



**PLANNING COMMITTEE: Thursday,
21 November 2024**

Report of: Assistant Director Planning & Regulatory Services

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SUBJECT: PLANNING APPLICATION REF: 2024/0388/FUL

PROPOSAL: Demolition of existing buildings and erection of 33 residential dwellings with associated parking and access.

APPLICANT: Tawd Valley Development

ADDRESS: Blythewood, Digmaor, Skelmersdale

REASON FOR COMMITTEE DECISION: As a council-led scheme the planning application requires determination at Planning Committee. The application has been called in by Councillor Adrian Owens for the same reason.

Wards affected: Skelmersdale South;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks the demolition of existing buildings and the erection of 33 affordable residential units.

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 extends to 0.64ha and accommodates six apartment blocks of three storeys set within a grassed landscaping. The topography of the site varies across the site, particularly from the site entrance to the east and the rear of the site to the west, where the difference is circa 3.0m. North-south there is a nominal change in levels of circa 0.5m.

3.2 Paths provide access to the various buildings. Parking is located in courts to the building frontages. The site is bound by Blythewood to the north; a tree lined boundary to the adjacent Saint Francis of Assisi RC Primary School playing fields to the south-east; and a pedestrian path to the south-west.

- 3.3 The existing buildings provide bedsits and apartments with ground floor garages which are largely closed off. The properties are around 50 years old and are constructed of REEMA concrete, which is known to be prone to defects. While repairs were carried out in the 1990s, the properties fall below current Building Regulations. They are inefficient in layout with small windows and are poorly insulated.
- 3.4 The site is set within a wider estate of dwellinghouses and flats. These are primarily Council-owned stock of two storeys constructed in the 1970s, with some one- and three storey properties. They are in the Radburn style, displaying typical characteristics of the time such as extensive separate pedestrian footways and vehicular linkages, amenity space, parking courts and 'turned around' houses. The properties are either brick or rendered with tiled roofs at dual pitches, and the apartments have flat roofs.
- 3.5 To the north is the site of the recently consented Phase 1 of this scheme, which will provide 12 affordable apartments. Adjacent to the Phase 1 scheme is a nail bar, car park, takeaway and restaurant. Beyond to the north is Ormskirk Road, a public house and the B5312, a key arterial road connecting different neighbourhoods of Skelmersdale.

4.0 PROPOSAL

- 4.1 The application seeks consent to demolish the six existing apartment buildings and erect 33 dwellings including apartments, cottage flats and dwellinghouses for social rent, with associated access, car parking and landscaping.
- 4.2 The entrance to the site is marked by a three-storey apartment building with communal amenity space and parking. Proceeding into the site is a housing square which is comprised of two storey dwellinghouses with private gardens and car parking to frontages, broken up by tree planting and landscaping. Cottage apartments are provided to the southern and western site edges.
- 4.3 The proposed accommodation mix comprises:
- 9x one-bedroom apartments;
 - 3x two-bedroom apartments;
 - 9x two-bedroom dwellinghouses;
 - 4x three-bedroom dwellinghouses; and
 - 8x one-bedroom cottage flats.
- 4.4 Six parking spaces are provided adjacent to the apartment block, equating to a 50% provision. The cottage flats at the western end of the site have their own direct access from Blythewood. The cottage flats to the south are accessed from Banksbarn. Small parking courts for the cottage flats are located adjacent to the properties and provide 100% parking (8 spaces). The houses benefit from a 200% parking provision (26 spaces).

- 4.5 All spaces to cottage flats and apartments benefit from EV charging, with one EV charging unit per two spaces to the houses. The houses have space for the storage of two bicycles and 100% cycle storage is provided for the apartments.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 The application site has no planning history.
- 5.2 To the north is the site of the recently consented Phase 1 of this scheme, which will provide 12 affordable apartments (Ref: 2023/0974/FUL).

