



**PLANNING COMMITTEE: Thursday,
5 September 2024**

Report of: Assistant Director Planning & Regulatory Services

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SUBJECT: PLANNING APPLICATION REF: 2023/0118/FUL

PROPOSAL: Variation of condition no 1 of planning permission 2020/0906/ARM reserved matters relating to approved plans.

APPLICANT: Wain Homes

ADDRESS: Land off Firswood Road, Lathom.

REASON FOR COMMITTEE DECISION: Called in by Cllr Rigby due to impact upon highway safety and open space.

The application was deferred following the Committee Meeting of 25 May 2024 to allow for a site visit to take place and to enable further consideration of the provision of open space on the site. The application has been amended by the applicant to include a knee rail fence around the trim trail area and additional street furniture and has been supported by a letter addressing open space matters.

Ward Councillors interested parties and neighbouring properties have been notified of the amendments. As such, an update is provided at paragraphs 10.6-10.7 of the report.

Wards affected: Bickerstaffe;

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks to vary condition 1 of 2020/0906/ARM to allow for a revision of the site layout and house types on site currently being redeveloped for 130 homes.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That planning permission be GRANTED subject to a deed of variation to the section 106 agreement attached to the original permission and associated conditions incorporated into the approval.

3.0 THE SITE

3.1 The site forms part of the land currently being redeveloped for 130 dwellings in line with the outline and reserved matters approvals. The site is located on the western edge of Skelmersdale, is adjacent to Green Belt and comprises a total of approximately 22ha of formerly safeguarded land which has been released through the Local Plan for residential development. The surrounding area is bordered by residential development to the east, south and south-west corner; employment to the north; and open agricultural Green Belt to the west.

4.0 PROPOSAL

4.1 The application is for the variation of condition 1 associated with planning permission 2020/0906/ARM which relates to the approved plans connected to that consent. The development has commenced, and this application comes forward with two elements: firstly, to substitute the house types of the original consent to reflect a refresh of the styles of properties and secondly to alter the site layout to allow for a minor access road linking the site to planning application 2023/0117/FUL (the 'parallel application' for 9 dwellings on the north-western proportion of the site).

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2019/0069/OUT - Outline - Residential development including details of access (all other matters reserved) - Approved 01.10.2020

5.2 2020/0906/ARM – Reserved Matters – 130 Dwellings and associated works including details of appearance, landscaping, layout and scale – Approved 19.10.2021

5.3 2023/0117/FUL – Erection of 9 dwellings – pending and on this committee agenda

6.0 OBSERVATION OF CONSULTEES

6.1 Arboricultural Officer – No objection to the proposal as there is alignment with the adjoining application and associated management plan.

6.2 Lancashire County Council Lead Local Flood Authority – No objections

6.3 Lancashire County Council Highway Services – No objections subject to addressing issues raised on parallel application for 9 dwellings.

7.0 OTHER REPRESENTATIONS

7.1 South Lathom Residents Association – Objects due to the following:

- Concerns raised relating to the access road
- The effect on open space provision and the reduction in useable areas including the open area next to Slate Brook.
- Safety concern relating to the traffic that will run alongside the trim trail children's play equipment and trees and bushes which will remove natural surveillance

- Construction management of wider site has also been highlighted as an issue with Construction Management Plan not being adhered to
- Lack of community engagement
- Under two weeks allowed for residents to submit comments, at a peak holiday time

7.2 Lathom South Parish Council – Objects due to the following:

- Small pockets of green space should not be included in the public open space calculations
- Access road will have damaging impact on the children's trim trail
- The service road is narrow and is likely to be congested/blocked
- Revised plans are an improvement but better use of the area to the north of the access road should be made and planting around the trim trail replaced by seating
- Revised plans include an electricity substation which takes up more open space

7.3 Six objections have been received from neighbouring occupiers relating to highway safety, reduction in usable green space, crime and safety associated with the space behind the new substation, fencing should be raised to 2.4m to increase security, lack of engagement by Wain Homes and construction related issues to the wider population.

