



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

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

**Contact for further information:**

**Case Officer: Samia Syeda (Extn. 5277) (E-mail: samia.syeda@westlancs.gov.uk)**

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**SUBJECT: PLANNING APPLICATION REF: 2023/0584/FUL**

**PROPOSAL: Full planning application for the construction of a new Wellbeing and Leisure Hub with associated landscaping and parking at Land East of County Road, Ormskirk and demolition and landscaping works at Park Pool, Park Road, Ormskirk**

**APPLICANT: West Lancashire Borough Council**

**ADDRESS: Land to the East of County Road, Ormskirk, Lancashire**

**REASON FOR CALL IN: As a Council led scheme the planning application requires determination at Planning Committee. The application has also been called in by Councillor Dowling and Councillor Fennell due to highways and access concerns. Councillor Rigby has called in the application due to the Council's own interest and in order to facilitate a more transparent and open discussion by the Planning Committee which would provide the public with greater confidence in the decision making process.**

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Wards affected: Ormskirk West;

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks the demolition of the existing leisure facility at Park Pool and the erection of new Wellbeing and Leisure Hub with associated landscaping and parking at Land east of County Road in Ormskirk.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

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

## **3.0 THE SITE**

- 3.1 The site comprises circa 1.5ha of open space used as parkland known as Churchfields. It is located within the wider Coronation Park in Ormskirk and is bordered by Country Road (A59) to the west and Hurlston Brook to the east. Residential properties are located to the northeast on Rosecroft Close and on Kinloch Way to the west, with Abbey Wood Lodge Care Home located to the site's south-western boundary. A cemetery is located to the east of the site and parkland to the south.
- 3.2 The site is currently an open park space with maintained grass across the majority of its area with a junior sized rugby pitch to the north, outside the site boundary. Asphalt footpath/cycleways crosses the site from southwest to the east and on the southern and eastern boundaries of the Site.
- 3.3 The existing Park Pool leisure facility is located to the west of Park Road and also sits within Coronation Park.
- 3.4 Both sites are located adjacent to Ormskirk Town Centre Conservation Area to the east and in close vicinity to the Grade II\* listed Ormskirk Parish Church and Grade II Listed Sundial, approximately 200m to the east. The Grade II Listed Ormskirk Comrades War Memorial is located south-east of the existing Park Pool site.

#### **4.0 PROPOSAL**

- 4.1 The application proposes a two-storey leisure centre spanning 4,171 sqm of floorspace including a main pool and learner pool with viewing gallery and wet changing areas, exercise studios and fitness suits including dry changing areas. A cafe and soft play area is also proposed. The scheme will include 95 car parking spaces, 6 accessible bays, 8 motorcycle spaces and 19 cycle spaces located close to the building entrance. Two coach bays will also be provided within the car park. Electric vehicle parking bays will also be provided with the final number to be confirmed.
- 4.2 Access will be from County Road to the west via a new signal-controlled junction. The traffic signal arrangement will remove the existing signalised pedestrian crossing on County Road and will re-provide crossing facilities as part of the new arrangement.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 1990/0029 – Food Supermarket (Class A1), showroom for British Gas PLC/ancillary car parking/service areas, landscaping/improvements to Coronation Park, alterations/new vehicular/pedestrian access – Withdrawn March 1990
- 5.2 1995/0104 - Outline - Foodstore with 450 car parking spaces and petrol filling station. New road linking Park Road with County Road and improvements to Park Road (including details of siting and means of access) – Withdrawn July 1996
- 5.3 2005/0304 - Construction of model boat lake; reposition football pitch; provision of footpaths; picnic areas and landscaping. – Planning Permission Granted September 2005

- 5.4 2009/0931/FUL - Removal of Condition No. 16 imposed on planning permission 2005/0304 to allow the model boating lake to become operative without the erection of the access bridge to the Comrades Club car park. – Planning Permission Granted October 2009

## **6.0 OBSERVATION OF CONSULTEES (SUMMARIES)**

- 6.1 **Arboricultural Officer** – No objection subject to a condition requiring protective fencing installed for the duration of construction as shown within the Tree Protection Plan.
- 6.2 **Cadent Gas** – No objection, information note required.
- 6.3 **Contamination Officer** – No objection as the risks from the site to sensitive receptors such as future users of the site and construction workers is low. No further investigation or risk assessment is required but recommend condition for any unexpected contamination to be reported. In terms of the Air Quality Assessment, the mitigation measures within this report should be placed in a Construction Environmental Management Plan alongside noise and vibration mitigation, construction, and delivery times etc.
- 6.4 **Environmental Agency** – Concerns raised in terms of proximity of works within 8m of the Hurlston Brook but overall, no objection subject to conditions requiring a compensatory flood storage scheme.
- 6.5 **Environmental Protection Team** – No objection subject to conditions requiring details of plant or equipment and the restriction of demolition times.
- 6.6 **Head of Wellbeing and Place** – Supports the application due to multiple benefits including but not limited to: retaining the rugby pitch to enable continuum of the only grass playing field in this location; the plans to return the existing site to green space use; the new facility will provide a much-improved health and leisure provision for the area and for people of all ages and abilities – replacing inadequate existing facilities.
- 6.7 **Lancashire County Council Highway Authority** – The Proposed Site Access - General Arrangement – Drawing SK222104-001 Rev A notes the proposed TRO limits on A59 to cover the area currently subject to the zig-zag line at the pedestrian crossing and the Drawing Notes includes the following – 'Associated changes to direction signs on approaches to be specified as part of S278 proposals and included within S278 works package, to include removal or modification of direction signs for existing facility where no longer relevant.'

The amended access drawing is acceptable and will form the basis of any s278 agreement for the site access and offsite highway works. On this basis there are no objections to the application subject to suitable conditions including a Travel Plan which requires a contribution of £6000.

- 6.8 **Lancashire County Council Historic Environment Team** – The proposed development site is considered to have little or no archaeological or historical interest. Archaeology does not need to be considered further for the proposed development.