6.0 OBSERVATION OF CONSULTEES (SUMMARIES)

- 6.1 **Arboricultural Officer** – The proposals have not taken trees as a material planning constraint into consideration when designing this scheme. B Classification trees should remain, and the design should take account of them. These trees are mature healthy specimens that contribute to both the amenity and air quality. The proposed replacement tree planting is also badly designed. The locations are not sustainable leading to WLBC expense for maintenance. The replanting also has less public amenity value due to the proposed location. The replacements are shorter in longevity, smaller in stature and are in locations that will cause an inconvenience to residents.
- 6.2 **Contaminated Land Officer** – No objection subject to conditions for further site investigations, remediation (if necessary) and validation.
- 6.3 **Environmental Protection Team** – No objection subject to conditions in relation to glazing and ventilation, and construction, piling and delivery hours.
- 6.4 **Housing Strategy & Development Programme Manager** – The Councils HEDNA identifies an annual shortfall of affordable housing in the Borough. This means there is a need for additional affordable housing to be provided across West Lancashire. The application is seeking to provide 33 residential dwellings for social rent which is acceptable and will assist in meeting affordable housing need.
- 6.5 **Lancashire County Council (LCC) Highway Services** – The Drawing no NW134-06-2-02.2 Phase 2 Section 278 Layout includes a 2m wide footway along the southern edge of the carriageway of Blythewood and to the east of the access to provide a safe pedestrian link with Ormskirk Road. This is acceptable as S278 works and should be conditioned for completion prior to occupation.

We are still of the opinion that the development fails to comply with your parking standards, but these are your standards and I leave you to determine the appropriate parking level.

In terms of cycle storage, these latest plans include cycle storage locations, but no detail of the form of storage, David Smith indicates "happy to accept a condition prior to installation on this for more details to be provided at the appropriate time." This would seem to be the appropriate time.

I note the proposed s38 drawing, NW134-06-2-02.1 2 Section 38 Layout. This internal layout is not to a standard that would be considered for adoption by LCC as the Highway Authority and would therefore remain private (there would not be a s38). I have included a suitable condition to secure suitable construction and future maintenance.

With regard to the Stopping up of existing highway, the submitted drawing - NW134-06-2-15.2-Phase 2 Proposed Highway Stopping Up, this is acceptable subject to appropriate Orders and agreement on works (probably suitable for inclusion in the s278). As previously stated the proposals for stopping up public highway should be carried out under planning legislation as LCC would not be able to demonstrate any highway reason for stopping up the existing highways/footways.

- 6.6 **Lancashire Police Architectural Unit** – No comments received
- 6.7 **Lead Local Flood Authority (LLFA)** – No objection subject to conditions for surface water drainage scheme, construction surface water management plan, a sustainable drainage maintenance manual and a verification plan.
- 6.8 **Merseyside Environmental Advisory Service (MEAS)** – An updated ecology report (Ecological Assessment Report, TEP, 17 July 2024) has been amended to show the location of three trees of bat roost potential (PRF-I) within a woodland strip at the eastern boundary. The location of cotoneaster within scattered scrub in the centre-north of the site is also shown as well as recommendations within the report for eradication. The report is now accepted.

No further ecological comment is required as trees within the woodland are to be retained and the previous MEAS response contains advice for bird nesting boxes, reasonable avoidance measure for hedgehogs and an invasive species method statement for removal of cotoneaster (MEAS ref. WL24-14, 10 July 2024)

The previously submitted Statutory Biodiversity Metric shows a loss of 0.62 habitat units (-23.83%), with losses for medium distinctiveness urban trees and broadleaved woodland habitats. A total of 0.88 units are needed to meet 10% requirements.

The applicant has submitted a Detailed Planting Plan for the site (Drawing no. D10108.01.002, Phase 2, TEP, 14 May 2024) as well as a v4.0 Metric (completed 9/11/23) for Fairhaven Park which will be used as the donor site for off-site habitat compensation.

The proposed habitat enhancement and creation works at Fairhaven Park will provide 12.18 habitat units. It is clear the habitat works will be able to achieve the 0.88 habitat units required for this development to reach 10% BNG but the proposed balance of on and off-site units is currently unknown.

The areas of grassland, trees and woodland at Fairhaven Park to be used as off-site gain site must be registered as a biodiversity gain site on the biodiversity gain sites register. The gain site must then be allocated to the development. The off-site gain site must be allocated to the development with the submission of the

Biodiversity Gain Plan, required by the mandatory Biodiversity Gain Plan pre-commencement condition

6.9 **Principal Engineer** – No objection

6.10 **Strategic Planning** – No comments

6.11 **The Coal Authority** - We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make. However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.

