

No.3	APPLICATION NO.	2018/0835/OUT
	LOCATION	Land To The South Of Stopgate Lane Simonswood Lancashire
	PROPOSAL	Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure
	APPLICANT	Peel Land & Property
	WARD	Bickerstaffe
	PARISH	Simonswood
	TARGET DATE	5th December 2018

1.0 SUMMARY

1.1 This is an outline application with all matters reserved for employment development comprising a mix of B2 and B8 uses. In 2015, outline planning permission (2015/0729/OUT) was obtained for employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure. This consent recently expired and this application seeks to 'renew' the outline planning permission and it is considered there are no material changes to planning policy or the proposal to warrant a different decision.

2.0 RECOMMENDATION: APPROVE with conditions

3.0 THE SITE

3.1 The application site is located to the south of Stopgate Lane in Simonswood, at the junction with Pingwood Lane and Shevington's Lane along the eastern edge of the borough boundary with Knowsley. The site extends to approximately 13.3 hectares and is broadly rectangular in shape, comprising greenfield open flat and mostly agricultural land at present.

3.2 The site is bounded to the north by an existing mature hedgerow beyond which is Stopgate Lane with Green Belt and agricultural land to the north. To the east of the site is an area of open land beyond which is a large industrial building used for cold storage. There is also a large single 500kw 75m high (103m to blade tip) wind turbine located within the eastern part of the site. To the south lies Simonswood Industrial Park and to the west is an area of shrub/trees with Pingwood Lane beyond and residential development forming part of Kirkby on the far side of Pingwood Lane. The main river Simonswood Brook, runs south to north through the western part of the site. The site is split into two sections by the existing access to the Simonswood Industrial Park off Stopgate Lane.

4.0 THE PROPOSAL

4.1 This application is seeking outline planning permission with all matters reserved for employment development comprising a mix of B2 and B8 uses with associated ancillary infrastructure.

4.2 An illustrative site plan is included within the supporting documents which shows how the site would include a sustainable drainage area and ecology park at the western end of the site, landscaping and a layout of varying size industrial units with their associated parking and manoeuvring areas and internal access roads.

4.3 In 2015, outline planning consent (2015/0729/OUT) was obtained for employment development comprising B2 & B8 uses including ancillary office accommodation together

with associated ancillary infrastructure. This consent recently expired and this application seeks to 'renew' the outline planning permission.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2015/0729/OUT GRANTED Outline - Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure
- 5.2 2014/0542/FUL GRANTED Development of a single wind turbine generator with a maximum height to blade tip of 102 metres above ground level, vehicle access tracks, crane pad, sub-station building and construction compound.
- 5.3 2013/1188/SCR Screening Opinion - Development comprising a mix of industrial units for uses falling within Classes B1, B2 and B8 together with an ecology park and sustainable drainage area. (Development is NOT EIA development)

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC Highways (01.10.18) – No Objections
- 6.2 MEAS (Merseyside Ecological Advisory Service) (24.09.18) – No objection subject to planning conditions
- 6.3 Environment Agency (01.10.18) – No Objections subject to condition (intrusive site investigation)
- 6.4 Natural England (24.09.18) – No Comments
- 6.5 LAAS (Lancashire Archaeological Advisory Service) (08.10.18) – No Objection subject to a condition requiring archaeological investigation and recording of the site.
- 6.6 Environmental Health (22.10.18) No Objections subject to conditions
- 6.7 LCC Constabulary (13.09.18) – Advice given

7.0 OTHER REPRESENTATIONS

- 7.1 Simonswood Parish Council (05/10/18) Objects on the following grounds:

The road surface is currently unsuitable for the flow of traffic it receives;
Increased road traffic will deteriorate the road condition;
Increased risk of flooding – pressure on the drains and the brook;
Will main sewage pipes be laid on the site?;
The Industrial Estate will become harder to police with additional development;
Additional traffic results in emissions which will affect residents;
Will there be a designated route to and from the site as the current HGVs disregard this.

