



**PLANNING COMMITTEE: Thursday,
3 October 2024**

Report of: Assistant Director Planning & Regulatory Services

Contact for further information: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2024/0633/FUL - FORMER UNIVERSAL BULK HANDLING LTD, ORRELL LANE, BURSCOUGH

PROPOSAL: Variation of conditions 2, 21, 24 & 28 on planning permission 2021/1046/FUL relating to Landscaping, Boundary treatment and Accessible & Adaptable dwellings.

ADDRESS: Former Universal Bulk Handling Ltd, Orrell Lane, Burscough

REASON FOR CALL IN: Application has been called in by Cllr Burnside to consider concerns regarding overdevelopment, the impact of neighbouring properties and lack of amenities.

Wards affected: Burscough Bridge & Rufford;

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks planning permission to vary conditions 2, 21, 24 and 28 set out under the planning approval of application ref: 2021/1046/FUL.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That planning permission is GRANTED subject to conditions set out at paragraph 12.

3.0 THE SITE

- 3.1 The site is situated to the south of Orrell Lane in Burscough and sits within the settlement boundary of the town. Planning permission has been granted to build 54 dwellings on the site following the demolition of the former industrial /commercial buildings on site. The development is currently under constructed, and therefore partially complete.

4.0 PROPOSAL

4.1 Application ref 2021/1046/FUL was granted on 21st June 2022 subject to conditions. The current application seeks permission to vary conditions 2, 21, 24 and 28 of the original permission.

4.2 The conditions as set out under 2021/1046/FUL are as follows:

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

Application Form

Site location Plan (Ref G8849.00)

received by the Local Planning Authority on 2 September 2021

Street Scenes and Site Sections (Ref: OR001-SSSS-01);

House Types booklet (Various Refs - including colour elevations);

Drainage Strategy Plan (Ref: 21067/01 Rev C);

Drainage Statement (Ref: 21067 Rev A); and

Updated FRA (Ref: 680200-R1(02)-FRA).

received by the Local Planning Authority on 15 February 2022

Materials Layout (Ref: OR001-ML-01RevA);

Boundary Treatment Layout (Ref: OR001-BTL-01RevA);

Waste Management Plan (Ref: OR001-WMP-01RevA);

received by the Local Planning Authority on 4 March 2022

Landscape Plan (Ref: GL1782 01); Rev A

received by the Local Planning Authority on 9 March 2022

Detail Site Layout (Ref: OR001-SL-01 RevC);

received by the Local Planning Authority on 7 April 2022

Working Drawing package - Garages

Parking Provision Plan 02001-PP-01

received by the Local Planning Authority on 8 April 2022

Potential Site Access Arrangements (ref 3428-FOI RevE)

Swept Path Analysis (Ref 3428 - SPO3 -A)

received by the Local Planning Authority on 11 April 2022

Shadow Habitats Regulations Assessment (HRA) Report (Biora, 15 June 2022, SE0944-03_G01b_JO).

21) Notwithstanding the details shown on the approved drawings Detail Site Layout Ref: OR001 SL-01 Rev A and Landscape Plan Ref: GL1782 01, REV A no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- hard surfaced areas and materials,

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

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

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

24) All means of enclosures and boundary treatments shall be constructed in accordance with the details and in the positions shown on the Boundary Treatment Layout (Ref: OR001-BTL-01); received by the Local Planning Authority on 15 February 2021 before occupation of the dwelling to which each relates.

Reason: To ensure satisfactory privacy for occupants of the proposed dwellings, in the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

28) Prior to the occupation of any dwelling hereby approved the 32 dwellings comprising house types Barton (11), Croston (3), Sawley (10) and Whalley (8) shown on Detailed Site Layout (Ref: OR001-SL-01 RevA); shall be constructed to the Building Regulations Part M4(2): Category 2 standard.