- 6.9 **Lancashire County Council PROWS** – No objection but comments offered in relation to ensuring no obstruction to Footpath FP0801080. No drainage should impact on the footpath and landscaping should be at least 3m from the PROW. If works are proposed to a PROW a temporary closure order must be made. Diversions should be undertaken under the correct Order and publicised accordingly.
- 6.10 **Lancashire Fire and Rescue Service** – No comments received.
- 6.11 **Lancashire Police Architectural Unit** – Secure by design comments received.
- 6.12 **Lead Local Flood Authority** – No objection subject to conditions.
- 6.13 **Merseyside & West Lancashire Bat Group** - Note that dusk bat activity surveys have been undertaken at the site in line with our recommendations and in accordance with best practice methodology.
- 6.14 **Merseyside Environmental Advisory Service** - The submitted report details that there will be a combined net loss of -0.23% for onsite habitats (-0.01 habitat units), and a combined net gain of +31.47% for on-site hedgerows (+0.05 hedgerow units) within Site A and Site B. The inclusion of offsite habitat creation and enhancement interventions within the wider blue line boundary will result in an overall net gain for the site / overall proposals of +5.97% for habitats and +31.47% for hedgerows. Landscaping proposals for the site will result in the required 'gains' in biodiversity in line with the Environment Act (2021) and NPPF and should be secured as approved plans. The production of a full and detailed Landscape and Habitat Management Plan, which covers management of the site in perpetuity (minimum 30 years) is required.
- 6.15 **Sport England** - Sport England wishes to withdraw its statutory objection (subject to the imposition of a suitably worded planning condition) to the principle of development of the Wellbeing and Leisure Hub. It is considered that sufficient information has now been provided to demonstrate that the Hub with appropriate mitigation would not result in the loss of playing field land nor prejudice the use of the playing field in accordance with Sport England's Policy Exception 3 and paragraph 193 of the NPPF. That said, Sport England would be unable to support the proposed design of the Wellbeing and Leisure Hub as it is considered that it does not meet our design guidance and therefore considered not fit for its intended sporting purpose. It is strongly advised that the building design should be revised and accord with our design guidance prior to determination. Sport England would also welcome the opportunity for a meeting with the applicant and their architect to discuss our design concerns and to explore whether they can be addressed.
- 6.16 **Strategic Planning** - These comments are supplementary to those made in September 2023 which confirmed that the retail sequential test has been satisfied. The applicant has submitted additional information in relation to the natural environment and flood risk and I am satisfied with the findings of the reports. Should planning permission be granted for the development, it is requested that the planning conditions / developer contributions are considered in relation to demolishing the existing Park Pool Leisure Centre after the opening of the new

Wellbeing and Leisure Hub and thereafter be used for 'open space' and no other use.

- 6.17 **United Utilities** – The plans are not acceptable as concerns raised with elements of the drainage proposals. The proposed permeable paving to the east of the new building creates potential risk for groundwater to enter into the drainage system and ultimately the public sewer which is not acceptable. The potential for groundwater to enter should be mitigated against. It is not clear what the proposed filter drain to the west serves and if this may be land drainage. United Utilities must understand the proposed land drainage management as we will not accept land drainage to the public sewer. As the applicant is aware, there are public sewers within the site. The applicant must agree the exact location of all public sewers within the site to discharge the below condition. This includes any proposed development features over or within the dedicated easement width as some features in the detailed design may not be acceptable. Without agreements on development in proximity to United Utilities infrastructure, there may be complications post determination at condition discharge stage. We therefore recommend a pre-commencement condition for detailed drainage design.

## 7.0 **OTHER REPRESENTATIONS**

- 7.1 Several letters of representation have been received which can be summarised as follows:

### 7.2 **Objections**

- The rugby pitch needs to be full sized but the current deadline nearest to Fiveway junction lies in an extremely boggy, often flooded area. The deadline ball line nearest to the new building is so close to the Leisure Hub carpark that the ball would end up in the Leisure Hub carpark.
- There will be a loss of amenity as the fields are used by people on mobility scooters, joggers, dog walkers, school children etc. The fields should be left for recreational purposes and to help with the physical and mental well-being of the community. This is Ormskirk's only public 'open greenspace'.
- Develop on brownfield sites before greenfield sites.
- The new leisure centre should be built on the existing Park Pool site which is dated but has all the services already available. It would be cheaper to redo the drains and foundations at Park Pool plus the road into Park Pool has a slip road so the traffic will not be delayed going out of Ormskirk. Access to the current pool is much better and far less disruptive to the local community. The current site does not have as many residential houses around it. It is central to town and has an existing footprint.
- Ormskirk does not need another leisure centre as there is Park Pool and Edge Hill and lots of other gyms.
- Flooding is an issue on the field and on the opposite field and this development will exacerbate the situation. The land will have to be drained before they can build on Churchfields as it acts as a floodplain which will cost the taxpayers an enormous amount of money. The land left at Churchfields is subject to regular flooding and therefore of very limited value and no use to most people who use the fields.
- The council should protect the green space given the Council's firm commitment to address the emergency climate change and as per the West

Lancs Climate Change Strategy and Action Plan 2020 -2023 which seeks to preserve, protect and promote the natural environment and is vital for carbon reduction. The information board displayed at Churchfields titled "Coronation Park Wetland Area" details how important the site is for local habitat.

- Development at this location will only serve to fragment the existing parkland.
- The costs for the new leisure hub have soared and there are concerns that the Park Pool site will not be converted once demolition is complete.
- The conversion of the Park Pool site will not compensate for the net loss of greenspace caused by the new development on Churchfields and will not replace the wide open fields. The open fields are not a Park and therefore have a very different use to the proposed, and much smaller parkland.
- The 'modern' design of the proposed leisure hub is not in keeping with the conservation area located to the rear of the proposed building, as in Churchfields (the road) and the historical parish church.
- The air ambulance helicopter use Churchfields to land. It would be hard pushed to land on the other side of Churchfields especially given the natural 'outdoor' lake that regularly appears after sustained heavy rainfall.
- The development will lead to the destruction of trees affecting air pollution and wildlife, birds, including swifts which are common, and insects.
- County Road is a busy dangerous road already congested (including at the busy roundabout) and prone to road accidents. Fiveways junction is a known accident black spot. The leisure centre will have the effect of interfering with the normal flow of traffic. The development is going to cause more traffic. Increasing the traffic flow (and inconsiderate kerbside parking) will only increase the potential for more incidents. What proposals are in place to manage the anticipated increase of traffic on County Road? What assurances can the local authority provide as to how it may improve the parking situation in Churchfields, as closest to the proposal, we fear this development will further affect the already bad situation for the residents of Churchfields. We as residents are now getting parking tickets because we cannot park in Churchfields outside our own homes, due to inconsiderate parking by people using our Road as a free car park. Where will all the market traders and visitors park their vehicles?
- The fire station is located in close proximity to the new junction with the possibility of emergency vehicles speeding along and overtaking standing traffic at this junction. This is too great a risk to take.
- This also raises the question of visitors parking on the roadside (which they will do if there are parking charges) and the impact on road safety for residents reversing out of their driveways on that stretch of County Road, as it is impossible to see oncoming traffic when a car is parked outside the house.
- The volume of heavy goods vehicles has increased since the railway bridge on Derby Hill Road was closed to heavy vehicles. Future proposals to make this a single lane of traffic will only exacerbate the problem. The volume of traffic on this stretch of County Road has also been impacted by the ASDA garage, the facilities offered by the garage (e.g., shop, fast food) which particularly attract large wagons parking on the road, Abbey Wood Nursing home and to a lesser degree the range of business units which include Topps Tiles next to the garage. Visibility for driving in and out of our house or for us trying to cross the road is often impaired due to the volume of traffic and parking on the road and it is often difficult to access our property or cross the road.
- The development will take away the benefit of cutting through Churchfields to Ormskirk Centre