8.0 SUPPORTING INFORMATION

- 8.1 In addition to a Planning Statement setting out the planning policy position, the application is supported by the following:

Framework Travel Plan
Phase 1 Preliminary Risk Assessment
Ecological Assessment

Flood Risk Assessment and Drainage Strategy
Design and Access Statement
Minerals Safeguarding Statement
Noise Impact Assessment
Travel Plan

9.0 RELEVANT PLANNING POLICY

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

The site is allocated as Protected Land within the Local Plan. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Design of Development
EC1 - The Economy and Employment Land
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire’s Built Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

Relevant Joint Lancashire Minerals and Waste Local Plan Policies

Policy M2 – Safeguarding Minerals

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 10.1 Although the site is not allocated for employment land in the Local Plan, but is designated as Protected Land, the principle of development has been established by the granting of outline planning permission (2015/079/OUT) as detailed above.
- 10.2 In the case of planning permission 2015/0729/OUT, it was considered that the applicant put forward a significant amount of evidence that collectively amounted to significant material considerations to justify a departure from the adopted Local Plan. For example, demand for employment land in the Liverpool City Region and the impact of the new Liverpool 2 container terminal at the Port of Liverpool provides a compelling case for the need for a greater supply of employment land in the City Region over the coming years. The issue of delivery of employment land is also important, and it is acknowledged that there has been a lack of employment land delivery in West Lancashire in recent years. As such, West Lancashire is not currently delivering the 5ha of employment land a year anticipated in the Local Plan. While national planning policy does not require a local planning authority to demonstrate a 5 year supply of employment land in the way it does

for housing, this lack of delivery is an important material consideration in this application and one that carries significant weight in favour of the proposal. Weighing all of the above into the balance, the lack of employment land delivery and the anticipated demand for employment land over the next few years in the Liverpool City Region are still considered to be significant material considerations to justify a departure from Policy GN1 (b) of the adopted Local Plan.

- 10.3 Whilst there has been no changes to adopted Local Plan policy since approval of application 2015/0791/OUT, it is worth noting that the Council are currently consulting on the Local Plan Review Preferred Options (emerging local plan) which identifies the application site as part of the extended employment allocation at Simonswood. Whilst this is at an early stage in the Local Plan process and can therefore be given little weight in decision making, it shows the Council's thinking at the current time.
- 10.4 In terms of National Policy a revised National Planning Policy Framework was published on 24th July 2018 which is a material consideration in the assessment of the planning application. I have taken into account the revised NPPF and I am satisfied that it raises no further relevant matters than previously considered under the former NPPF in relation to the principle of development.

Site Design and Layout

- 10.5 As this proposal is in outline only, details of a specific layout are not for consideration at this stage. However, the applicant has submitted an indicative layout within the supporting documentation which has not altered since the previously approved application. The approach taken by the applicant builds on the existing green infrastructure within the site, including the more wooded area to the west of the site, to ensure the developed areas are integrated into the existing landscape and to provide an area of ecological mitigation for the resultant loss in greenfield land and hedges, all based around the existing river running through the site.
- 10.6 Whilst I consider the indicative layout integrates well with the surrounding area in respect of pedestrian and cycle access and the SUDs requirement and Ecology Park are beneficial, the density and layout of the industrial units would not meet current car parking and maneuverability standards in this area of low accessibility. Therefore, the site layout does not fully accord with Policy GN3 at this time. Given this application is in outline, in the event of an approval this issue could be addressed at a reserved matters stage when a full and detailed site layout would be considered.