6.12 **United Utilities** – No objection subject to conditions

7.0 OTHER REPRESENTATIONS

7.1 None received at the time of writing.

8.0 SUPPORTING INFORMATION

Arboricultural Impact Assessment
Biodiversity Net Gain Report
Building for a Healthy Life Assessment
Combined Stage 1/Stage 2 Geo-Environmental Report
Construction Method Statement
Contamination Remediation Statement
Crime Impact Statement
Design and Access Statement
Ecological Assessment Report
Foul and Surface Water Drainage Strategy
National Design Guide Assessment
Noise Impact Assessment
Planning Statement
Sustainability Statement
Transport Statement

9.0 RELEVANT PLANNING POLICIES

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

9.2 The site is located within the Regional Town of Skelmersdale as designated in the Local Plan.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 – Residential Development

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

Supplementary Planning Document

Design Guide SPD (2008)

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

10.1 The main considerations for this application are:

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

Principle of Development

10.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, the principle of residential development on the site within the Regional Town of Skelmersdale is acceptable subject to the proposal conforming with all other relevant planning policies and having regard to all other relevant material planning considerations.

Residential Mix, Affordable and Specialist Housing

10.3 Policy RS2 sets out the requirement for the provision of 10% of units to be affordable in Skelmersdale town centre. Elsewhere in Skelmersdale, no affordable housing will be required for developments of fewer than 15 units, whilst on sites of 15 or more dwellings, 20% of units will be required to be affordable, with up to 30% on greenfield sites on the edge of the built-up area. The development proposal is for 100% affordable housing to be socially rented, which is more than the minimum requirement and will be secured by a legal agreement. The delivery of affordable housing in excess of the policy requirement is a material benefit, given the Council's Annual Monitoring Report (2022) reveals a need for affordable housing in most parts of the Borough as house prices continue to rise faster than average wages. Two key actions from the Annual Monitoring Report in terms housing delivery, is (1) to facilitate the delivery of housing across the Borough in the more sustainable areas of West Lancashire, and (2) to secure as much affordable housing as possible from new residential development in line with Local Plan policies. The delivery of 100% affordable housing in Blythwood which is a sustainable location would help meet both these objectives.

- 10.4 In order to help meet the needs of an ageing population in West Lancashire, Policy RS2 expects that at least 20% of units within residential developments of 15 or more dwellings are designed specifically to accommodate the elderly. In accordance with this, four apartments in Block 1, two cottage flats in Block 4 and two cottage flats in Block 7 as shown on the Proposed Site Plan will be suitable for the elderly, equating to 24% of the scheme. The Housing and Economic Development Needs Assessment (2022) confirms that given the number of older people is expected to increase in the future as well as the number of single person households, this would suggest (if occupancy patterns remain the same) that there will be a notable demand for affordable housing from the ageing population. The delivery of 8 units at Blythewood designed specifically for the elderly will therefore help meet this need complying with Policy RS2 of the Local Plan.
- 10.5 The Council's Housing Officer has reviewed the proposal and confirmed that the Housing and Economic Development Needs Assessment identifies an annual shortfall of affordable housing in the Borough. In addition, the Housing Officer confirmed in the Phase 1 planning application that the developments at Blythewood are intended to complement wider regeneration in the immediate area which is borne out of a desire to create property and local area improvements for the benefit of the local community.

Design

- 10.6 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance the attractive attributes through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 10.7 In addition, the SPD Design Guide states that new development should be of an overall scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale and form, including the roofline, do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.
- 10.8 The tallest element of the proposed development comprises the apartment building at three storeys placed at the site entrance. It mirrors the three-storey scale of the apartment blocks being demolished and the three-storey apartment block granted as part of Phase 1. Whilst located on ground that is 1m higher than Phase 1, the visual impacts of the proposed block will be softened by existing and proposed tree planting along the boundary with Blythewood.
- 10.9 The bulk of the site will accommodate two-storey properties considered suitable in this area given the wider context of the low-rise, landscaped housing estate. The dwellings are predominantly dual aspect and feature gables have been incorporated to the properties at the site entrance and onto the pedestrian linkages, providing interest and active frontages.
- 10.10 All blocks continue the simple architectural brickwork detailing seen in Phase 1. The fenestration is broken up by window reveals and projecting surrounds to principal windows which helps to break up the massing and add interest to the

overall appearance of the blocks. The glazed central circulation link in the three storey apartment blocks also assists in achieving this.