- The huge building will spoil the view to the local parish church.
- The scheme itself appears unnecessarily large, even after the recent, sensible reductions in size.
- The car park provision looks inadequate for a new facility with so many attractions.
- Concerns with the general prolonged disruption this will bring to all. Concerns with the noise and light pollution, particularly for the residents of the care home located right next to the site. This also for them is an intrusion of their privacy, with cars and the public passing constantly.
- The public do not know about the scheme. Community engagement is questionable as the council said the leisure centre would be about 6,000sqm but in fact it was over 9,000sqm. The public meeting had nobody with local knowledge present. Residents only had 2 weeks to respond and once the mistake over the size was noted the Council had to resend out more leaflets. Many residents know nothing about the new Leisure Centre. You have not put plans on lamppost in affected areas. Pensioners are not always able to use emails, you are not being democratic. Further consultation with the residents of the community should be happening before this goes forward.
- Not enough thought has been given to the new leisure centre design. The new pool has no facility for a viewing area which would negatively impact its use for the current swimming team and children's lessons. If there was to be a viewing area poolside this would change my opinion
- The council rented the existing baths to the private sector which meant no money was spent on them. When built is it going to be sold to the private sector?
- DPP planning's letter 1st March 2023 says the site is located within the Coronation Park which is it not. Your letter dated 28th July 2023 says the location is on land to the east of County Road. Both letters are careful not to mention that the site is on Churchfields. East of County Road sounds less contentious than Churchfields but is no less devastating for those who value our green spaces.
- Hurlston Brook has long been a source of concern in relation to flooding impact during and following heavy rainfall. The flooding of this brook which runs adjacent to the proposed site has historically affected multiple residential properties on Redwood Drive, Tennyson Drive, Whiterails Drive, Halsall Lane, Dyers Lane, Railway Path, Altys Lane, Southport Road, Brook Lane, Cotton Lane, Garnett Green, and areas in and around Coronation Park including Ormskirk Tennis Club. According to the Jacobs UK Ltd report (B2237306-JAC-HB-RP-C-0001), dated 18/1/2018 commissioned by Lancashire County Council, there are many factors which contribute to the flooding including overland flows from fields and ditches, runoffs from roads and pathways and general drainage capacity exhaustion however the report does state that "Changes in the land use will influence the scale of flood risk. Reduced rates of run-off can be achieved by increasing the potential absorption in the soil strata through measures such as decompaction, tree planting, alternative ploughing configurations and by slowing the flow down naturally occurring flow paths. Conversely, if areas of agricultural land were to be developed increasing the area of impermeable surface the risk of flooding may increase." The proposed area where the structure and car park are to be built is generally wet underfoot all year, holding water and acting in a flood storage capacity reducing the risk of flooding from Hurlston Brook. If the change in land use is granted this would, as highlighted in the report, increase the risk of flooding in the area.

- I notice in the application that the new car park spaces are lower than the old number of spaces. Do the council not realise that people already park on County Road as there are no yellow lines on it around that section, this will become even more of a nuisance when cars cannot find a space in the smaller car park, especially when 10 of them are designated EV spaces which usually come with a penalty if a normal car parks in them.

## **Support**

- Would be great for community. This town needs this new development.
- A new pool and gym will look lovely and will bring people to Ormskirk. Our one now is very run down.
- The leisure hub is important for the well-being of people especially the young. They need somewhere to go and enjoy instead of being on the streets and maybe getting into trouble.
- It is clear to see that the planners have considered; Noise, Traffic, BNG, wildlife, highway safety, parking and local plan. I am delighted to see such an ambitious, visually impactful leisure centre within walking distance from such a large number of schools, businesses and of course dwellings, thus improving green travel across the borough. The residents of West Lancashire deserve a top-quality Wellbeing and Leisure Hub that will enhance people's lives
- I support this as I would use the gym and myself and children would use the pool. Park pool is old and grotty, and we do not use it at present because of this. Our nearest pool/gym is Edge Hill but they are very expensive for the local community.
- Turning the old park pool site into greenfield would work as it would be an extension of the current Coronation Park.
- This would provide a new, clean and modern leisure facility that is accessible and affordable to local residents.
- The proposal would bring an unused area of grass land back into positive use which would benefit the area. The removal of the existing building would improve the visual appearance of the area as the current building is in significant disrepair. Furthermore, improving the traffic congestion within Ormskirk by moving the entrance to County Road.
- The proposed Wellbeing and Leisure Hub would overlook an area of public open space which I believe would increase natural surveillance of the area and would deter anti-social behaviour.
- It will be a great asset to Ormskirk so long as it is done as quickly as possible so that we don't lose the green space for too long.
- Sadly, the reputation of park pool is less than desirable as its current state of repair is not good, a new facility will improve the local economy and boost the health and wellbeing of the community
- I am delighted that the long awaited proposed new fitness centre has been submitted for planning approval. There has been a need to replace the existing facility for many years. The current leisure centre is a very unattractive place to swim and undertake leisure/fitness activity in particular the changing facilities are very crude and smell. My family have resorted to using facilities in Maghull and Edge Hill which is not convenient. Your choice for the location is very good as the ground is only used for dogs to exercise and is often too wet to walk on. Having lived on County Road for 37 years I can confirm that very few people use the land which is in the proposed plan. Redeveloping the existing site into and extension of Coronation Park is a bonus. I look forward to using the facility



which will enhance the town and provide real boost to local fitness and wellbeing.