Access, Traffic and Highways

- 10.7 As per the previous approval, all vehicular access to the site will be from Stopgate Lane and for indicative purposes a number of separate access points are shown, although this could change once the Reserved Matters are submitted. Stopgate Lane is a narrow road between 5 and 5.5m and features a 60mph speed limit which changes to 30mph on the approach to the junction with Pingwood Lane. There is a 7.5t weight restriction for vehicles to the east of the site up to Siding Lane.
- 10.8 The applicant has confirmed that the use of the proposed development will be for B2 (general industrial) and B8 (storage and distribution) with the B1 (office) uses being ancillary only.
- 10.9 Lancashire County Council have been consulted and have raised no objection, subject to planning conditions, as there is no material change to the proposal since the previous application. As part of the improvements required, it is necessary to widen Stopgate Lane

in front of the site to 7.5m and provide a 2m wide footway on one side of the road. It is also proposed to reduce the speed limit to 40mph for the length of Stopgate Lane fronting the site and to provide a 3.5m wide lit footway/cyclepath within the site along the southern edge to link through to Pingwood Lane and incorporate a pedestrian crossing point to the residential area in Simonswood, Kirby, to the west.

- 10.10 I am satisfied that the development would not have a significant impact on highway conditions within the vicinity of the site. Full details of access, parking and highway works would be secured at the reserved matters stage and through the imposition of appropriate conditions.

Impact on Neighbouring Land Uses and Noise

- 10.11 It is necessary to consider the impact of the proposed development on the amenity of existing surrounding land uses, including neighbouring residents. As this application is in outline, only an illustrative layout has been provided indicating that the industrial units would be located a considerable distance from the nearest residential properties at Simonswood and Wood House Farm to the north. Should the proposal be considered acceptable in outline, then a more detailed Reserved Matters application will be required to be submitted to assess the detailed implications upon neighbouring amenity with particular regard to the properties off Shevington's Lane.
- 10.12 However, given the proposed development is for employment use, the impact of noise upon neighbouring residents needs to be assessed. A noise report has been submitted with the application which recommends a number of noise control measures including building specifications, noise limits imposed for fixed items of plant, restrictions on service yards and roller shutter doors during the night time hours and a 3m high acoustic barrier along the western boundary. The Council's Environmental Health Officer is satisfied that as this is an outline application, based on the initial assessment, noise can be controlled with mitigation where necessary. As this is an outline application a further noise report will be required at the reserved matter stage for each phase of the development.
- 10.13 In terms of the additional traffic impact on surrounding land uses that will be generated as a result of this development, any HGV's or vehicles over 7.5t in weight would be unable to pass along residential routes to and from the site due to existing weight restrictions. On balance I consider the development, subject to conditions, meets the requirements of Policy GN3 of the Local Plan.

Surface Water, Drainage and Flood Risk

- 10.14 United Utilities has previously confirmed that there is an easement crossing the western area of the site and a strategic trunk main crosses the site. No development will be permitted over either and it will be necessary to re-assess the internal layout when considering any Reserved Matters application. The site will be drained on separate systems and foul water will be connected to the public sewer at the western end of the site.
- 10.15 In terms of surface water, this will be collected from the site and directed to new adopted surface water drainage networks, which in turn outfall to a large attenuation pond at the western end of the site adjacent Simonswood Brook. Flows will then be restricted to greenfield run-off rates to the watercourse. The western part of the site is located within Flood Zone 3, the classification most at risk of flooding. In order to ensure there is no risk of flooding, all buildings will be set at least 300mm above existing ground levels. The Environment Agency have confirmed that they are satisfied with the submitted Flood Risk Assessment. As highlighted in the previous application the illustrative layout indicates

development within 8m of the bank of Simonswood Brook; however, as the application is in outline, the layout of any future Reserved Matters application can be designed so as to ensure no development encroaches into the main river easement. I am satisfied that the proposed development demonstrates compliance in principle with the NPPF and Local Plan Policy regarding drainage and flood risk.