- 10.11 Overall the scale, layout and design of the development is well suited to this location, given it is a continuation of the design used at Phase 1 and is a betterment to the local vernacular seen across the wider area, in accordance with Policy GN3 of the Local Plan.

Impact on Neighbouring Amenity

- 10.12 Policy GN3 of the Local Plan requires that development retains or creates reasonable levels of privacy, amenity and sufficient garden or outdoor space for occupiers of the neighbouring and proposed properties.
- 10.13 The proposed apartment sizes for the one-bedroom is 50sq.m and 70sq.m for the two-bedroom. The two-bedroom dwellings are 79sq.m and three-bedroom dwellings are 93sq.m. The one-bedroom cottages range from 42sq.m and 50sq.m. These floor areas meet or exceed the Nationally Described Space Standards. Communal private gardens are proposed to the rear of the apartment block and cottage flats, whilst private gardens are proposed to the rear of the dwellings. Whilst there is no specific guidance on the recommended size of communal gardens, all gardens whether private or communal are at least 10m in length meeting the Design Guide SPD recommendation and will contribute positively to residents quality of life, health and well being.
- 10.14 The Design Guide SPD requires a minimum of 21m for principal elevation to principal elevation (front and rear) and 12m from side elevations to principal elevations. The proposed apartments, cottage flats and dwellings are set apart such that these distances are met between existing and proposed dwellings in all directions.
- 10.15 A Noise Impact Assessment has been submitted in support of the application which considers both indoor and outdoor impacts on occupiers. The assessment concludes that standard thermal double glazing is sufficient across the site and that open windows are sufficient to mitigate overheating. The Environmental Protection Team has reviewed the submitted Noise Impact Assessment and has recommended a condition to adhere with the recommendations in the report and have also recommended conditions related to the construction of the site. Subject to these conditions, the development accords with Policy GN3 of the Local Plan.

Highways Impacts

- 10.16 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 which requires 1 car parking spaces for 1-bedroom dwellings, and 2 parking spaces for 2-3-bedroom dwellings.
- 10.17 The site is located within easy walking distance of local shops and services and has very good access to sustainable modes of transport, including a bus stop 400m away with at least 4 services an hour into Skelmersdale.

- 10.18 Vehicular access to the site is proposed from Blythewood which leads into a turning head facility allowing vehicles to turn within the site. Visibility splays of 2.4m X 43m (associated with a 30mph speed) are shown, however due to the length of the road, vehicles will be travelling slower than this.
- 10.19 The refuse collection points have been located within a 25m distance of the proposed stopping point of the refuse collection vehicle and within a 30m walking distance of resident's private gardens.
- 10.20 In terms of parking in accordance with policy the scheme should provide 46 car parking spaces, as there are 16no. 1-bedroom apartments and flats, 12no. 2-bedroom apartments and houses and 3no. 3-bedroom houses. The proposed site however has a total of 42 car parking spaces. The Local Plan allows for proposals under the recommended parking standards to be supported by evidence detailing the local circumstances that justify this deviation. In order to understand the existing demand for car parking, the Transport Statement has analysed the 2021 census data for existing car ownership levels within the output area that the site is located. The results found that car ownership levels were 0.5 cars per household. If the existing car ownership of the local output area are applied to the proposed development a total of 17 car parking spaces would be required for the 33 proposed dwellings. Within this context the slight under-provision against policy of 42 car parking spaces versus 46 spaces is considered acceptable.
- 10.21 Cycle parking is provided at 200% for the houses with provision provided within the rear gardens. The apartments are provided with 100% provision within a secure and covered cycle store. The cycle provision has been provided in excess of standards, in order to take advantage of the cycle facilities locally and the low car ownership levels.
- 10.22 For developments with communal parking areas, Policy IF2 requires at least one or 10% of parking spaces to be marked out for use by electric vehicles and have adequate charging infrastructure and cabling. 30 twin-post EV chargers are proposed on the site which exceeds the policy requirement.
- 10.23 I therefore consider that the proposed level of car parking and access arrangements are acceptable and in accordance with Policies GN3 and IF2 of the Local Plan.