8.0 SUPPORTING INFORMATION

Letter on Open Space, dated 2 July 2024, submitted by Emery Planning

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 (January 2008)

Supplementary Planning Document – Provision of Public Open Space in New Residential Developments SPD (July 2014)

Development Brief – Firswood Road (August 2014)

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

10.1 The main considerations for this application are:

Principle of Development
Public Open Space
Design
Impact on Neighbouring Amenity
Highways Impacts

Principle of Development

10.2 Section 73 of the Town and Country Planning Act 1990 gives express power to amend or remove conditions on a planning permission for the development of the land. The Local Planning Authority must determine whether the proposals differ in such a way from the approved development that they would cause significant harm to the interests of planning importance to justify withholding planning permission. As such the following are to be considered:

- The quantum of development would remain the same and the description of development would remain as approved.
- The changes to the house type design would not have a significant impact upon the overall design and appearance of the scheme.
- There is no material change in respect of other matters.
- There has been no change to the development plan since the granting of planning permission in October 2021.

10.3 Given the above, it can be considered that the principle of development remains acceptable.

Public Open Space

Reserved Matters Application

10.4 Prior to assessing the impact that this proposal has on the open space it is pertinent to understand the previously established principle for Public Open Space (POS) and how it was arrived at.

10.5 Following the outline consent which granted the principles of development on the land and secured the developer contributions by s.106 legal agreement for which, subject to viability, the following was agreed:

10.6 An independent viability study carried out by Keppie Massie concluded that the scheme could not support a fully policy compliant scheme which included 30% Affordable Housing and an off-site financial contribution of £166,920.00 towards the Linear Park.

- 10.7 Keppie Massie assessed a viable scheme as providing circa £24,000 to the Linear Park with 19 Affordable Homes provided on-site. This however was discussed between the Council and the Applicant who agreed the following commitments:
- £168,000.00 towards the Linear Park as an off-site financial contribution
 - 11 Affordable Unit units comprising 7 social rented units and 4 shared ownership units
 - 5 units compliant with M4(2) i.e. accessible and adaptable housing
- 10.8 In terms of POS the Reserved Matters application agreed the provision of a trim trail which the current Section 73 application retains as a commitment to be provided on site.
- 10.9 The Council's 2014 Open Space SPD at Policy OS1: Provision of On-Site Open Space states that a site of this size (130 units) would fall under part b) 40-289 dwellings where developers are required to provide 13.5sqm of POS per bedroom developed. This POS should typically take the form of informal amenity green space in order to provide the local function necessary of this POS.
- 10.11 Informal amenity green space is defined as undeveloped, publicly accessible areas, providing an informal recreational function. This may include grassed areas, landscaped areas, and, in certain cases, buffer planting (where this is accessible to the public and has a clear amenity function, e.g. if a footpath is provided through the area of buffer planting). However, lines of trees, narrow grass strips, or 'left over spaces' are unlikely to count as informal amenity green space.
- 10.12 The Open Space SPD goes on to explain that where the Masterplan / Development Brief indicates a preference for a single large POS to serve the whole site, in this situation, the Council might not wish to see each application provide its own POS on-site within its application area, and would want to see all applicants contribute a fair proportion to the large open space to serve the entire Masterplan / Development Brief area regardless of the size of their particular application. Therefore, it may not be appropriate to strictly keep to the requirements in Policy OS1 in this instance but, in lieu of this, financial contributions (calculated on a site-by-site basis) secured through a Section 106 Agreement would be necessary to help fund the creation of the larger public open space to serve the whole Masterplan / Development Brief area.
- 10.13 There is a Development Brief that covers the application site called the Firwood Road Development Brief(2014). Amongst other things, the Development Brief prioritises financial contributions to the delivery of the Linear Park which functions as the formal POS for the larger Firwood Road site, as a whole. Therefore, on-site POS for the Wain Homes site is discounted through both viability and the Development Brief to areas of informal POS only as required by the SPD and a financial contribution towards the Linear Park. Therefore, the Reserved Matters development has complied with this element.

Current Section 73 Application

- 10.14 The amount of open space to be delivered under the approved scheme is above the requirements of Policy OS1 of the Open Space SPD which requires 13.5 sq

metres of POS per bedroom for development of 40-289 dwellings. The difference between open space provision between the approved scheme and the proposal is shown below. Note, since the last Planning Committee, the Applicant has revisited the area of land included within the open space calculation, which has resulted in slightly different figures to those previously provided.

