing garages also retained

7.3 Note, some objections have referred to the site as Green Belt, but the site is considered open recreation space/green infrastructure.

8.0 SUPPORTING INFORMATION

- Arboricultural Impact Assessment with Tree Protection Measures
- Coal Mining Report
- Design and Access Statement
- Engineering Desk Study
- Flood Risk Assessment
- Local Housing Provision Statement
- Planning Statement
- Preliminary Ecological Appraisal
- Statement of Community Involvement
- Surface Water Flood Risk Modelling
- Surface Water Flood Risk Technical Note
- Transport Statement

9.0 RELEVANT PLANNING POLICIES

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012 – 2027 Development Plan Document (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.

9.3 West Lancashire Local Plan (WLLP) 2012 – 2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development Policy

RS1 – Residential Development

IF2 – Enhancing Suitable Transport Choice

EN3 - Provision of Green Infrastructure and Open Recreation Space

9.4 **Supplementary Planning Document**
Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of Development - Residential

10.2 Policies RS1 and GN1 of the Local Plan states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. The site is located within the Regional Town of Skelmersdale as designated in the Local Plan and as such the principle of residential development is acceptable subject to the proposal complying with other planning policies and material considerations set out below.

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

10.3 The site is classed as open space and is included in the West Lancashire Open Space Study 2018 as amenity greenspace therefore Local Plan Policy EN3 is applicable. Under Policy EN3, 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.

10.4 The proposed development does not appear to satisfy criteria (ii) or (iii). Therefore, in order that the scheme would comply with (i), the Council would need to agree that the open space is unsuitable for retention.

10.5 Paragraph 103 of the NPPF also deals with development on open space. The NPPF postdates Local Plan Policy EN3 and should be given significant weight. Paragraph 103 of the NPPF states: 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.

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

- 10.7 As part of the planning statement the submission has been accompanied by an Open Space Assessment which seeks to demonstrate that the land is under-utilised and poor-quality amenity space.
- 10.8 The site is an informal recreation space in private ownership. The Council completed an Open Space Study in 2018 to assess the open space, sport and recreational facilities in West Lancashire. The study considers current and future local open space needs, standards, and management. Within the Open Space Study, it was determined that this piece of land lacks basic features such as bins and benches and it is one of the three lowest scoring amenity spaces within the borough although it does score well for accessibility. The land is overgrown and relatively small in size. Whilst it can be accessed along existing roads there is little evidence of heavy use for recreation purposes. Within 350m of the site there are other publicly accessible areas of recreation space including a large area at Newgate Road.
- 10.9 Having regard to the results of the Council's own study and the assessment made within the submission it is my view that the land is unsuitable for retention because it is poor quality as identified within the Open Space Study 2018. On that basis I consider the development complies with the requirements of the NPPF and Local Plan Policy EN3.

Design and Appearance

- 10.10 Policy GN3 of the Local Plan along with the Design Guide SPD requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.11 The scheme has been redesigned through the application process from 16 dwellings to 13 dwellings. This was to address concerns in respect of overdevelopment of the site, ensuring separation distances greater than 21m to the rear of the site were maintained (due to level changes), an over reliance on frontage car parking, the level of hardstanding to front of properties, inadequate locations of bins. Similar concerns were made with the previous refused application from 2022 for 20 dwellings.
- 10.12 As a result, the scheme has introduced front gardens and additional street trees to soften the streetscape. Similarly, much of the parking has been relocated to the side of properties and are now proposed to be paved in grass grid. Gardens are at least 10m in length with those to the rear of the site much longer. Bins are located in more convenient locations within the curtilage of properties.
- 10.13 in relation to the materials and appearance of the proposed dwellings, these complement the surrounding residential properties. I consider the design approach to be acceptable and subject to details of final materials, boundary treatments and surfacing being clarified by way of conditions, the proposal satisfies Policy GN3 of the Local Plan and the Design Guide SPD.