Drainage Impacts

- 10.24 The site is within Flood Zone 1 and therefore has a low probability of flooding from rivers and sea. The Phase 1 Desk Study confirms that the site is not in an area at risk of river flooding.
- 10.25 A Drainage Strategy report for foul and surface water drainage has been submitted with the application. Infiltration techniques are unsuitable on this site. There are no watercourses to which a surface water discharge can be practicably made with proportionate costs, the local highway drainage system is likely to discharge to the combined public sewer, and there is no surface water public sewer to which a surface water discharge can be practicably made with proportionate costs. It is therefore proposed that surface water will be discharged to the 225mm diameter

combined public sewer on Ormskirk Road. The maximum rate of surface water discharge will be 4.4l/s, which is as close as reasonably practicable to the equivalent pre-development greenfield runoff rate from the site.

- 10.26 United Utilities and the Lead Local Flood Authority have reviewed the drainage proposals and recommended conditions to secure the detailed drainage system. Subject to conditions and informatives, the drainage proposals are acceptable and in accordance with Policy GN3 of the Local Plan.

Biodiversity

- 10.27 An Arboricultural Impact Assessment (AIA), Biodiversity Net Gain (BNG) Report and Ecological Impact Assessment (EIA) has been submitted with the planning application.
- 10.28 The EIA notes that the majority of the site comprises amenity grassland and hardstanding with scrub and scattered trees. There are no notable habitats on the site or immediately adjacent. The development will result in the loss of bird breeding habitat and to mitigate for this loss, details of bird nesting boxes that will be erected on the site will be secured by condition. The recommendations of the EIA will be secured by planning condition to ensure habitats are protected and the recommendations of the report are taken forward.
- 10.29 Policy GN3 requires development to minimise the removal of trees, hedgerows, and areas of ecological value, or, where removal is unavoidable, provide for their like for like replacement or provide enhancement of features of ecological value. Policy EN2 states development involving the loss of trees of significant amenity will only be permitted where that development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. In such cases, the developer will be required to replace the trees lost on site with ones of at least equal value either on site or in that locality where it is unsuitable for the trees to be located on the particular site. Conditions will be imposed, or legal agreement made, to ensure such mitigation measures are carried out.
- 10.30 In terms of trees on the site, 13 individual trees and four groups of trees were recorded within influencing distance of the application site, most of which are Category B (T8-T10, T13-T20 and G3). The remaining trees are Category C (T11-T12 and G4-G6).
- 10.31 Trees T8 to T20, within the exception of T12 and T17 are all either small-leaved lime or sycamore, principally for amenity around verges and gardens. They are all circa 10m to 14m high and provide good amenity and landscape value in a relative well treed area. T12 is a small ornamental lawson cyprees and T17 is a very tall third-party eucalyptus tree in a private garden adjacent the southern corner of the site. Trees along the south-eastern boundary include G5 and G6; G5 comprises mainly grey willow and small-leaved lime which is starting to spread into gardens. Groups G4 and G5 contains multiple broken stems and branches but do provide effective screening. G6 is all common hawthorn or elder. None of the trees are subject to a Tree Preservation Order nor are they protected by a Conservation Area.