	A. Approved 130 house scheme – 2020/0906/ARM	B. Proposed 130 house scheme – 2023/0118/FUL	C. Adjacent scheme for 9 dwellings – 2023/0117/FUL	D. Total proposed (B + C)
Total bedrooms	437	437	32	469
Total POS required	5899.5 sqm	5899.5 sqm	432 sqm	6331.5 sqm
Total POS proposed	7591.0 sqm	7421.0 sqm	232 sqm	7653.0 sqm
Provision against standard	+1691.5 sqm	+1,521.5 sqm	-200.0 sqm	+1,321.5 sqm

10.15 Effectively, the above table shows that the Reserved Matters scheme had provided significantly more than the open space required by Policy OS1. The provision of the new access road, whilst resulting in the loss of a small area of POS, would not have a significant impact on the overall provision of onsite open space which remains as an overprovision, equating to almost 20% over the level required across both schemes.

Useability/Safety of Public Open Space

10.16 Consultation responses from local stakeholders have identified the issue of the impact of the loss of open space that would result in the changes to the internal road layout. The area of POS that is proposed to be crossed for the creation of an access road to serve five dwellings on the adjoining plot of land under application 2023/0117/FUL and the previously approved landscaping plan incorporating a 'beta trail' and 'gamma trail' will be affected however they will still provide a reasonable level of usable open space in this area. Whilst the trim trail is proposed in a slightly different location due to the new access road it is centrally located and accessed by footpaths and therefore would be in an attractive and accessible location. The level of vehicular traffic that will use the new access will be associated only to those five dwellings and there is no through road proposed. It is considered that these minor changes are acceptable.

10.17 To address comments made by Planning Committee in relation to safety the applicant has amended the plans to incorporate a knee-high rail fence around the 'trim trail' area. Measures in relation to reducing the speed of vehicles travelling on the new access road would be an onerous requirement as the short stretch of road leads to a private drive serving five houses and therefore the traffic generation is low. The width of the drive is a single lane which would ensure vehicle speeds are low. The Highway Authority (Lancashire County Council) have also not objected on safety grounds.

10.18 Further, additional street furniture in the form of seating provision has been added to the area of open space adjacent to Slate Brook. This was to address additional comments made at Planning Committee that this particular area of POS was not usable. Whilst the Applicant did consider including a formal path within this area it was ultimately considered that this would unnecessarily dissect the open space. A break in the hedge is also proposed between plots 45 and 46 to increase access to this area.

Design

10.19 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.

10.20 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.

10.21 The proposal incorporates a relatively minor amendment to the internal road layout approved under 2020/0906/ARM which would enable a small access road to provide a vehicular link to the parallel application. In design terms this change is considered to have a minimal level of impact and is considered to accord with Policy GN3 of the Local Plan.

10.22 In addition to the access road, there are some minor external changes to the design of various house types and the introduction of a new house type. These changes are considered minimal and will have a negligible impact in design terms representing a 'refresh' to the original design house types as such the proposal is in accordance with Policy GN3 of the Local Plan.

Impact on Neighbouring Amenity

10.23 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.

10.24 The impact upon amenity has been assessed as part of the original approval and the amended road layout to provide access to five of the dwellings associated with the parallel application will not give rise to any further adverse impacts.

10.25 I am satisfied that the proposed alterations would ensure an acceptable standard of amenity to occupiers of the new dwellings and would not give rise to unacceptable impact on the amenities of existing residents. As such, the proposed development complies with Policy GN3 in terms of impact on residential amenity.

Highways Impacts

- 10.26 Policy GN3 of the Local Plan states that suitable and safe access, road layout, design and adequate parking provision are required in new developments. Policy IF2 details parking standards required for residential developments.
- 10.27 The Highway Authority (Lancashire County Council) are satisfied that the level of development proposed will give rise to no adverse impacts on highway safety.
- 10.28 It is noted there have been issues previously surrounding the construction management of the site with complaints being raised in terms of mud being left on the public highway and construction traffic becoming a nuisance. It is understood that this matter was brought to the attention of the site manager and has improved through adhering to the previously approved construction management plan. As such the approved construction management plan will be transferred as a condition should members be minded to agree with the officer recommendation.

11.0 CONCLUSION

- 11.1 The proposed development has been assessed in line with Section 73 of the Town and Country Planning Act 1990, which permits minor amendments to already approved planning applications. It is considered that the minor revisions to the site layout and house types are acceptable.
- 11.2 Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and unamended. Therefore, should this Section 73 application be approved, it would need to include all the conditions attached to the outline consent and all conditions attached to the Reserved Matters approval as relevant to the application.
- 11.3 Additionally, should this Section 73 application be approved, a variation will be required to the Section 106 Agreement agreed by outline planning permission 2019/0069/OUT, to ensure that the new permission is bound by the same legal requirements as those previously applicable. The Section 106 Agreement previously outlined the terms and conditions of the affordable housing units, accommodation suitable for the elderly, terms and conditions of on-site public open space and financial contribution towards the provision of/delivery of part of the Linear Park.