Impact on Residential Amenity

- 10.14 Policy GN3 of the Local Plan permits development provided it retains or creates reasonable levels of privacy, amenity, and sufficient garden/outdoor space for occupiers of the neighbouring properties. The relationship between the proposed dwellings meets the prescribed standards outlined in Local Plan Policy GN3 and SPD Design Guide of a minimum of 21m for principal elevation to principal elevation (front and rear) and 12m from side elevations to principal elevations. Whilst the SPD - Design Guide sets out the minimum required distances between properties, it also states that where there is a change in land levels it is necessary to increase the level of separation to avoid overlooking.
- 10.15 There are significant land level differences between the site and the properties on Carlton Avenue to the rear. To accommodate surface water drainage concerns described further below, there is a cut and fill exercise on site to raise site levels up from 107m AOD to 109m AOD (as demonstrated on the Section Plan provided in support of the planning application). The Section Plan demonstrates that Blocks 2-5 will be on a similar level to the dwellings along Carlton Avenue to the rear. The removal of the wraparound decking seen on the previously refused scheme and replacement with split level decking and gardens also assist in reducing overlooking. Separation distances exceed 21m from the proposed dwellings and upper-level decking to properties along Carlton Avenue. It is noted that there will be some overlooking of gardens but fences, existing trees, separation distances and neighbouring gardens of 15m+ all help to reduce this impact and is not to a level which would warrant a refusal. This is the same for Block 6 and existing properties along Dorchester Road.
- 10.16 The application has been revised to ensure that all proposed dwellings have 10m long gardens, compliant with the requirements set out in the SPD. On that basis it is considered that the proposal retains reasonable levels of privacy for existing properties and provide all future occupants with suitable private amenity space.
- 10.17 Comments have been raised in respect of the ground conditions and subsidence. Environmental Protection have recommended a method statement should piling operation be undertaken on site to reduce impacts of noise and vibration on neighbouring properties. Construction and delivery hours will also be restricted by condition.
- 10.18 Subject to the conditions, the proposal complies with the requirements of Local Plan Policy GN3.

Highways Impact

- 10.19 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 Local Plan Policy IF2.
- 10.20 The site is located to the rear of existing properties on the northern side of Ormskirk Road and is served by two existing access points off Ormskirk Road. Ormskirk Road (A577) is a classified road with a speed limit of 30mph which requires visibility splays of 2.4m and 43m in both directions.

- 10.21 The existing eastern access point is located between property numbers 138 and 140 Ormskirk Road. The access is approximately 5.2m wide with 3m radii on both sides which is surfaced for the initial 5m with the remaining length being unmade.
- 10.22 The western access point is located between properties 152 and 154 Ormskirk Road. This access is approximately 5.5m wide for approximately 5m with the remaining length being unmade. It was noted on a recent site visit that both existing accesses of Ormskirk Road are used for car parking by existing residents.
- 10.23 The existing western access from Ormskirk Road will be retained but will not be used as part of the proposed development.
- 10.24 Access is proposed by upgrading the existing eastern access to a new priority junction from Ormskirk Road which includes the provision of a ghost right turn lane including a pedestrian refuge on Ormskirk Road, which LCC Highways consider is acceptable. This will be carried out under an appropriate legal agreement with LCC Highways under Section 278 of the Highways Act 1980 and is secured by condition.
- 10.25 Conversely, the internal road will remain under private ownership with details secured via a planning condition. LCC Highways has confirmed that provided no fences are erected along the red line edge along the existing access road, then they have no objections. This will ensure that an 11.2m refuse vehicle can serve the site and access for suitable existing residents retained.
- 10.26 At two parking spaces per three-bedroom dwelling, the applicant has provided an adequate number of parking spaces for the size of the development.
- 10.27 Subject to conditions recommended by LCC Highways, the proposal accords with Policies GN3 and IF2 of the Local Plan.

Coal Mining Legacy

- 10.28 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 10.29 More specifically, the Coal Authority records indicate that mine shaft 351405-001 is present with the application site (within the access between nos. 152 and 154 Ormskirk Road). The Coal Authority have assessed the submitted information and recommend that further investigation works would be needed prior to the commencement of works as the submitted information does not definitively conclude that the site is safe and stable for the proposed development. If workings are found to be present within influencing distance of the development, details of any necessary remedial or mitigatory measures would be needed. The Coal Authority recommend conditions in that regard which are necessary and appropriate to the development.