## **8.0 SUPPORTING INFORMATION**

Air quality Assessment  
Arboricultural Impact Assessment with Tree Protection Measures  
Biodiversity Net-gain Assessment  
Building Sustainability and the Environment  
Combined Stage 1&2 Road Safety Audit  
Crime Impact Statement  
Demolition Methodology Strategy  
Design & Access Statement  
Desk Study Report  
Drainage Strategy Report  
Dusk Survey Results  
Environmental Noise Impact Assessment  
Flood Risk Assessment  
Heritage Statement  
Highways Technical Note  
Infrastructure Delivery Statement  
Phase II Controlled Waters Risk Assessment  
Planning Statement and Open Space Assessment  
Pre Construction Management Plan and Logistics Strategy  
Preliminary Ecological Appraisal  
Review of Potential Surface Water Outfalls to Watercourse  
Rugby Ball Strike Assessment  
Sequential Test Report  
Statement of Community Involvement  
SuDS Maintenance Plan  
Transport Assessment

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (Local Plan) provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the settlement boundary for Ormskirk as designated in the Local Plan. The site is known as Churchfields and forms part of the Green Infrastructure and Open Space allocation of Coronation Park. The existing Park Pool facility is also within this wider allocation.

### **West Lancashire Local Plan 2012-2027 DPD**

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
GN5 – Sequential Tests  
IF1 – Maintaining Vibrant Town and Local Centres  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN3 – Provision of Green Infrastructure and Open Recreation Space  
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

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

**10.0 OBSERVATIONS OF DEPUTY CHIEF EXECUTIVE**

10.1 The main considerations for this application are:

Principle of Development  
Design and Heritage  
Impact on Neighbouring Amenity  
Highways Impacts  
Drainage Impacts  
Biodiversity

**Principle of Development**

Loss of Open Space

10.2 The site is a source of Green Infrastructure / Open Recreation Space, being part of Coronation Park where Policy EN3 Green Infrastructure / Open Recreation Space applies. Under policy EN3.2(a), 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.

10.3 Similarly, the NPPF at paragraph 103 states that existing open space, sports and recreational buildings and land, including playing fields, 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 better or equivalent 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 of former use.

10.4 The site forms part of Coronation Park, a Park and Garden as identified in the Council's Open Space Assessment (2018). The site has a high Quality and Value score and is centrally located in the town of Ormskirk (criterion 2.i). Whilst the application site forms grassland, this remains a central part of the Park both in location and function.

- 10.5 In terms of addressing the policy constraint above, the Indicative Masterplan submitted in support of the scheme shows a site-wide running/walking route which can be satisfactorily provided, thereby reducing potential conflict between users but also still providing useable outdoor amenity and recreation space. The proposals to redevelop the existing Park Pool leisure centre site for landscaping and for it to be incorporated into the wider Coronation Park would contribute towards the delivery of Biodiversity Net Gain (see Section on Biodiversity below). Whilst these works might not provide quantitative mitigation on a like-for-like substitute of the amount of open space to be lost and replaced, the proposed landscaping will maintain and enhance the high standards of the Open Space at Coronation Park and therefore comply with criterion 2.iii of Policy EN3 as confirmed by the Council's Strategic Planning Team. Should planning permission be granted, the Strategic Planning Team has requested that the redevelopment of the existing Park Pool site for landscaping and open space uses is secured by condition or by a legal agreement and that the existing leisure centre remains open and available for public use during the construction of the new Wellbeing and Leisure Hub.
- 10.6 Sport England initially objected to the application as they considered the site to comprise a playing field due to its physical and functional attachment to the northern playing field outside of the site red line. However, they removed their objection upon receipt of further information from the Applicant confirming that the site: has never been marked out as a pitch nor has it been utilised for sport; is physically detached from the northern playing field by virtue of an established and hard surfaced Public Right of Way (ref: FP0801080); and by virtue of this is also not functionally linked. Indeed, it is evident from Sport England's consultation with the Rugby Football Union that Ormskirk RUFC do not require the land on the application site to support their usage of the current pitch to the north, nor would it be suitable or viable for sporting use because of drainage issues.
- 10.7 The response from Sport England also requested that a Ball Strike Risk Assessment is carried out to understand if any mitigation measures are required. An assessment carried out by Labosport was submitted to support the application. The assessment is based on reasonable worst-case scenarios and a sophisticated trajectory model to predict the flight path of rugby balls from the pitch to the north, based on representative kick scenarios. The report concludes that the existing pitch would not impact on the car park of the proposed development given it is greater than 36m away. From a ball flight simulation, the ball would return to the ground before entering the car park and therefore no protection is considered necessary. Notwithstanding this, Sport England upon consultation with the Football Foundation consider that it could be possible that balls enter the newly proposed access road and therefore have recommended a condition requiring details of the design, location and specification of a ball stop mitigation together with details of the means of enclosure to the proposed vehicular access road to the new Wellbeing and Leisure Hub. Subject to the conditions recommended by Strategic Planning and Sport England, the proposal complies with Local Plan Policy EN3 and the NPPF.

#### Main Town Centre Use

- 10.8 The NPPF defines a health and fitness centre as a main town centre use in retail planning terms. The Local Plan policy map shows that the site is outside of the Town Centre of Ormskirk; therefore, a retail sequential test is required.
- 10.9 Policies IF1 Maintaining Vibrant Town and Local Centres and GN5 Sequential Tests is of relevance. The Council's Strategic Planning Team have reviewed the retail sequential test and agree with its conclusions that there is no alternative site available for the proposed use that is either within or on the edge of Ormskirk town centre, in accordance with national and local policy. The site is located within 300 metres of the edge of the Town Centre boundary of Ormskirk and is accessible via a mix of off- and on-road footpaths, providing an alternative to the use of the private car to access both the town centre and the proposed site. This is in conformity with the guidance set out at paragraph 92 of the NPPF which requires preference to accessible sites which are well connected to the town centre.
- 10.10 In light of all of the above considerations on open space, playing fields and main town centre uses, the principle of the proposed development is acceptable subject to compliance with all other relevant planning policies.

### **Heritage Impacts**

- 10.11 In coming to decisions on heritage matters Local Planning Authorities should refer to the Planning (Listed Buildings and Conservation Areas) Act 1990, which require decision takers to pay special regard to the desirability of preserving listed buildings or their setting (s.66), and to the desirability of preserving or enhancing the character or appearance of conservation areas (s.72). Relevant High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting. Decision makers should consider the impacts on the character and appearance of a conservation area separately and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
- 10.12 Whilst there are no heritage assets on the site, there are several in close proximity to the site including:
- St Peter and St Paul Church – Grade II\* listed (circa 200m east of the site)
  - Sundial south of St Peter and St Paul Church – Grade II listed (circa 200m east of the site)
  - Ormskirk Comrades War Memorial – Grade II listed (circa 200m south east of the site)
  - Rookery – Grade II listed (circa 220m south west of the site)
  - Ormskirk Town Centre Conservation Area (immediately east of the site)
- 10.13 The existing Park Pool Leisure Centre is also located outside of the Ormskirk Town Centre Conservation Area, immediately south of its boundary. The Conservation Area Re-Appraisal (2008/2009) states that Coronation Park provides an important setting to the Conservation Area, provides significant facilities for the public and is a valuable open space.
- 10.14 The main issues to consider in the heritage assessment of the proposal are; whether the proposal would preserve or enhance the character or appearance of

the Ormskirk Town Centre Conservation Area; and the impact of the proposals on the historic character (significance) of the nearby heritage assets (which include their setting).