12.0 RECOMMENDATION

- 12.1 That planning permission be granted by the Assistant Director of Planning and Regulatory Services subject to a deed of variation to the original section 106 agreement and the following conditions:

Conditions

1. The development must be begun not later than 19th October 2024.

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:

Boundary Treatment Plan WH/FR/BTP/01 Rev C
Section S73 Site Layout WH/FR/S733SL/01 Rev C
2.5m High Acoustic Fence Post 16141/201

Received by the Local Planning Authority on 22.08.2024

Landscape Proposals Sheet 1 of 5 5897.03 Rev N
Landscape Proposals Sheet 2 of 5 5897.04 Rev M
Landscape Proposals Sheet 3 of 5 5897.05 Rev M
Landscape Proposals Sheet 4 of 5 5897.06 Rev N
Landscape Proposals Sheet 5 of 5 5897.07 Rev M
Landscape Masterplan 5897.08 Rev N

Received by the Local Planning Authority on 02.07.2024

Hard Landscaping Plan WH/FR/HLP/01
Storey Heights Plan WH/FR/SHP/01
Waste Management Plan WH/FR/WMP/01
House types Brahms BRM-13.1
Brunswick BRU-P1
Ellington ELL-13
Holbrooke HOL-13
Haversham HAV-P1
Hatherleigh HAT-B-P1
Jenner JEN-PI Rev A & JEN-P2
Priestley PR-P1 Newton NT-P1
Newton NT-P1
Oakmere Apartments Type A, B, C, D Oak-P1
Shakespeare SHA-P1
Trevithick TRE-P1
Stephenson STE-P1 & STE-P2
Wren WRE-P1
Wrenbury WREB-P1
Nelson NEL-P1

Received by the Local Planning Authority on 07.02.2023

Which shall supersede any corresponding plan previously approved outlined below:

Plan reference:

Location Plan - WH.FR.LP.01 Rev B, received by the Local Planning Authority on 07.10.2020.

Plan reference:

Detailed site layout plan ref: WH/FR/DSL/RM/01 Rev. P
Boundary treatment plan ref: WH/FR/BTP/01 Rev B

Hard landscaping plan ref: WH/FR/HLP/01 Rev B

received by the Local Planning Authority on 29.09.2021.

Plan reference:

House Type: Trevithick - 3.205CB/P/BU/L10/300 Rev A

House Type: Brahms - R24LH/P/R/L10/300

House Type: Ellington - R35LH/P/R/L10/300

House Type: Brunswick - 3.113SACB/P/BU/L10/300 Rev A

House Type: Holbrooke - G/R46LH/P/R/L10/300

House Type: Wren - 4.404CB/P/S/L10 300

House Type: Wrenbury - 4.404DACB/P/BU/L10 300

House Type: Newton - 4.201/P/BU/L10/300 Rev A

House Type: Haversham - 4.342/P/BU/L10/300 Rev B

House Type: Shakespeare - 4.341/P/BU/L10/300 Rev A

House Type: Priestley - 4.341/P/BU/L10/300

House Type: Oakmere (New) Apartments 1 of 2 - 2.346HL/P/BU/L10

House Type: Oakmere (New) Apartments 2 of 2 - 2.346HL/P/BU/L10

House Type: Hatherleigh & Bay 4B6P - 4.342SAB/P/BU/L10/300 Rev B

House Type: Jenner 3B4P - 4.209CB/P/BU/L10/300 Rev A

House Type: Stephenson - 4.203/P/BU/L10/300 Rev B

received by the Local Planning Authority on 28.04.2021.

Plan reference:

Screen Wall Drawing - FD001

Boundary Details - FD002 and FD003

Feather Edged Fence Drawing - FD-004 Rev P1

Received by the Local Planning Authority on 07.10.2020.

Plan reference:

Landscape Masterplan - 5897.08 Rev J

Landscape Proposals Sheet 1 - 5897.03 Rev J

Landscape Proposals Sheet 2 - 5897.04 Rev J

Landscape Proposals Sheet 3 - 5897.05 Rev J

Landscape Proposals Sheet 4 - 5897.06 Rev J

Landscape Proposals Sheet 5 - 5897.07 Rev J

Received by the Local Planning Authority on 29.09.2021.