Ecology, Trees and Landscape

- 10.16 The application site is located in an area which could have the potential to support qualifying features within or in close proximity to the designated sites of the Ribble and Alt Estuaries, Mersey Estuary and Martin Mere SPA, Ramsar and SSSI site.
- 10.17 An updated ecology survey has been submitted as part of the application. MEAS have been consulted and conclude that construction and operation of the site will have no likely significant effect on the European protected sites and a detailed Habitats Regulations Assessment report is not required because pink footed geese were not recorded within, or close to, the site during the survey and very few numbers of other qualifying features were recorded. Therefore the proposals will not displace significant numbers of foraging qualifying bird species.
- 10.18 MEAS also conclude that the Council does not need to consider the proposals against the three tests in the Habitat Regulations with regards bats and great crested newts as no evidence of roosts was found. Evidence of water vole was recorded alongside Simonswood Brook. It is recommended that the brook be re-surveyed for water vole prior to the start of works and the results of the survey used to inform the SUDs design and any mitigation required. This can be secured by condition.
- 10.19 The present site offers bat foraging and bird breeding habitat which will be significantly reduced by the proposed development; however the creation of an ecology park, provided it is planted with similar native species, will provide mitigation for the loss of habitat and on balance the development is considered to comply with Policy EN2 of the Local Plan and the NPPF.
- 10.20 In respect of trees within the site, they are of a self-set, small and scrubby nature within the overall vegetated area of scrub hawthorn and bramble. The indicative layout shows that the area of trees and woody shrubs will be removed to accommodate the development; however, as part of the proposals, an area to the west of the site (12% of the overall site) will be dedicated as a SUDs area and ecology park. Existing vegetation in this area will be retained and managed to enhance biodiversity and create habitats for invertebrates, birds and water voles.

Landscape and Visual Impact

- 10.21 Policy GN3 and EN2 of the Local Plan require that development takes advantage of its landscape setting by having regard to the different landscape character types across the Borough. Development should maintain or enhance the distinctive character of the landscape within which it is located. Having reviewed the indicative layout and supporting information I consider the proposal includes elements which would seek to achieve this by creating an ecology park. However, in terms of the impact on the broader landscape, the site itself does not fall within any Landscape Character designation. The proposed development will inevitably change the landscape within which it is located and will essentially move the built-up edge of Simonswood/Kirby further north-east but will remain a well-defined area. This parcel of land will no longer be seen as an open green space fronting the Industrial Estate to the south, but will be seen as a visual expansion of the Industrial Park. In this sense it is acknowledged that the rural character of the parcel of

land will be lost but that it will be seen against the backdrop of the industrial park to the south and the settlement boundary of Kirby to the west.

Archaeology

- 10.22 Lancashire Archaeological Advisory Service has identified that the site includes the former sites of Warren's Farm, Stopgate Farm and Stopgate Inn which used to lie in a former hunting forest extant in the 13th Century. It is probable that there will be buried remains within the site from these farmsteads which merit examination and recording prior to their destruction. A programme of archaeological investigation and recording is recommended prior to the start of development and this can be secured by condition.

Mineral Safeguarding Area

- 10.23 As per the previous approval, this application is supported by details of data held on the British Geological Survey Minerals UK information which confirms that there is potential for deep coal and possible silica sand on the site. The applicant advises that due to the characteristics of the surrounding land uses, the ecology interest and watercourse on the site, the limited size of the site and the uncertainty of mineral resources being found, it is considered that it would be commercially unviable and environmentally unacceptable to extract minerals from the application site. As such the exemption requirements of Policy M2 of the Lancashire Minerals and Waste Local Plan have been engaged and the scheme is therefore considered acceptable in this regard.

Conclusion

- 10.24 Although the principle of development on Protected land is generally not acceptable, as per the approved application, I am satisfied that there are significant material considerations to justify a departure from Local Plan policy – namely the realistic prospect of delivery of employment land and employment opportunities. There are no other technical issues that cannot be resolved at Reserved Matters stage and the development is considered to comply with all other relevant Local Plan policies.

11.0 RECOMMENDATION

- 11.1 That planning permission be GRANTED subject to the following conditions

Conditions

1. Application for approval of reserved matters must be made not later than the expiration of two years beginning with the date of this permission and the development must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development hereby approved is commenced, approval shall be obtained from the Local Planning Authority for the Reserved Matters, namely the access, layout, scale and appearance of the buildings and landscaping of the site.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan Reference Site Location Plan received by the Local Planning Authority on 3rd August 2018.
4. No development shall take place, including any demolition, site clearance or ground works, until a phasing programme for the whole of the site, including the off-site highway works has been submitted to, and approved in writing by the Local Planning Authority. The phasing plan shall identify the delivery and completion of all offsite highway works and the

phased delivery of infrastructure, access, employment units and the ecology park. The development shall be implemented in accordance with the approved phasing plan.

5. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
6. The estate road for each phase (as set out in the phasing plan) of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within that phase.
7. Car parking courts within each phase shall be surfaced or paved in porous materials in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the industrial units hereby permitted within the relevant phase become operative.
8. The off-site highway improvement works, which are also subject to a S278 Agreement under the Highway Act, as are follows.
Widening of Stopgate Lane to 7.3m as indicated on Plan Refs: VN30270-D104.1 and VN30270-D104.2
Provision of 2m footway on south side of Stopgate Lane as indicated on the above plans;
Provision of Pedestrian Crossing on Pingwood Lane
Amendment to Speed Restriction along Stopgate Lane
For clarity, all the measures outlined above shall be implemented in accordance with a Section 278 Agreement prior to occupation of the first industrial unit.
9. No construction works shall commence on each phase of development (as set out in the phasing plan) until a scheme for the construction of the internal access road, cycleway and footway networks for that phase of development has been first submitted to, and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.
10. No building on each phase of development shall be occupied until a travel plan for that phase has been submitted to and agreed in writing with the Local Planning Authority. The approved travel plan shall be implemented in full.
11. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 600mm above the road level within any visibility splay required to maintain safe operation for all users.
12. There shall be no loading/unloading of vehicles and no deliveries taken at or dispatched from the site (Including waste collections) outside the following times 0700 to 1800 Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.
13. No development shall take place on a phase until a further survey to determine the presence or absence of water voles is undertaken, and submitted to and approved in writing by the Local Planning Authority. Should water voles be found to be present, a detailed mitigation and enhancement scheme for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to occupation of any building on that phase of development.
14. For each phase of development, details of bird boxes to be installed on site (number, type and location) shall be submitted to and approved in writing by the Local Planning Authority. The approved bird boxes shall be installed in a timetable to be agreed in writing with the Local Planning Authority.
15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Flood Risk Assessment and Drainage Strategy Report, Stopgate Lane, Simonswood, Kirby, Merseyside, Thomasons, Contract No. 7109, 7th February 2014) and all mitigation measures detailed within the FRA:

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

16. This site must be drained using a total separate drainage system in full accordance with the FRA submitted. For the avoidance of doubt, no surface water flows generated from the site will be allowed to connect with the public sewerage system via direct and or indirect means.
17. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority.
 1. Surface water drainage scheme which as a minimum shall include:
 - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that the peak surface water runoff rate from the development to the sustainable drainage system for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event does not exceed the peak greenfield runoff rate for the same event in line with Standard S2 of the Non-Statutory Technical Standards for Sustainable Drainage Systems. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Flood water exceedance routes, both on- and off-site;
 - d) A timetable for implementation, including phasing where applicable;
 - e) Site investigation and test results to confirm infiltrations rates;
 - f) Details of water quality controls and SuDS treatment train.The scheme shall be fully implemented and subsequently maintained, 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.
18. No development shall commence on each phase (as set out in the phasing plan) until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of that phase of the development have been submitted which, as a minimum, shall include:
 1. a) the arrangements for adoption by an appropriate public body or statutory undertaker, or Management and Maintenance Company
 2. b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 3. c) Means of access for maintenance and easements where applicable.The scheme shall be implemented in accordance with the approved details in accordance with the Phasing Plan. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
19. Prior to the first occupation of any industrial unit, that unit shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
20. No development of each phase shall take place until a further noise assessment has been carried out for that phase in accordance with the current version of BS4142. The assessment shall demonstrate that the rating level of noise emitted from the site's plant, equipment and machinery and activity in service yards shall not exceed 5dBA above the

background levels determined at all boundaries near to noise-sensitive premises; and that noise from externally mounted ancillary plant, equipment and servicing shall not exceed a rating level of 5dB (LAeq) below background levels determined at all boundaries near to noise-sensitive premises. The layout, design and materials and any other noise mitigation required to ensure that the development meets these criteria shall be specified. Confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