Reason: In order to comply with the requirement for accommodation adaptable for the elderly in accordance with Policies RS1 and RS2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2024/0408/CON - Approval of details reserved by condition no 8 of planning permission 2021/1046/FUL relating to Surface Water Verification report - Pending consideration
- 5.2 2024/0193/CON - Approval of details reserved by condition no 12 of planning permission 2021/1046/FUL relating to remediation - Details Approved
- 5.3 2023/1166/CON - Approval of details reserved by condition no 34 of planning permission 2021/1046/FUL relating to canal signage and leaflet - Details Approved

- 5.4 2023/1163/NMA - Non Material Amendment to planning permission 2021/1046/FUL- regarding amendments to the soft landscaping - Non Material Amendment Agreed
- 5.5 2023/1093/CON - Approval of details reserved by condition no 8 of planning permission 2021/1046/FUL relating to Surface Water Verification report - Refused
- 5.6 2023/0987/CON - Approval of details reserved by condition numbers 7, 20 and 27 of planning permission 2021/1046/FUL relating to Drainage maintenance, Landscape management and Bird & Bat boxes - Details Approved
- 5.7 2023/0856/CON - Approval of details reserved by condition numbers 10 and 11 of planning permission 2021/1046/FUL relating to surface water drainage and towpath access - Details Approved
- 5.8 2023/0119/ADV - Proposed erection of two V stack signs and eight marketing flagpoles - Advert Consent Granted
- 5.9 2022/1272/NMA - Non-Material amendment to 2021/1046/FUL - Reconfiguration of the positioning of the pumpstation and substation to allow for the required separation distances. Plot 11 has been handed to accommodate site levels - Non Material Amendment Agreed
- 5.10 2022/0717/CON - Approval of details reserved by conditions no's 3, 5, 6, 9, 11, 12, 15, 18, 21, 22, 25, 29, 30, 31, 32 and 33 on planning approval 2021/1046/FUL relating to CMP, drainage, Canal RAMS and towpath access, highways, vehicle charging points, landscaping, levels, substation, street lighting, cycle storage, CEMP and watching brief - Details Approved
- 5.11 2021/1046/FUL - Full application for demolition of existing commercial building and erection of 54 no. residential dwellings with new access, car parking, landscaping and other associated works - Granted
- 5.12 2012/0193/OUT - Outline - Demolition of industrial building and erection of up to 30 dwellings including details of access - Refused

6.0 OBSERVATION OF CONSULTEES

- 6.1 None received

7.0 OTHER REPRESENTATIONS

- 7.1 None received at the time of writing.

8.0 SUPPORTING INFORMATION

- 8.1 Details of the proposed variations and the associated reason are set out within the application form at section named Condition(s) - Variation/Removal
- 8.2 Design & Access Statement Addendum

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the Key Service Centre of Burscough as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Promoting healthy and safe communities
Achieving well-designed places
Delivering a sufficient supply of homes

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and specialist housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document - Design Guide (January 2008)

Burscough Parish Neighbourhood Plan (July 2019)

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

Principle of Development

- 10.1 Firstly I remain satisfied that the principle of the development approved under 2021/1046/FUL is acceptable and the development of 54 dwellings on this site is appropriate. The application only seeks to amend conditions 2, 21, 24 and 28 of that permission.
- 10.2 The overall number of properties on the site will remain as approved with the changes relating to house types, associated landscape and boundary treatment changes and alterations to the plots which will be dedicated as M4(2) compliant.
- 10.3 The proposed variation to each condition will be assessed separately below:
- Condition 2
- 10.4 The applicant states: *The proposed changes to the layout affect four plots (34, 35, 37 & 38). The current Barton house type will be replaced with the 2.5 storey Tarleton house type. The Tarleton offers three large double bedrooms and a larger overall square footage, addressing the demand for a wider range of three-bedroom*

properties within the site. Elevation styles and building heights will stay consistent with the approved development, and the Tarleton will comply with M4(2) accessibility standards.

- 10.5 The plots to be amended are located at the end of the cul-de-sac. The design of the proposed replacement dwellings are considered to be in keeping with the remainder of the development within the site. A similar palette of materials will be used and the siting within the plot will remain largely the same as originally approved. Due to the position of the plots within the development it is not considered that a 2.5 storey building (dwelling would have a dormer window in the front roof slope) would have any significant impact on the character of the area or on the residential amenity of existing dwellings adjoining the site.
- 10.6 It is considered the development would comply with the requirements of local plan policy GN3 and the variation to condition 2 is therefore acceptable.