- 10.32 The majority of the trees (T9, T10, T11, T12, T18, T19, T20, G4 and G5) within the site boundary will be removed which would have the effect of reducing tree canopy cover and associated amenity, environmental and habitat benefits. It would also somewhat erode the screening and quality of the site by trees on the northern boundary, which is a characteristic of this section of Ormskirk Road. It is for these reasons that the Tree Officer has objected to the scheme. Whilst the landscaping scheme has been dictated by the site constraints including a sewer easement along the frontage with Blythewood, and proposed drainage and space restrictions, the Applicant has sought to address the Tree Officer's concerns. In doing so, an additional five trees have been provided within the site taking the total trees from 22 to 27, which is more than double that is being lost.
- 10.33 On balance, the development of the site for 33 affordable dwellings, eight of which will be designed to accommodate the elderly, as part of the next phase of regeneration for the Blythewood area, coupled with the on-site tree mitigation, in my view provides an overriding public benefit to the loss of the existing trees in compliance with Policy GN3 and EN2 of the Local Plan.
- 10.34 The BNG Report notes that in terms of biodiversity the proposal will result in the loss of 0.62 habitat units or a 23.83% loss, with medium distinctiveness urban trees and broadleaved woodland habitats. The applicant has given thought to the design of the scheme and it is not possible for the site to accommodate the required on-site BNG units. Therefore, there is a requirement to deliver 0.88 habitat units off-site. The Applicant has identified Fairhaven Park as a possible site for off-site habitat delivery but should this not be possible the 0.88 habitat units will be secured on council owned land. The off-site gain site will need to be registered as a biodiversity gain site on the biodiversity gain sites register. The gain site must then be allocated to the development with the submission of the Biodiversity Gain Plan, required by the mandatory Biodiversity Gain Plan pre-commencement condition. Subject to the mandatory BNG condition, a condition for the submission of a detailed 30-year management and monitoring plan, and a legal agreement to secure a monitoring contribution (further details of which is provided at paragraphs 10.40-10.43), the development accords with the 10% BNG requirement set by the Environment Act.
- 10.35 The PEA recommends that a bat sensitive lighting strategy should be implemented at the site which will also be secured by condition. Other conditions have been recommended by MEAS in terms of protecting hedgehogs and avoiding certain works during bird nesting season, however these will instead be covered in informative notes as they are covered by different legislations.
- 10.36 Taking all of the above factors into account, it is deemed that the development has been amended accordingly through application process to minimise tree loss despite the site constraints to try and overcome the Tree Officer's objection. Overall, subject to the above conditions and a legal agreement, it is anticipated that the Proposed Development will not result in a negative impact on ecology and trees and that biodiversity net gain can be secured through on-site and off-site planting. The development is therefore in accordance with Local Plan Policies GN3 and EN2.

Ground Conditions

- 10.37 Policy GN3 requires that development seeks to remediate and restore contaminated land and minimise the risk from all types of pollution and contamination. The application has been supported by a Phase 1 and 2 Geoenvironmental Report which has investigated potential contamination sources and receptors, in addition to the geology and geo-technical characteristics of the site.
- 10.38 The desktop research confirms the previous uses of the site. There was a quarry in the north-east of the site adjacent to Ormskirk Road, which had been replaced by the access road of Blythewood in 1969. To the north of Ormskirk Road in the 1880s there was also a quarry, which had closed in 1894. It is unknown if significant infilling occurred at the off-site quarry.
- 10.39 The site is not affected by any underground coal mining and there are no recorded mine entries.
- 10.38 The site has superficial deposits and Brooksbottoms Grit underneath. Due to the on and off-site previous uses of the quarry, there is possible made ground, minor hydrocarbons from long-term parking, and possible harmful gases from the former quarries.
- 10.39 The Phase 1 and 2 recommends a number of mitigation measures but the Council's Contaminated Land Officer requires further work in the form of gas risk assessments and further sampling, which will be secured by condition ensuring compliance with Policy GN3 of the Local Plan.

Legal Agreement

- 10.40 Usually planning obligations (such as affordable housing and biodiversity net gain) are secured by way of Section 106 Agreement. As the applicant for this development is Tawd Valley Developments (a company wholly owned by the Council), the Council usually looks to Lancashire County Council as the upper tier authority responsible for planning to be a party to the S106 and take on responsibility for enforcement of the provisions of the agreement in the unlikely event of a breach as West Lancashire Borough Council are legally unable to do so.
- 10.41 However, recently the Council have been experiencing difficulties in obtaining the County Council's assistance in respect of this, and there has been resistance from the County Council to act as the enforcing party in some instances particularly in respect of Biodiversity Net Gain.
- 10.42 We will continue to try and work with our colleagues at the County Council but in light of the difficulties this causes the Council and potential negative impact on our relationship with Homes England, we would ask that there is the option available to secure these planning obligations by way of Section 111 of the Local Government Act 1972 (as amended), and it is for this reason that the recommendation at paragraph 12 of this report has been amended to reflect this.

10.43 This is to prevent any unnecessary delays with securing the legal obligations, that could potentially hinder the progress of these developments that provide much needed affordable housing to the Borough. It is also to ensure that any potential government funding is not jeopardised or put at risk due to delays in securing the planning obligations.