- 10.15 In its present form the existing Park Pool Leisure Centre has a negative impact on the Conservation Area and the setting of the nearby listed buildings and war memorial, through its design, layout and materials. The existing Park Pool Leisure Centre will be demolished to make way for landscaping and biodiversity enhancements with the new leisure centre developed north of this area. Whilst the new leisure centre will provide a betterment in terms of the facilities on offer, be visually more aesthetic and be located further away from the Conservation Area boundary, it will still reduce the 'valuable open space' that provides an important setting to the Conservation Area. In this respect it is assessed as having a less than substantial harm to the significance of the Conservation Area which will need to be weighed against the public benefits of the proposal.
- 10.16 Similarly, the impact of the development on the Church and its churchyard (which constitutes its curtilage and setting), is also considered to be of less than substantial harm and will need to be weighed against any public benefits. This is largely due to the occasional and filtered views of the site from the church and churchyard, which are not fully screened by intervening trees and built form.
- 10.17 In terms of the war memorial, the proposed development may be visible through glimpsed views however the design, scale and use of materials will mitigate visual impact. It should also be noted that the impact will be similar to the existing Park Pool facility which is located closer to the war memorial. It is therefore considered that no harm is caused to the significance of the asset.
- 10.18 The Rookery is located to the west of the site and despite its proximity there is no intervisibility at all with the site and therefore its artistic and architectural values are not harmed by the development.
- 10.19 Public benefits include the removal of the dated Park Pool facility which is closer to the Conservation Area and heritage assets above, the delivery of a new enhanced leisure facility with a more modern and sympathetic design set further away, and the improvement in the quality of the open space leading to a 10% Biodiversity Net Gain (further details provided in the below paragraphs).
- 10.20 Lancashire Historic Environment Team has also been consulted who have confirmed that there are no archaeological non-designated heritage assets recorded on the Lancashire Historic Environment Record as lying within the redline boundary of the proposed development, but the head of a pike, a long thrusting spear commonly used until the 1700s, (PRN58) is recorded as having been found in Ormskirk Churchyard in 1879. Other finds recorded close to the site have a poor provenance and as such they cannot be regarded as reliable indicators of any potential archaeological interest in the proposed development site. Consequently, the Historic Environment Team confirm that the site is considered to have little or no archaeological or historic interest and archaeology does not need to be considered further.
- 10.21 The duty imposed by s.66(1) and S.72 of the Planning (Listed Building and Conservation Areas) Act 1990 has been given considerable weight in the

assessment of this application. In this instance the proposed development would lead to a less than substantial harm of character or appearance of the Ormskirk Town Centre Conservation Area and St Peter and St Paul Church and associated churchyard, but public benefits outlined above outweigh the level of harm. As such the proposal meets the statutory test and conforms to the planning guidance contained in the NPPF, Policy EN4 of the Local Plan and the Design Guide.

## **Design**

- 10.22 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.
- 10.23 In addition, the SPD Design Guide states that new development should be of an overall scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale and form, including the roofline, do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.
- 10.24 Similar to the Park Pool Leisure Centre, the new leisure centre is primarily horizontal in design. However, whilst the new design gives an impression of traditional building details with a brick ground floor (some of which is Flemish bond), the upper floors are more modern and comprise of composite metal wall panels with fins and glazing and a band of cement fibre panel which separate the two floors. The expression of a lighter façade and a neutral colour palette at first floor level helps to reduce the massing of the building and is a betterment in terms of design to the existing Park Pool Leisure Centre. The new building also steps down along its western helping to reduce its scale further.
- 10.25 Active frontages are key aspects of good design and whilst the scheme is not located directly adjacent to County Road it does have an outlook over County Road. It also lines the public footpath to the south. Car parking has been laid to the rear of the site and therefore not visible from the street however, there is minimal landscaping screening this from public footpaths. Whilst openness is an important aspect of the site and wider area, in this instance screening of parking takes precedent. Therefore, some level of additional screening is required along the car park to mitigate its visual impacts. This could be in the form of hedging, but a planning condition will be attached to secure this.
- 10.26 Internally, the reception, café, soft play and multi-use spaces are located on the ground floor in the eastern part of the building forming a social/community zone. The pools are along the western part of the building to benefit from passive solar gain, helping to reduce energy consumption, with wet changing village located to the east of the pools. The fitness suite, studio spaces and spa facilities are located on the first floor and each has a dual aspect taking advantage of views north and south towards the park. Sport England have raised concerns with the internal design of the Leisure Centre to which the Architects have responded to. Many of the concerns revolve around ensuring the leisure centre with all of its facilities is accessible for all. The Architects have confirmed that the design has followed the relevant British Standards and there are other internal design and working measures such as the use of mats and removable shoe protection to address

cross-contamination; the use of portals pool pod platforms instead of hoists; provision of a first aid station instead of a dedicated room; as well as ensuring that many of the facilities such as the toilets, kitchen and café, plant area are centrally located within the building for ease of access to as many user groups as possible.

### **Impact on Neighbouring Amenity**

- 10.27 The closest residential receptor are residents of the three storey Abbey Wood Lodge Care Home located 20m west of the new leisure centre building. Beyond this, on the opposite side of County Road are two storey residential dwellings, 60m away. As the building steps down along its western elevation, any impacts to the residents of Abbey Wood Lodge Care Home in terms of overbearing or overshadowing is reduced. Windows are proposed at ground floor level only and this coupled with the belt of trees in between the two buildings, ensures that there are no privacy issues.
- 10.28 An Environmental Noise Impact Assessment has been submitted which has confirmed that noise from the building and the car park is not expected to generate significant levels of noise. The main environmental noise source associated with the proposed leisure centre will therefore be from noise from fixed plant installations. The Environmental Protection Team has reviewed this report and confirmed that whilst the report does not address the impact of mechanical services due to the information not being available at the time, it does specify emission limits (rating levels) that should be considered for any plant or equipment that may be used on the site. In light of this, they have recommended a condition requiring the development to proceed in accordance with the Environmental Noise Impact Assessment and for any externally located plant or equipment to not increase the ambient background sound levels at the boundary of the nearest residential property.
- 10.29 Subject to the imposition of the conditions requested by Environmental Protection the proposed development would not have an undue impact on neighbouring amenity in accordance with Policy GN3 of the Local Plan.