Trees/Landscaping

- 10.30 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife, or historical value will only be permitted where the 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. All development should include appropriate landscaping plans which incorporate suitable tree planting that integrates well with all existing trees.
- 10.31 There are several mature trees within and along the boundaries of the site. The application has been accompanied by an Arboricultural Impact Assessment (AIA) which demonstrates that six trees would need to be removed to enable the development. Two of the trees are category B trees and three are category C. The AIA at section 3.2.2 states that these trees have developed into established specimens, but still offer limited amenity value to the wider area and could be replaced as part of a post development tree planting scheme. Paragraph 3.3.1 recommends "that the proposed tree removal be mitigated as part of a post development planting scheme of well-structured new trees that will add to the quality of the area and help integrate the proposed development into the surrounding landscape."
- 10.32 The trees to be removed are Beech trees approx. 12.5m in height with a life expectancy of 40+ years. Retained trees are situated at the rear of the site and would be obscured from view by the proposed dwellings. As a result of concerns raised through the planning application process, additional soft landscaping, hedging and trees have been introduced to soften views at the front of the site assisting in the assimilation of the development into the local area. Subject to the provision of a detailed planting plan, the proposal complies with the requirements of Local Plan Policy EN2.

Ecology

- 10.33 Policy EN2 in the Local Plan states development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts.
- 10.34 The application has been accompanied by a Preliminary Ecological Assessment which concludes that the proposed development would have a negligible impact on protected species or their habitats. Enhancements are suggested within the report which will be included within the scheme via a planning condition. I am satisfied that the proposal would not result in harm to protected species or their habits and therefore the proposal complies with the requirements of Local Plan Policy EN2.

Flood and Drainage

- 10.35 The site is located within Flood Zone 1 and the development is classified as 'More Vulnerable' in accordance with National Planning Practice Guidance. On this basis development is appropriate and the Sequential and Exception Tests will not apply.
- 10.36 In terms of drainage, United Utilities records indicate a 375mm diameter culverted watercourse running within the eastern part of the site, before turning north to run

along the northern boundary at the western part of the site. United Utilities records also indicate a 225mm diameter foul sewer cutting southwest across the eastern part of the site before turning west and joining another 225mm diameter sewer entering from the east to run along the rear garden access track and then south to join the main sewer in Ormskirk Road.

- 10.37 The site is shown to be at risk of surface water flood risk for a range of return periods up to the 1 in 1000-year event. Surface water flood risk is shown to affect an area to the north-west of the site in the location of an existing depression and along the northern boundary of the site. The area of surface water ponding is shown to have an average depth of 220mm in the 1 in 100-year event (plus Climate Change Depths) and 105mm in the 1 in 30-year event. The extents of the direct rainfall modelling align with the Environment Agency surface water flood risk maps. Due to the modelled surface water flood risk, mitigation measures are proposed by raising floor levels above the predicted peak flood depths to a level of 109m AOD. The application has been supported by a Hydraulic Assessment which has sought to mimic the existing surface water flood scenario and ensure there is no increase in flood risk offsite due to displacement because of the raised development area.
- 10.38 A Surface Water Flood Risk Technical Note has been produced in support of the planning application and in lieu of the scheme redesign. This confirms that development onsite has been steered to areas of lowest surface water flood risk and raised to ensure habitable development will be flood free in the design event, including for the impacts of climate change.
- 10.39 In response to the above the Strategic Planning Team consider the Applicant's proposed solution for dealing with surface water flood risk to be sub-optimal in view of the risk of ponding of surface water in domestic gardens in the north-west part of the site (Block 5 and to a lesser extent Block 4). The Strategic Planning Team consider that the applicant should have completed onsite investigation to understand if infiltration-based drainage is a feasible option, as opposed to relying on a desktop assessment. As a result of this Strategic Planning consider the proposal is currently contrary to Local Plan Policy GN3 part 1 criterion iii and part 3 criterion v) of the same policy (relating to the demonstration that sustainable drainage systems have been explored) is uncertain. The Strategic Planning Team conclude by stating they leave the case officer to consider this further in consultation with the Council's Principal Drainage Engineer and the Lead Local Flood Authority.
- 10.40 The Council's Principal Engineer has confirmed that the surface water flood risk to the proposed dwellings is considered low as a result of ground levels being raised by a metre or two. Thus, the rear of gardens of some properties will be allowed to flood (as shown at paragraph 10.37 above), but not dwellings. They do not object on this basis but raise a query as to whether the raising of ground levels is appropriate in planning terms, which it is as per 'Impact on Residential Amenity' above.
- 10.41 United Utilities and the Lead Local Flood Authority have reviewed the planning application and also confirmed no objections subject to conditions requiring, inter alia, the final surface water sustainable drainage strategy to be submitted. As part of this condition the applicant will be required to submit an assessment of the site

conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels. Whilst not provided as part of the planning application as per Strategic Planning's recommendation, the Lead Local Flood Authority consider this can be provided as part of the detailed drainage design. In this instance, the use of a pre-commencement condition is considered reasonable, meeting the six tests of the National Planning Practice Guidance.

10.42 The Lead Local Flood Authority has also provided site specific advice, noting the concerns around surface water flooding and the culvert which will be included in an informative as follows:

- Rear gardens – the submitted Flood Risk Assessment states that site levels will be raised but the rear gardens of properties will remain at the existing levels to be as a flood storage area. While this approach is broadly acceptable, the applicant will need to carefully consider how the flow path will be managed (e.g. will placing fencing between gardens disrupt the flow path, and how will this impact surface water flood risk?) and ensure that no flood risk is posed to the adjacent properties as a result of this development. The applicant should therefore provide the relative levels of adjacent properties in their final drainage strategy to demonstrate this.
- Culvert – the proposed development will connect to a surface water culvert to discharge surface water from the site. In order to satisfy the Lead Local Flood Authority's recommended conditions, the applicant must provide a survey of the culvert to demonstrate that it is in suitable condition to facilitate the discharge of surface water from the site. If the culvert is found to be blocked or in poor condition, the applicant / landowner will be expected to conduct any necessary and appropriate remediation works.

10.43 Overall, subject to the conditions and informatives as recommended by the Lead Local Flood Authority, it is considered that the development accords with Policy GN3.

11.0 CONCLUSION

11.1 Taking all of the above into account the principle of residential development is acceptable. The application is compliant with Local Plan policy and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts on design, neighbouring amenity, highways, landscaping, ecology, ground issues and 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 within the Design Guide SPD.

12.0 RECOMMENDATION

12.1 That planning permission be approved subject to the following conditions and reasons:

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:

Update OS Map dwg no 14.744 OS MAP Rev H
Proposed Site Plan dwg no 201 Rev L
Proposed Section Elevations dwg no 203 Rev E
Proposed Site Plan dwg no 205 Rev D
Proposed Site Context dwn no 207 Rev D
Proposed Floor Plans Block 1 and 2 dwg no 111 rev D
Proposed Floor Plans Block 3 and 4 dwg no 112 Rev D
Proposed Flood Plan Block 5, 6 and 7 dwg no 113 Rev D
Elevations Block 1 dwg no 114 Rev E
Elevations Block 2 dwg no 115 Rev E
Elevations Block 3 dwg no 116 Rev E
Elevations Block 4 dwg no 117 Rev E
Elevations Block 5 dwg no 118 Rev E
Elevations Block 6 dwg no 119 Rev D
Elevations Block 7 dwg no 120 Rev C
Section 3-4 dwg no 13,154 S2 Rev B

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. No development shall commence 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 (March 2022, Ref: 6588/R1 A, Lees Roxburgh Limited) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly unless agreed with United Utilities.

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 references, 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 levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365
- d) Evidence of an assessment of the existing on-site culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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

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

- 4. 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 receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

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

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

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

6. Within three months of final completion of the development a site-specific verification report, pertaining to the surface water sustainable drainage system,

and prepared by a suitably competent person, shall be 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 173 and 175 of the National Planning Policy Framework.

7. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan or Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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 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 Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No construction works shall commence until the new estate road / access between the site and Ormskirk Road has been constructed in accordance with Lancashire

County Council's Specification for Construction of Estate Roads 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.