11.0 CONCLUSION

11.1 The principle of the proposed development is considered to be acceptable and compliant with local plan policies and subject to appropriate conditions and a legal agreement the proposal is not considered to have any significant adverse impacts on design matter, neighbouring amenity, highways, drainage and ground issues. The loss of trees and habitats on the site will be compensated both on-site and off-site which will be secured via conditions and a 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 Assistant Director of Planning and Regulatory Services 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 and/or Deed of Agreement under Section 111 of the Local Government Act 1972, and/or any other legal agreement deemed applicable and suitable to require:

- The terms, conditions and phased delivery of the affordable housing and specialist housing
- Details of the Biodiversity Net Gain, including management and monitoring over 30 years, to be reported in a Landscape/Habitat Monitoring and Management Plan in accordance with the Biodiversity Net Gain Report (August 2024).

12.2 That any planning permission granted by the Assistant Director of Planning and Regulatory Services pursuant to recommendation 12.1 above be subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Location Plan dwg no L10
Proposed Site Plan Phase 2 dwg no L13C
Block 1 Plans and Elevations dwg no L14

Block 2 Plans and Elevations dwg no L15
Block 3 Plans and Elevations dwg no L16
Block 4 Plans and Elevations dwg no L17
Block 5 Plans and Elevations dwg no L18
Block 6 Plans and Elevations dwg no L19
Block 7 Plans and Elevations dwg no L20
Boundary Details dwg no L06
Detailed Planting Plan – Phase 2 dwg no D10108.01.002B

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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

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

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

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

5. No part of the development hereby approved shall commence until a scheme for the construction of the new site access/ junction to Blythewood 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 highway junction scheme shall include the off-site works for the provision of a 2m wide footway across the full Blythewood frontage, with new footway extension east to connect with the footway on Ormskirk Road, and the provision of appropriate reinstatement/modification works to highway drainage and lighting systems to enable stopping up of effected adopted highways within the site. This highway works shall be constructed prior to the completion of the development with details of its completion to be submitted for approval by the Local Planning Authority.

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

6. The new estate road / access between the site and Blythewood 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: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. and to ensure that satisfactory access is provided to the site to without causing a hazard to other road users.

7. No development of the approved scheme as submitted shall commence until such time as the area of existing adopted highway (as indicated on drawing - NW134-06-2-15.2- Phase 2 Proposed Highway Stopping Up) has been stopped up under the appropriate legal process in consultation with the local planning authority and the highway authority.

Reason: To prevent the adopted highway from being subsumed into the development.

8. The development shall not be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

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

9. No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

10. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CTMP shall include and specify the provisions to be made for the following:-

- a) 24 Hour emergency contact number
- b) Details of the parking of vehicles of site operatives and visitors;
- c) Details of loading and unloading of plant and materials used in the construction of the development;
- d) Arrangements for the turning of vehicles within the site
- e) 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 measure;

- f) Vehicle wheel washing facilities.
- g) Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;

The approved CTMP 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.

11. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway Blythewood has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

12. No dwelling hereby permitted shall be occupied until the car parking spaces for that unit has been surfaced or paved in accordance with the approved plan. The car parking area 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.

13. All dwellings shall include a secure cycle storage facility (a product that holds accredited cycle security standard), suitable for two bicycles.

Reason: To promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

14. Notwithstanding the submitted Phase 2 Ground Investigation Report and Remediation Strategy no development approved by this permission shall be commenced until:

- a) A further site investigation, including relevant soil and gas sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing. This further site investigation

should more clearly identify the types and levels of contaminants present on site

- b) The report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- c) Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance in accordance with a detail to be first agreed in writing by the Local Planning Authority. A suitably qualified person as first agreed in writing by the Local Planning Authority shall be present on site to supervise investigation and remediation works when such works are taking place. If during the works contamination is encountered which has not previously been identified then the Local Planning Authority shall be notified immediately and all works shall cease pending the submission of additional information on the nature of the contamination and proposals as to how the contamination shall be fully dealt with and an appropriate remediation scheme shall be agreed in writing with the Local Planning Authority and carried in accordance with agreed timescales.
- d) Prior to the first occupation of the building on site a closure and validation report shall be submitted to and approved in writing by the Local Planning Authority.