### **Highways Impacts**

- 10.30 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.
- 10.31 The new leisure centre will be accessed from a new signalised junction off County Road to the west. The traffic signal arrangement will remove the existing signalised pedestrian crossing on County Road and will re-provide crossing facilities as part of the new arrangement to maintain the desire line between residential areas to the west of County Road and Churchfields / the town centre via the PROW through Coronation Park.
- 10.32 Pedestrian access to the site is proposed from the north and south with a dedicated pedestrian pavement. These provide connections to the existing pedestrian path around the park and the site.

- 10.33 The proposed development includes a car parking area with 95 parking spaces. In accordance with Local Plan Policy IF2, 6 of these are accessible parking spaces. Additionally, the proposed building will benefit from a dedicated coach drop-off area and 10 electric vehicle charging points, albeit these are not shown on the submitted plans and will be secured by planning condition. To support and encourage sustainable transport to and from the facilities, the proposed development includes 19 cycle parking spaces and 8 motorcycle parking spaces. The level of parking provision has been based on the existing demand at the Park Pool Leisure Centre which has a maximum demand for 79 parking spaces occurring between 6pm and 7pm. The layout, whilst slightly lower than the Policy IF2 provide 95 parking spaces to accommodate the forecast demand allow some future flexibility.
- 10.34 In terms of trip generation and traffic impact, the submitted Transport Assessment concludes that the proposed development will not result in a significant increase in traffic, with 31 trips in the AM peak hour and 77 trips in the PM peak hour. Conversely it is anticipated that due to the existing foot and cycle infrastructure and the site's proximity to residential areas in Ormskirk and Ormskirk Town Centre many trips (24 in the AM peak hour and 77 in the PM peak hour) will be done via public transport, walking or cycling.
- 10.35 The Transport Assessment also completes a modelling exercise to understand the increase in traffic associated with the development at the junctions in the study area, including the site access, at Fiveways and at County Road/Aughton Road. The output shows that the proposed access junction and County Road/Aughton Road will operate within capacity.
- 10.36 The Fiveways junction will also operate within capacity in the AM peak and is approaching theoretical capacity in the PM peak in the baseline scenario. The addition of the development traffic does not materially alter the operation of the junction against the context of the baseline conditions.
- 10.37 The maximum volume of development generated traffic anticipated is 38 vehicle movements in the PM peak hour, equating to less than 2% of the background level of traffic already using the junction. Some of the movements associated with the proposed development will already be present on the network, either visiting the existing pool or undertaking the visit to the new facility as part of a linked trip with other destinations. When considered as new trips for the purposes of this assessment, the additional movements are expected to have negligible impact on the operation of the junction. Taking these factors into consideration, the proposal will not be expected to have a material impact on safety at the junction.
- 10.38 LCC Highways has reviewed and confirmed acceptance of the plans and documents submitted in support of the highways and access arrangement including the highways capacity and junction assessment. This is subject to conditions and securing any S278 agreement for the site access and offsite highway works. They have also requested that a contribution of £6000 to enable them to monitor, implement and review a Full Travel Plan. This will be secured by S106 legal agreement. Subject to these conditions, informative, S106 legal agreement and a S278, the proposed development accords with Local Plan Policies GN3 and IF2 in so far as it relates to highways, access and parking matters.



## **Flood Risk and Drainage Impacts**

- 10.39 The majority of the site is within Flood Zone 1 but along Hurlston Brook to the east lay areas within Flood Zones 2 and 3. Modelling run by the Applicant's flood consultant which includes a climate change allowance and with no flood defence in place shows two areas susceptible to flooding, one along Hurlston Brook corridor in the east and one through the western section of the site, affecting the location of the proposed building. As such the site is concluded to be at a high risk of flooding within its lifetime. Conversely the site is at low risk from tidal and surface water flooding. Minimal impacts are also expected from ground water flooding given there are no below ground structures or basements proposed and recorded groundwater levels are a significant distance below ground level (depths of 2.8m).
- 10.40 Whilst there is no requirement under national planning policy to raise finished floor levels as the proposed development is classified as 'less vulnerable' under the NPPF, the Applicant has raised floor levels to 42.3m AOD. This provides a 0.42m 'freeboard' above the peak flood level on-site for the 1 in 100-year event with climate change allowance, providing a betterment for the development. It also ensures sufficient depth to achieve a gravity connection for the building's drainage system. In terms of the access, whilst this lies outside of the fluvial flood extents, the A59 is at risk of surface water flooding and therefore a Flood Evacuation Management Plan is recommended to determine safe access and egress to the site. This will be secured by planning condition.
- 10.41 A further modelling exercise has been undertaken by the Applicant's flood consultant which set the proposed FFL to 42.3m AOD and lowered an area of open space to the south of the proposed building by 200mm with a north easterly gradient tying into existing ground levels adjacent to the Hurlston Brook. The lowering of this area stops the existing flow route to the north and ensures no additional impact to third-party land resulting in a betterment both north and south of the site. The lowered area therefore provides a suitable compensation storage without impacting on the current layout.
- 10.42 Hydrock, the Applicant's flood consultants have also carried out a flood risk sequential assessment and the site has been found, in planning terms, to be the most suited for the proposed development. It offers greater opportunities for expansion and a more active frontage, combined with the low risk of flooding.
- 10.43 In terms of the proposed demolition, the shallow foundations and building slab will be broken up and removed and the swimming pool slab will be punched to allow free drainage. Drainage leaving the Park Pool site will be removed and any connections will be grubbed up to prevent water entering the wider drainage system. Overall, it is considered that the proposed measures will mitigate the potential future flooding of surface water and sewer.
- 10.44 The Principal Engineer, Lead Local Flood Authority, United Utilities and Environment Agency have all reviewed the drainage strategy.
- 10.45 The Environment Agency are generally satisfied with the assessment of flood risk and confirm that, in principle the development would be safe without exacerbating flood risk elsewhere subject to the proposed mitigation measures. They have

however raised concerns with some elements of the proposals relating primarily to the landscape proposals and compensatory flood storage proposals within 8m of Hurlston Brook. Notwithstanding this concern, the Environment Agency has requested a condition requiring the scheme for the provision and implementation of compensatory flood storage to be submitted for approval. Alongside this, the Environment Agency have confirmed that the Applicant will be required to obtain an environmental permit from them which is a separate process outside of the planning system to ensure works are completed in accordance with The Environmental Permitting (England and Wales) Regulations 2016. It is important to note that the works within 8m of the river are soft landscaping works, which include works to the existing footpath and the laying down of mown footpaths and grassed areas which are not engineering works. The lowering of ground levels by 200mm is also an extra mitigation measure not required by planning policy but put forward by the Applicant to reduce flood risk.