Plan reference:

Cycle store plan ref: 9000

received by the Local Planning Authority on 20.08.2021.

Plan reference:

Street Scene and Site Section - WH.FR.SS.01 - Rev A

received by the Local Planning Authority on 09.07.2021.

Plan reference:

Large single garage side to side - LSG/SE/1.4/B

Large single garage front to rear - LSG/SE/1.3/B

received by the Local Planning Authority on 05.07.2021.

Plan reference:

Storey Heights Plan - WH-FR-SHP-01 Rev B

Waste Management Plan - WH-FR-WMP-01 Rev C

received by the Local Planning Authority on 29.09.2021.

Plan reference 'WH/FR/LP/01 - Location Plan' received by the Local Planning Authority on 25.01.19.

Plan reference 'Proposed access arrangement & section 278 works and visibility splays - SCP/17348/F01 Rev D' received by the Local Planning Authority on 23/07/19.

Plan reference 'Proposed Neverstitch Road Pedestrian Crossing - SCP/17384/SK02 Rev A' received by the Local Planning Authority on 02/07/19.

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 highway works including new site access junction to Firwood Road (and off site highway works including 30mph gateway feature on Firwood Road, new footways and pedestrian refuge island on Neverstitch Road, and street lighting on Old Engine Lane between Neverstitch Road and the pedestrian site access to Old Engine Lane) shown on plans SCP/17348/F01 and SCP/17384/SK02 Rev A shall be constructed prior to completion of the development with details of its completion to be submitted for approval by the Local Planning Authority.

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. The development shall be carried out in accordance with the Lighting Plan dated 19 September 2023 (Ref: AP0524-1034) approved under condition 5 of 2019/0069/OUT (approval of details reference 2024/0613/CON).

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. The development shall be carried out in accordance with the Wainhomes 'Highway Future Management Document' approved under Condition 8 of 2020/0906/ARM (approval of details reference 2022/0511/CON).

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

6. The development shall be carried out in accordance with the Wain Homes Wheel Cleaning Document approved under Condition 8 of 2019/0069/OUT (approval of details reference 2022/0452/CON).

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Within one month of the completion of the last house, an inspection of the local highway network (full length of Firwood Road), shall be undertaken with a member of staff from the Highway Authority to establish the structural integrity of the highway. This survey shall be submitted to and approved in writing by the Local Planning Authority. The developer shall make good any damage to the road to return it to the pre-construction situation as highlighted by the Road Condition Survey' approved under condition 9 of 2019/0069/OUT (approval of details reference 2022/0453/CON).

Reason: To maintain the condition of the local highway network in the interest of highway safety.

8. The travel planning Action Plan included in the submitted Travel Plan approved under condition 10 of 2019/0069/OUT must be implemented in full in accordance with the timetable within it.

Reason: To reduce car travel to and from the site in and to promote sustainable transport having regard to Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The development shall be carried out in accordance with the following details approved under Condition 11 of 2019/0069/OUT (approval of details reference 2022/1149/CON) and Condition 3 of 2020/0906/ARM (approval of details reference 2022/0661/CON):

Highways and Drainage Layout dwg no 30357/1 Rev M
Offline Private Attenuation Tank Details Sheet 1 dwg no 30357/20/1
Offline Private Attenuation Tank Details Sheet 2 dwg no 30357/20/2
External Levels Layout Sheet 1 dwg no 30357/8/1 Rev B
External Levels Layout Sheet 2 dwg no 30357/8/2 Rev B
External Levels Layout Sheet 3 dwg no 30357/8/3 Rev B
External Levels Layout Sheet 4 dwg no 30357/8/4 Rev B
External Levels Layout Sheet 5 dwg no 30357/8/5 Rev B
Foul Manhole Schedules Sheet 1 dwg no 30357/6/1 Rev C
Foul Manhole Schedules Sheet 2 dwg no 30357/6/2 Rev C
Kerbing Layout dwg no 30357/13/Rev B
Longitudinal Sections Sheet 1 dwg no 30357/3/1 Rev B