9. 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 (including the construction of the ghost right turn lane and pedestrian refuge on Ormskirk Road) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

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

10. 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 Highway Authority.

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

11. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

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

12. 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.

13. 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 hrs
Saturday 09:00 – 13:00 hrs
Sunday and Public Holidays None at all

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.

14. Notwithstanding the Engineering Desk Study (Ref: 20077-R-001-V02, dated 4 December 2021), no development shall commence until:

- a) a scheme of intrusive investigations, including relevant soil, soil gas, surface and groundwater sampling has been carried out on site to establish the risks posed to the development by past activity including shallow coal mining activity. This further site investigation should more clearly identify the types and levels of contaminants present on site
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. 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) The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance. 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 occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

15. No above ground construction works shall take place until a plan indicating the position, height, design, materials, and type of walls, fencing and gates to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) means of enclosure shall be completed as approved before the development is occupied.

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

16. No above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building has 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 method of construction.

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 West Lancashire Local Plan 2012-2027 Development Plan Document.

17. No above ground construction works shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall relate to all land surfaces not built upon and shall include:

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- hard surfaced areas including type, colour and texture of the materials
- planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work
- existing plants / trees to be retained
- A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

18. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

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

19. No site clearance, preparatory work or development shall take place until Tree Protection Measures have been constructed as set out in the Arboricultural Impact Assessment. The measures contained in the approved Tree Protection Plan (dwg no TPP.13604 Rev 01) shall be fully implemented during construction.

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

20. No building shall be occupied until details of the number, location and timing of installation of bird nesting boxes and bat boxes to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with a timetable to be agreed in writing with the Local Planning Authority and shall be retained at all times thereafter.

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

21. The following provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1 A, B, C, D and E and Part 2 A, or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the dwelling
- (ii) no garages or carports shall be erected within the curtilage of the dwelling

- (iii) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling
- (iv) no windows or dormer windows shall be added to the dwelling

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

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

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.

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 – LEAD LOCAL FLOOD AUTHORITY - 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:

- **Rear gardens** – the submitted FRA states that site levels will be raised but the rear gardens of properties will remain at the existing levels to essentially be as a flood storage area. While this approach is broadly acceptable, the applicant carefully consider how the flow path will be managed (e.g., will placing fencing between gardens disrupt the flow path, and how will this impact surface water flood risk?) and ensure that no flood risk is posed to the adjacent properties as a result of this development. The applicant should therefore provide the relative levels of adjacent properties in their final drainage strategy to demonstrate this
- **Culvert** – the proposed development will connect to a surface water culvert to discharge surface water from the site. In order to satisfy the LLFA's recommended conditions, the applicant must provide a survey of the culvert to demonstrate that it is in suitable condition to facilitate the discharge of surface

water from the site. If the culvert is found to be blocked or in poor condition, the applicant / landowner will be expected to carry out any necessary and appropriate remediation works.

INFORMATIVE – CONSTRUCTION MANAGEMENT PLAN

- 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 lhsstreetworks@lancashire.gov.uk
- All references to public highway include footway, carriageway and verge

INFORMATIVE – HIGHWAYS

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the developer's expense.
2. 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.
3. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

INFORMATIVE – 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.

INFORMATIVE – UNITED UTILITIES

A public sewer crosses the site, and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

INFORMATIVE – ECOLOGY

The developer is advised that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works should 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, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

The developer is advised that Variegated Yellow Archangel and Montbretia are present within the site boundary. Both species are listed on Schedule 9 of the Wildlife and Countryside Act. Advice should be sought from a competent person regarding the removal of the species from the site.

INFORMATIVE - COMMUNITY INFRASTRUCTURE LEVY

The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement. The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate. All forms are available at

<http://www.westlancs.gov.uk/planning/planningpolicy/communityinfrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to CIL@westlancs.gov.uk. Further information on CIL can be found at www.westlancs.gov.uk/CIL or by contacting the Council's CIL and S106 Officer on CIL@westlancs.gov.uk or tel: 01695 585171

Reason for Approval

1. 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 Policy

RS1 – Residential Development

IF2 – Enhancing Suitable Transport Choice

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.

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.