The closure and validation report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: These details are required prior to the commencement of development to prevent harm to public health, to prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The development shall proceed in accordance with the noise assessment submitted by e3p dated 22nd March 2024 reference 51-181-R1-1 which includes the specification for suitable glazing and ventilation scheme that is required for achieving acceptable internal noise conditions.

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

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

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

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

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

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

16. Any Piling operations that may be necessary during the construction phase of the development shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs
Sunday and Public Holidays Not at all

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

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

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

from noise and disturbance and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of;

07:00 and 18:00 on Monday to Friday

08:00 and 12:00 on Saturdays

Not at any time on Sundays, Bank or Public Holidays.

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.

18. 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:

- a) 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;
- b) 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);
- c) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- d) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- e) 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 Systems (March 2015) or any subsequent replacement national standards.

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.

19. No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

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

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

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 173 of the National Planning Policy Framework.

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

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

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

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 175 of the National Planning Policy Framework.

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

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 173 and 175 of the National Planning Policy Framework

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

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

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

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

25. The development shall only be carried out in accordance with all of the recommendations for mitigation set out in Section 5 of the Ecological Assessment Report, The Environment Partnership, July 2024, Version 2.0.

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

26. The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, The Environment Partnership, May 2024.

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

27. All soft landscaping works shall be carried out in accordance with the approved details shown on Detailed Planting Plan – Phase 2 dwg no D10108.01.002B. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

28. No development approved by this permission shall commence until a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, including a Landscape/Habitat Management and Monitoring Plan, is submitted to and approved in writing by the Local Planning Authority. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Report by The Environment Partnership, dated August 2024, Version 2,0 and associated metric, and any relevant national guidance in place.

The Biodiversity Gain and Landscape/Habitat Management and Monitoring Plan shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to provide biodiversity gain in accordance with Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

INFORMATIVES

HIGHWAYS

1. 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.
2. The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 5, 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.
3. It is recommended that to discharge the condition 8 the local planning authority should seek to require a copy of the completed details of a private management and maintenance company confirming funding, management and maintenance regimes.
4. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
5. 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 - AMENITY

Construction Site Noise

Due to the proximity of existing noise sensitive premises and the potential for disturbance arising from contractors' operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

Working Hours for Development Sites

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site. Works audible at or beyond the site boundary should not occur outside the following hours; Monday to Friday – 08:00hrs to 18:00 hrs Saturday – 08:30hrs to 13:30hrs Sundays or Public/Bank Holidays - not at all Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

INFORMATIVE – ECOLOGY

Bird Nesting Season

No tree felling or shrub clearance is 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

trees and shrubs 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.

Invasive Species

Cotoneaster is present within the site boundary. Cotoneaster is listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies to eradicate the plant. This could include methods such as digging out, turning upside down on tarpaulin and leaving for an extended period before burying after the plant is confirmed as dead. It is imperative this is done outside of the fruiting period to ensure no contamination.

Reasonable Avoidance Measures

The habitats on site are suitable for hedgehog which is a Priority Species and Local Plan policy EN2 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

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

INFORMATIVE – COAL MINING

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

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

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained

from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

INFORMATIVE – BIODIVERSITY NET GAIN

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,
and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

Registering a biodiversity gain site

The off-site gain site must be registered as a biodiversity gain site on the biodiversity gain sites register. The gain site must then be allocated to the development. The off-site gain site must be allocated to the development with the submission of the Biodiversity Gain Plan, required by the mandatory Biodiversity Gain Plan pre-commencement condition.

The following are required steps in registering a site to receive off-site habitat creation or enhancement works as part of statutory BNG requirements:

- the title deeds or lease agreement to prove ownership
- written authorisation from the landowner or leaseholder if you're applying on their behalf
- a document or image showing the land boundary – this must not include any personal information, like a landowner's name
- a legal agreement that secures the land for at least 30 years – this must be a planning obligation (Section 106 agreement or Deed of Agreement under Section 111 of the Local Government Acts 1972 (as amended)) or conservation covenant

- completed statutory biodiversity metric tool calculations that include information about all the land secured by the legal agreement
- a habitat management and monitoring plan (this may be within your legal agreement)
- a local land charge search certificate

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.