- 10.46 United Utilities have also raised concerns regarding the proximity of the proposed development to their wastewater assets. To resolve this matter, they have requested that the applicant submits a details plan which overlays the proven location of the existing sewers in relation to any proposed development features including new drainage. Despite this concern, United Utilities have confirmed that the strategy for the disposal of foul and surface water is acceptable in principle and recommended a pre-commencement condition to agree the detailed foul and surface water drainage design.
- 10.47 As such the proposed development is therefore in accordance with Local Plan Policies GN3 and GN5.

### **Biodiversity**

- 10.48 An Arboricultural Impact Assessment, Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment has been submitted with the planning application.
- 10.49 22 individual trees, 10 groups of trees and 3 hedgerows were recorded on site; the trees were generally found to be in a good to fair condition however one individual tree was classified as being unsuitable for retention. The proposed development directly impacts on 2 trees and 1 section of hedge which will be required for removal however, both trees and the hedge are considered to be of low quality.
- 10.50 In terms of trees on the existing Park Pool site, all trees would be protected by appropriate tree protection specification fencing in accordance with the BS 5837 2012. This would be installed before any materials or machinery are brought onto the Existing Site and before any demolition works commence.
- 10.51 Turning to ecology and in terms of habitats at the site, one UKBAP habitat was identified within the application site boundary in the form of the hawthorn hedgerow along the western site boundary. Two species listed as invasive were identified from historic records within and adjacent to the site boundary in the form of Japanese knotweed and Himalayan Balsam and it is recommended that a precautionary working method statement is secured by an informative note.

- 10.52 There are no existing structures on site and all trees surveyed were determined to hold negligible bat roost suitability and therefore no further surveys are required. The report states that no evidence of bats use or presence within the building was found. MEAS has confirmed that the Council does not need to consider the proposals against the three tests (Habitats Regulations). However due to visual limitations encountered during the survey the report recommends that works are carried out under a scheme of Reasonable Avoidance Measures (RAMS) with RAMS also secured for hedgehogs and common amphibians. These measures have been accepted by MEAS and will be secured by condition and/or an informative note.
- 10.53 No potential impacts have been identified in relation to protected bird species, but the scheme will result in the loss of bird breeding habitat and suitable roosting features for bats. To mitigate for this loss, MEAS has recommended bird nesting boxes and bat roosting boxes should be secured by planning conditions and recommends that no clearance works takes place during the main bird breeding season unless a check has been undertaken by a competent ecologist.
- 10.54 In terms of Biodiversity Net Gain, the assessment outlines that the proposals will result in a net loss of -0.23% for onsite habitats and a combined net gain of +31.47% for on-site hedgerows across both sites. The inclusion of offsite habitat creation and enhancement interventions within the wider blue line boundary will result in an overall net gain for the site / overall proposals of +5.97% for habitats and +31.47% for hedgerows. The Biodiversity Metric 4.0 and accompanying report have been completed in line with standing advice and best practice guidance and the results of the metric and report have been accepted by MEAS. It is proposed that the net loss will be offset through enhancement to the existing Park Pool area, once demolished which will be controlled by planning condition and a S106 Legal Agreement.
- 10.55 Overall, it is anticipated that the proposed development will not result in a negative impact on ecology and trees and will instead result in biodiversity net gain. The proposed development is therefore in accordance with Local Plan Policies GN3 and EN2.

### **Ground Conditions**

- 10.56 The application has been supported by a Desk Study and a Controlled Waters Risk Assessment. The desk study identified that the site has remained free from development and so has a low risk for the potential for contamination to be present at the site.
- 10.57 A historical fuel filling station was identified to have been present adjacent to the south of the site boundary sometime in the 1960s and so further investigation was proposed particularly for groundwater. No contamination was identified in soils but various hydrocarbon exceedance of the Environmental Quality Standards was identified prompting the further groundwater investigation utilising low flow methods. The further investigation did not identify any further exceedance.
- 10.58 The Council's Contaminated Land Officer has reviewed the reports and recommended a condition if unexpected contamination is found at the site and the submission of a Construction Environmental Management Plan. Subject to these

two conditions, the proposed development is in accordance with Local Plan Policy GN3.

## **11.0 CONCLUSION**

11.1 The principle of the proposed development is acceptable and compliant with local plan policies and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts in relation to design and heritage matters, neighbouring amenity, highways, drainage and ground issues. The loss of habitats on the site will be compensated both on-site and off-site resulting in a net change of +5.97% for habitats and +31.47% for hedgerows which will be secured via a S106 Legal Agreement. It is therefore considered that when applying the planning balance, the proposal complies with the NPPF, the relevant policies of the Local Plan and the guidance within the Design Guide SPD.

## **12.0 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 1990 to require:

- Details of the Biodiversity Net Gain, including management and maintenance over 30 years, to be reported in a Landscape Monitoring and Management Plan in accordance with the Biodiversity Net-gain Assessment (November 2023).
- A contribution of £6,000 to enable Lancashire County Council to monitor and support the development, implementation and review of the Full Travel Plan for a period of up to 5 years.

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

12.2 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:

Proposed Site Location Plan dwg no GT3 - 00 - 00 - DR - A - (08)9002 - RevP6  
Proposed Site Plan dwg no GT3 - 00 - 00 - DR - A - (08)9006 - RevP1  
Roof Plan dwg no GT3 - 00 - R1 - DR - A - (08)0021 - RevP2  
North & East Elevations GT3 - 00 - ZZ - DR - A - (08)0201 - RevP6  
South & West Elevations GT3 - 00 - ZZ - DR - A - (08)0202 - RevP5

Ground Floor Plan dwg no GT3 - 00 - 00 - DR - A - (08)0001 - RevP1  
Level 01 Plan dwg no GT3 - 00 - 01 - DR - A - (08)0011 - RevP1  
Landscape General Arrangement dwg no 20536-LD-02  
Landscape Strategy dwg no 20536\_LD\_03

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. The existing Park Pool Leisure Centre shall remain open and available for public use for the duration of the construction of the new Wellbeing and Leisure Hub. The existing Park Pool Leisure Centre shall only be closed and demolished upon the opening of the new Wellbeing and Leisure Hub.

Reason: To ensure the continuity of service provision to the community in accordance with the provisions of Policies IF3 and EN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. The Existing Park Pool Leisure Centre, once demolished, shall only be used for open space and no other use.

Reason: To ensure open space is retained in accordance with Policy EN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

5. 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 amendment 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 5 l/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.

6. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework

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

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

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

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

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

- i. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- ii. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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

9. No development approved by this planning permission shall commence until such time as a scheme for the provision and implementation of compensatory flood

storage in accordance with the approved 'Flood Risk Assessment' prepared by Hydrock Consultants Limited, Doc ref 27119-HYD-XX-XX-RP-FR-0001 dated 18/12/2023 has been submitted to, and approved in writing by, the local planning authority. The scheme and plans submitted shall show the final engineering solution for the compensatory storage, providing detailed design to demonstrate how the scheme will function to ensure flood waters can enter the storage and be discharged freely after a flood. It must be demonstrated that there will be no loss in storage capacity for the lifetime of the development. The scheme shall be fully implemented prior to any development on site and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes and to reduce the risk of flooding to the proposed development, future users and elsewhere.

10. The development hereby approved shall not be occupied until full details of the design, location and specification of the ball stop mitigation, including details of construction, management and maintenance responsibilities, as set out in the Cricket Ball Strike Assessment prepared by Labosport (Ref: LSUK.23-0527\_RFTA Version 2, Date: 10/8/2023), together with details of the means of enclosure to the proposed vehicular access road to the Wellbeing and Leisure Hub have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority, after consultation with Sport England. The approved details shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure that the ball stop mitigation is fit for purpose and to provide protection for the occupants of the proposed Wellbeing and Leisure Hub from potential ball strike from the adjacent playing field, as well as to provide protection for users of the playing field when retrieving stray balls from the vehicle access road; to reduce conflict between neighbours and therefore safeguard sporting use of the adjacent sports facilities and to accord with Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and paragraph 193 of the National Planning Policy Framework.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An appropriate assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm to public health, to prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery, demolition and construction working hours; and,
- Pollution prevention measures.

The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to comply with policies GN3 and IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The development hereby approved shall be carried out in accordance with the Biodiversity Net-gain Assessment (prepared by Tyrer Ecological Consultants dated November 2023) to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development and the Assessment shall be implemented in full thereafter. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from the commencement of development unless otherwise stated in the Biodiversity Net-gain Assessment, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

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



14. Prior to commencement of development a Landscape and Habitat Management Plan which covers management of the site for a minimum of 30 years shall be submitted for approval. The Plan should include the following:
- a. Description and evaluation of the features to be managed;
  - b. Ecological trends and constraints on site which may influence management;
  - c. Aims and objectives of management;
  - d. Appropriate management options for achieving aims and objectives;
  - e. Prescriptions for management actions;
  - f. Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - g. Personnel responsible for implementation of the plan;
  - h. Confirmation of funding and ownership
  - i. Details of a programme of monitoring and remedial measures triggered by monitoring.

The site shall be managed and maintained in accordance with the approved details.

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

15. No part of the development hereby approved shall commence until a scheme for the construction of the site access off County Road, and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The works to include a new site access/ junction to County Road, including a repositioned Toucan signal controlled cycle/pedestrian crossing on County Road, new and altered TROs as appropriate to the new junction, wider network changes to direction signs on approaches to the site, the removal or modification of direction signs for the existing leisure centre facility where no longer relevant.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

16. No part of the development shall be occupied until the highway works subject to condition 15 have been constructed in accordance with the scheme submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

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

17. The new site access between the site and County Road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

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

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

19. Prior to the occupation of the building/use hereby approved at least 10% of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.

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

20. No use hereby permitted shall be occupied or the use commenced until cycle parking provision has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and the cycle parking shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

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

21. Within 6 months of the first occupation of any building or use hereby permitted commences a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage 3 alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

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

22. The development shall not proceed except in accordance with the noise assessment prepared by Acoustic Design Technology (ADT) Ref ADT3497/ENIA dated 19th May 2023. Any externally located plant or equipment shall not cause an increase in the ambient background sound level at the boundary of the nearest residential property. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted. For the avoidance of doubt, calculated rated sound levels from any externally mounted plant or equipment at the boundary of the nearest noise residential property should not exceed the existing background sound level in accordance with the results of the BS4142:2014+A1:2019 noise assessment.

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

23. No external lighting shall be installed on the land and buildings without the prior approval in writing from the local planning authority.

The development shall be carried out in accordance with any approved lighting scheme and retained as such thereafter.

Reason: These details are required to minimise the visual impact of light on nearby residential properties and habitats in accordance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

24. The development shall be implemented in accordance with the submitted Arboricultural Impact Assessment with Tree Protection Measures, March 2023 by Tyrer Ecological Consultants.

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

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

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

26. The development hereby permitted shall not be occupied until details of bird and bat 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.

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.

27. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building and on all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out using only the agreed materials and shall be retained at all times thereafter.

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

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

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

29. All hard and soft landscape works shall be carried out in accordance with the approved details shown on dwg nos 20536-LD-02 and 20536\_LD\_03. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

30. Notwithstanding the details shown on the approved drawings and pursuant to Condition 28, no above ground construction works shall take place until details of the soft landscaping screen planted along the proposed car park has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping screen shall be implemented and completed prior to the occupation of the development unless otherwise agreed in writing with the Local Planning Authority. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

## **INFORMATIVE – ENVIRONMENTAL PERMIT – ENVIRONMENT AGENCY**

Sandy Brook / Hurlston Brook is designated statutory main river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

## **INFORMATIVE – HIGHWAY NOTES**

- a) The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the LCC Highways Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
- b) The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 1, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.
- c) The alterations to the existing highway as part of the new works may require changes to the existing street lighting and drainage at the expense of the client/developer.
- d) This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.

## **INFORMATIVE – CONSTRUCTION AND DEMOLITION**

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site. Works audible at or beyond the site boundary should not occur outside the following hours Monday to Friday 08.00hrs to 18.00 hrs Saturday 08.30hrs to 13.30hrs Sundays or Public/Bank Holidays not at all Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to

disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

### **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 hedgehogs and common amphibians including common frog which is a Priority Species and Local Plan policy EN2 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

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

### **INFORMATIVE – INVASIVE SPECIE**

Japanese knotweed and Himalayan balsam are present within the site boundary. These species are listed on Schedule 9 of the Wildlife and Countryside Act and Himalayan balsam is listed on Schedule 2 of the Invasive Alien Species (Enforcement and Permitting) Order 2019 and national Planning Policy Guidance applies and will require removal by a competent person to ensure the prevention of the plant/s spreading further.

### **INFORMATIVE – 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.

### **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](https://www.cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

### **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  
GN5 – Sequential Tests  
IF1 – Maintaining Vibrant Town and Local Centres  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
EN1 – Low Carbon Development and Energy Infrastructure  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN3 – Provision of Green Infrastructure and Open Recreation Space  
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

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.