Condition 21

- 10.6 *Amendments to the landscape drawing include:*
- 1) Removal of trees along Orrell Lane - Trees previously shown along Orrell Lane need to be removed due to conflicts with the existing and proposed drainage systems. The root systems of the trees could potentially interfere with underground drainage pipes and infrastructure, leading to damage.*
 - 2) Removal of hedge along the western boundary - The hedge along the western boundary must be removed to respect the access route used by the local farmer to reach the canal towpath. Additionally, maintenance of the hedge poses logistical issues, as the management company responsible for upkeep cannot access third-party land to carry out necessary work.*
 - 3) Substation/pump station planting replaced with climber - The existing plan for a hedge around the substation and pump station is being replaced with climbing plants due to concerns about hedge root depth potentially affecting the infrastructure of the pump station.*
- 10.7 There are protected trees within the vicinity of the site however these are located on an adjacent site and none are proposed to be removed or affected as part of the amended landscape proposals. The removal of trees along Orrell Lane is regrettable however the trees to be removed are not of any particular significance and the conflict with drainage systems is noted particularly in this location where matters of drainage concern were raised during the course of the original assessment. Alternative landscaping is proposed alongside Orrell Lane and in this case the proposal is considered to be acceptable
- 10.8 Whilst the lack of hedging along the western boundary is also regrettable, it is agreed that suitable access for adjoining landowners needs to be respected and the problems around access for maintenance is also noted. The proposed close board fence with trellis above is considered to be acceptable due to its relatively short length just along the rear boundary of the gardens and the areas adjacent to the road and the canal would remain more open.
- 10.9 The proposed changes in the location of the substation replaces a hedge with climbing plants. Whilst the reasoning behind the proposal has not been

substantiated in detail the replacement of a hedge with alternative planting is not considered to have a significant impact on the appearance of the development or hinder its ability to assimilate into the street scene.

- 10.10 Overall the proposed alterations to the landscaping scheme are considered to be compliant with the requirements of local plan policies GN3 and EN2.

Condition 24

- 10.11 The applicant states: *The boundary treatment drawing has been updated to reflect the latest layout.*

- 10.12 Minor changes to the boundary treatment are needed as a result of the proposed changes to conditions 2 and 21 detailed above. As those amendments are considered to be acceptable the corresponding changes to the boundary treatment are also considered acceptable in terms of the impact on the character of the area and on adjoining sites.

Condition 28

- 10.13 The applicant states: *Proposed re-planning of the M4(2) plot locations. External conditions have prevented full building control sign-off for M4(2) compliance, however all 32 plots (Condition 28) have been constructed in the spirit of M4(2) with respect to space standards and internal services. Plots 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, and 53 will be fully M4(2) certified. We remain committed to meeting local policy requirements and ensuring that the development aligns with the principles of accessibility and adaptability outlined in local planning policy. Our re-planning efforts are focused on maintaining compliance with these standards while addressing the external factors that have impacted the building control process.*

- 10.14 WLLP Policies RS1 and RS2 require that at least 20% of units within residential developments of 15 or more dwellings should be designed specifically to accommodate the elderly. This would be accomplished by accordance with Part M4(2) of building regulations. The initial permission conditioned 32 dwellings which equated to 59% of units being M4(2) compliant, in excess of the policy requirement. The proposed change to 11 dwellings being M4(2) compliant would equate to 20% of units which would still comply with Policies RS1 and RS2. On reading the officer's report recommending approval of the original application, no additional weight was given to the high M4(2) compliance in reaching their recommendation for approval. The variation of condition 28 would therefore be acceptable as the proposal would remain compliant with local plan policies RS1 and RS2, and it is supported that whilst the number of properties that are registered M4(2) compliant has been reduced, a total of 32 plots have still been constructed in line with the regulations to respect space standards and internal services, therefore offering an inclusive range of property types for all potential occupiers.

Alterations to other conditions

- 10.15 It is noted that details in respect of several conditions have already been agreed under previous applications for discharge of condition detailed above at section 5.