Longitudinal Sections Sheet 2 dwg no 30357/3/2 Rev B
Longitudinal Sections Sheet 3 dwg no 30357/3/3 Rev B
Offsite Foul Manhole Schedules dwg no 30357/17
Offsite Foul Sewers Layout dwg no 30357/15 Rev B
Offsite Foul Sewers Longitudinal Section dwg no 30357/16
Outfall Headwall Details dwg no 30357/11 Rev B
Preliminary SW Manhole Schedule dwg no 30357/200
Proposed Impermeable Areas Plan dwg no 30357/14 Rev B
Road Contours Plan dwg no 30357/12 Rev B
Road Setting Out Details Sheet 1 dwg no 30357/2/1 Rev B
Road Setting Out Details Sheet 2 dwg no 30357/2/2 Rev B
S98 Site Location Plan dwg no 30357/19 Rev A
Section 98 Foul Sewer Requisition Layout dwg no 30357/18 Rev A
S38 Typical Highways Details dwg no 30357/4 Rev B
Storm Sewer Design
Emergency Overland Flood Route dwg no 30357/21

The development shall be fully implemented and maintained in accordance with the approved details.

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

10. The development shall be carried out in accordance with the following details approved under Condition 12 of 2019/0069/OUT (approval of details reference 2022/0521/CON):

Management & Maintenance Plan - Condition 12
Storm Drainage Design Document prepared by Micro Drainage
Ref 30357/1 Rev M Highways and Drainage Layout
Ref 30357/20/1 Rev A Offline Private Attenuation Tank Details
Ref 30357/20/2 Rev A Private Attenuation Tank Details Sheet 2

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

11. The development shall be carried out in accordance with 'Wainhomes Surface Water Runoff Document' approved under Condition 4 of 2020/0906/ARM (approval of details reference 2022/0490/CON).

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 flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

12. Within one month of the date of this permission a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved by the Local Planning Authority. The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that 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 and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

13. The development shall be carried out in accordance with the Materials Layout 150/ML/01 approved under Condition 13 of 2019/0069/OUT (approval of details reference 2022/1116/CON).

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.

14. The development shall be implemented in accordance with the mitigation strategy described in Section 5 of the Ecological Appraisal Report, prepared by ERAP Consultant Ecologists and deposited with the Local Planning Authority on 28th January 2019.

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.

15. The development shall be carried out in accordance with the Bat Access Panel and Bird Box Provisions approved under Condition 19 of 2019/0069/OUT (approval of details reference 2022/0038/CON) and retained thereafter.

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

16. The development shall be carried out in accordance with the Tree Protection Plan (dwg no 5897.02) and Arboricultural Impact Assessment and Method Statement, prepared by TBA Landscape Architects and deposited with the Local Planning Authority on 7 October 2020.

Reason: To enable the Local Planning Authority to consider the details of the proposed development in relation to the existing trees and to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. All hard and soft landscape works shall be carried out in accordance with the approved details. 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.

18. The development shall be carried out in accordance with the Archaeological Evaluation prepared by Archaeological Research Services dated 22/08/2024.

Reason: To ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. Development of plots 43-48 (inclusive) and plots 54 and 56 shall be completed in accordance with the Technical Note prepared by Martec Environmental Consultants approved under Condition 7 of 2020/0906/ARM (approval of details reference 2024/0606/CON).

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.

20. The development shall be carried out in accordance with the following details approved under Condition 9 of 2020/0906/ARM (approval of details reference 2024/0614/CON):

Section 38 agreement Layout PLAN 1 dwg no 30357/22/1 Rev B
S38 Street Lighting Design dwg no:
SL1034.APT.HLG.XX.DR.S38.Y.630001.REV-A
S38 Typical Highway Details dwg no 30357/4 Rev B
Highways & Drainage Layout dwg no 30357/1 Rev M

received by the Local Planning Authority on 17 July 2024.

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

21. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the Local Planning Authority of the detailed siting and external appearance of the substations.

Reason: These details are required prior in order to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

22. The development shall be carried out in accordance with the approved details - Water vole survey report (Updated Water Vole Presence/Absence Survey 2022, ERAP Ltd, March 2022, 2022-017) which provides the results of water vole survey undertaken of Slate Brook and ditches undertaken on 9th March 2022. All measures and requirements of report shall be adhered to at all times during construction.

Reason: To safeguard a 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.

23. Within 3 months of the date of decision a Habitat Management and Maintenance Plan is to be submitted and agreed in writing to set out how the proposed land will be managed for at least 30 years to create and/ enhance habitats to mitigate any impacts upon biodiversity and to manage and monitor these habitats.

Reason: In the interests of ensuring appropriate biodiversity upon the site and to accord with policy EN2 of the WLLP.

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.