The wording of these conditions will need to be amended to reflect this approval of details.

Other Matters

10.16 Members will note that this application has been called in specifically for concerns of overdevelopment, impact on neighbouring properties and lack of amenities. As advised, the principle of the development for residential development together with the quantum has been established through the approval of the original planning permission. As such matters concerning overdevelopment were addressed and dismissed as a concern at that stage, and this variation application does not seek to increase the quantum of development. The same applies to assessing impact on residential amenities both for neighbouring properties and future occupiers of the development. The site layout with the exception of the amendments proposed by this variation application remain as approved, for which adequate separation and interface distances together with the provision of private amenity in accordance with the SPD Design Standard are achieved.

11.0 CONCLUSION

11.1 The principle of the development has previously been approved under ref: 2021/1046/FUL. The alterations to the proposed development are considered to be minor and would not adversely impact on the character of the development nor its impact on the visual amenity of the locality. Whilst the number of dwellings which are formally compliant with part M4(2) of the Building Regulations would be reduced the proposal remains compliant with local plan policy requirements. On that basis, it is considered that the proposal still meets the requirements of the NPPF and Policies RS1, RS2, IF2, IF3, EN2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 That planning permission should be GRANTED subject to the following conditions and informative notes:

1. The development must be begun not later than the expiration of three years beginning with the date application ref: 2021/1046/FUL was approved (21st June 2022).

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:

Site location Plan (Ref G8849.00) received by the Local Planning Authority on 2 September 2021

Street Scenes and Site Sections (ref: OR001-SSSS-01), Drainage Strategy Plan (ref: 21067/01 Rev C), Drainage Statement (ref: 21067 Rev A) and Updated FRA (ref: 680200-R1(02)-FRA) received by the Local Planning Authority on 15 February 2022

Working Drawing package – Garages and Parking Provision Plan (ref: 02001-PP-01) received by the Local Planning Authority on 8 April 2022

Potential Site Access Arrangements (ref: 3428-FOI RevE) and Swept Path Analysis (ref: 3428 - SPO3 -A) received by the Local Planning Authority on 11 April 2022

Shadow Habitats Regulations Assessment (HRA) Report (Biora, 15 June 2022, SE0944-03_G01b_JO).

House Types booklet Rev A, Boundary Treatment (ref: OR001-BTL-01G), Soft Landscape Proposals (ref: OR001-SLP-01F), Materials Layout (ref: OR001-ML-01G), Waste Management Plan (ref: OR001-WMP-01E) and Detailed Site Layout (ref: OR001-SL-01L) received on 22nd July 2024.

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 approved Construction Management Plan as approved under planning reference: 2022/0717/CON shall be adhered to throughout the demolition and construction period of the development.

Reason: In order to protect the safety of the local highway network, to protect the Leeds-Liverpool Canal and safeguard the amenity of neighbouring uses and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

4. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment Ref: 680200-R1(02)-FRA (Feb 2022) - submitted 15.02.2022 and Drainage Statement Rev A - Feb 2022 (submitted 15.02.2022 as appended to FRA (REFA Consulting Engineers). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 12 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

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

5. The final surface water sustainable drainage strategy for the site, as approved under planning application ref: 202/0717/CON, shall be implemented in accordance with the approved details.

Reason: To ensure that there is no flood risk on- or off-the site resulting from the proposed development and that satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra

Technical Standards for Sustainable Drainage Systems and to accord with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

6. The Construction Surface Water Management Plan shall be implemented in accordance with details approved under ref: 2022/0717/CON 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 flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the NPPF and the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The drainage system shall be retained, managed and maintained in accordance with the approved details set out in the site-specific Operation and Maintenance Manual approved under planning reference: 2023/0987/CON.

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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework and to accord with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No dwelling shall be occupied until a site-specific verification report, 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 verification report must, as a minimum, demonstrate that the 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 flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework and to accord with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The development shall only be carried out in strict accordance with documents named Work Activity Risk Assessment and Work Activity Method approved under planning reference 2022/0717/CON.

Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 174 and 183 of the National Planning Policy Framework 2021.

10. Works to alter or divert the existing surface water drain, shown green on drawing 21067/01 Rev B, shall be carried out in strict accordance with the details approved under planning reference 2023/0856/CON.

Reason: To ensure that the alterations to the watercourse would not impact the stability of the canal which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 174 and 183 of the National Planning Policy Framework 2021.

11. The proposed access to the towpath shall be constructed and maintained in accordance with details approved under planning reference 2023/0856/CON.

Reason: In order to ensure that the integrity of the waterway infrastructure is not compromised, future maintenance provision of the access has been identified and agreed and the proposed access does not have a detrimental impact on the appearance of the canal corridor and to accord with the provisions of Policy EN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

12. The development shall be carried out in full accordance with the details approved under planning reference 2022/0717/CON and 2024/0193/CON. Notwithstanding these details, prior to the first occupation of any dwellings hereby permitted a Remediation Method Statement which includes all aspects of remediation for the development including importation criteria and details of the Materials Management Plan (MMP) together with 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 accordance with the approved methodology. Details of any post remedial sampling and analysis to show the site has reached the required cleanup criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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.

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

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

13. The development shall not proceed except in accordance with the Noise Assessment and Mitigation recommendations prepared by Miller Goodall Ltd; deposited with the Local Planning Authority on 02 September 2021.

For the avoidance of doubt this shall include the installation of acoustic trickle vents (40dB Dn,e,w) to all bedrooms overlooking Orrell Lane. All windows throughout the development shall be fitted with 'standard' double glazing units providing a sound reduction of at least 25dB Rw + Ctr. A 2.2m high solid noise barrier should be constructed along the east site boundary in the location indicated in the above Noise Assessment report in order to attenuate noise from activities within the adjacent commercial estate. The barrier shall be constructed using close boarded timber fencing or masonry.

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

All approved control measures shall be implemented prior to first occupation of any dwelling hereby approved and shall be retained as such thereafter.

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

14. No development, other than works to implement the access, shall begin until the access and associated alterations to the layout within Orrell Lane have been implemented in accordance with the Potential Site Access Arrangements drawing number 3328-FOI-Rev E.

The site access shall be maintained as approved during all stages of construction and the lifetime of the development.

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 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The off-site works of highway mitigation which include the following:

- the construction of a 2m wide footpath on Orrell Lane
- the extension of 20mph speed limit across the frontage of the site with
- a new improved gateway between the 30/20 speed limits
- visibility displays of 2.4m x 25m to Orrell Lane

shall be constructed in accordance with details approved under planning reference: 2022/0717/CON.

No dwelling shall be occupied until these highway mitigation measure have been fully implemented in accordance with the timetable agreed in writing by the local planning authority.

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

commences on site and thereby ensure the safety and interests of the users of the highway and ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. The new estate road /access from Orrell Lane into the site shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before construction of any dwelling takes place within the site.

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 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. The parking provision shown within the curtilage of each dwelling on the approved plans ref: Detail Site Layout (Ref: OR001-SL-01 07 Rev c) and Parking Provision Plan 02001-PP-01 shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.

Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. Prior to the first occupation of each dwelling it shall be provided with an electric vehicle charging point which has been installed in accordance with details agreed under planning reference: 2022/0717/CON.

Reason: In the interests of sustainability and air quality in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. The informal open space shown on Detailed Site Layout Ref: OR001-SL-01 Rev L and Landscape Plan Ref: GL1782 01 REV A shall be laid out and provided before the occupation of the 30th dwelling hereby approved or to a timetable agreed in writing with the local planning authority. The informal open space shall be permanently retained and maintained for the duration of the development.

Reason: To ensure the provision of informal open space in accordance with Policy EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

20. The informal open space and landscape management plan as approved under planning reference 2022/0987/CON shall be implemented as approved in accordance with the timetable agreed in writing with the Local Planning Authority.

Reason: To ensure the continued provision of informal open space and that the site is satisfactorily landscaped having regard to the character of the area and in accordance with Policies GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

21. The landscaping works as shown on drawing no. OR001-SLP-01F shall be implemented and completed prior to the first occupation of the dwelling to which it

relates. The landscaping of all communal areas shall be completed prior to the first occupation of the final dwelling to be completed.

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

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

22. All finished floor levels of the approved buildings shall be constructed in accordance with details shown on drawings: Site sections ref: 21067/100/1A and Road Levels and Contours ref: 21067/102/1F as approved under planning reference 2022/0717/CON.

Reason: 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.

23. The materials to be used on the external surfaces of the development (brickwork, cladding, roofing materials, windows and canopies) shall be as outlined on Materials Layout (Ref: OR001-ML-01G) received by the Local Planning Authority on 22nd July 2024.

Reason: To ensure that the external appearance of the dwellings are 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.

24. All means of enclosures and boundary treatments shall be constructed in accordance with the details and in the positions shown on the Boundary Treatment Layout (Ref: OR001-BTL-01G) received by the Local Planning Authority on 22nd July 2024 before first occupation of the dwelling to which each relates.

Reason: To ensure satisfactory privacy for occupants of the proposed dwellings, in the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

25. The pumping and substation shall be built in accordance with the details approved under planning reference 2022/0717/CON (Drawing nos. OR001-SL-01C and 900350-030 rev0 and document entitled Substation GRP Kiosk Enclosure).

Reason: To ensure that the external appearance of the pumping station 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.

26. The development shall be implemented in accordance with the Recommendations described in the Preliminary Ecological Appraisal Report prepared by Biora and deposited with the Local Planning Authority on 02 September 2021.

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.

27. The bird and bat boxes as shown on drawing ref: Biodiversity enhancements plan (SE0944-02_D01_GS) approved under planning reference 2023/0987/CON shall be installed in accordance with the approved details prior to the first occupation of the dwellings and shall be retained at all times thereafter.

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

28. Prior to the occupation of any dwelling hereby approved the 11 dwellings comprising plots 34, 35, 37, 38, 39, 40, 41, 42, 43, 44 and 53 shown on Detailed Site Layout (Ref: OR001-SL-01 Rev L) shall be constructed to the Building Regulations Part M4(2): Category 2 standard.

Reason: In order to comply with the requirement for accommodation adaptable for the elderly in accordance with Policies RS1 and RS2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

29. 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 Local Planning Authority having regard to existing road condition survey approved under planning reference 2022/0717/CON.

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 and so comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

30. The development shall be constructed in accordance with the approved highway construction details as approved under planning reference 2022/0717/CON (Drawing nos. OR001-SL-01C, 21067/105/1, 21067/114/1, 21067/101/1G, 21067/102/1F, 21067/101/2C, 21067/101/3B, 21067/105/2A and 21067/106/1A)

Reason: In the interest of highway safety, to ensure a satisfactory appearance to the highways infrastructure serving the approved development, to safeguard the visual amenities of the locality and users of the highway and to comply with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

31. The cycle stores/storage sheds as shown on drawing no. CRP-001 approved under planning reference 2022/0717/CON shall be constructed in accordance with the approved details prior to the first occupation of the associated dwelling and shall remain available for the approved purpose thereafter.

Reason: In the interests of residential amenity and users of the highway and to ensure compliance with the provisions of Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

32. The development shall be undertaken in accordance with the Construction & Environmental Management Plan V1.1 and drawing ref CEMP-01B approved under planning reference 2022/0717/CON.

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

33. The development shall be undertaken in accordance with the Watching Brief for Wintering Birds (Biora Ltd) approved under planning reference 2022/0717/CON.

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

34. The canal information leaflet as approved under planning reference 2023/1166/CON shall be provided on first occupation to occupiers of the new dwellings.

The signage to the canal footpath as shown on drawing ref: Site layout plan (OR001-TP-01 rev A) and Towpath Signage details approved under planning reference 2023/1166/CON shall be implemented on site in accordance with the approved details prior to first occupation of any dwelling on site.

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

35. The development shall incorporate the recommendations and mitigation measures (section D3) included within the Shadow Habitats Regulations Assessment (HRA) Report (Biora, 15 June 2022, SE0944-03_G01b_JO).

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

13.0 SUSTAINABILITY IMPLICATIONS

13.01 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.