21. Prior to occupation of any building on the site, the proposed Pedestrian/Cycle Way along the southern edge of the site indicated on plan Ref VN30270-D102 shall be provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to, cross-sections of the path, details of lighting, details of levels, details of surfacing and management and maintenance of the path.
22. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and recording. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
23. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2006 (as amended), or in any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the buildings and associated land shall be used for B2 (general industrial) and B8 (storage and distribution) purposes only .
24. No development on a phase shall take place until a scheme detailing the proposed lighting to be installed on that phase has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.
25. No plant or machinery shall be operated, and no process shall be carried out outside the following times 0700 to 2300 Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.
26. No development of each phase until a scheme that deals with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority and adhered to thereafter. The scheme should include:
 1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination of the site
 2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
 3. The results of the site investigation and detailed risk assessment referred to in (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
27. No building on each phase shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long term monitoring and maintenance plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The long terms monitoring and maintenance plan shall be implemented as approved.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. 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.
4. To define the permission and in the interests of the proper development of the site in accordance with Policies EC1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In order to satisfy the Local Planning Authority and the 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 before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To ensure that the development provides sustainable transport options in accordance with Policy IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To ensure adequate visibility splays are maintained at all times and to ensure that the development complies with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. In the interests of protecting biodiversity so to ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. In the interests of protecting biodiversity so to ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, to prevent flooding elsewhere by ensuring that surface water is discharged from the site at the pre-development greenfield runoff rate for all events and to reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To ensure that the proposed development can be adequately drained, to ensure that there is no floodrisk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible

- organisation/body/company/undertaker for the sustainable drainage system in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
19. In the interests of sustainable transport choice and to comply with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 20. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 21. To promote sustainable measures in accordance with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 22. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy EN4 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 23. In order to enable an assessment of the highway impact in the local area and to safeguard the safety and interests of the users of the highway and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 24. In order to enable an assessment of the impact in the local area and to safeguard the safety and interests of the users of the site and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 25. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 26. To ensure the development does not pose a risk of pollution to controlled waters and comply with the provisions of policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document.
 27. To ensure the development does not pose a risk of pollution to controlled waters and comply with the provisions of policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document.

Notes

1. Flood Defence consent:
Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Main River Simonswood Brook.
Simonswood Brook within the site is designated a Main River and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank/retaining wall of the watercourse without the prior written Consent of this Agency. In this particular case it is essential that this 8 metre strip is preserved for access purposes. We have a right of entry to the Simonswood Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. Please contact our Flood Risk Officer Robert Van on 01772 714147 to discuss our access requirements.
The Flood Defence Consent will control works in, over, under or adjacent to main rivers (including any culverting).
Your Consent application must demonstrate that:
 - there is no increase in flood risk either upstream or downstream.
 - access to the Main River network and sea/tidal defences for maintenance and improvement is not prejudiced.
 - works are carried out in such a way as to avoid unnecessary environmental damage.
 - details of tying in to culvert upstream including any hard protection.

Mitigation is likely to be required to control: off site flood risk.

The EA will not be able to issue Consent until this has been demonstrated.

2. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.
The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>
3. The applicant is advised that the new site access and highway improvement works, will need to be constructed under a section 278 agreement of the 1980 Highways Act. 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 is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
4. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping up of existing highways, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.
5. It is an offence to carry out any works within the public highway without permission of the Highway Authority. Permission under the Town and Country Planning Act 1990 should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under S38 of the Highways Act 1980. Any roadworks included in the application that are to be considered for adoption as maintainable highway will require a S38 Agreement. The applicant is advised to contact the Lancashire County Council's Highway Team for further advice, to ascertain the details of such an agreement and the information to be provided.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Design of Development
EC1 - The Economy and Employment Land
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Built Environment
together with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policy/Policy GN1 (b) in the West Lancashire Local Plan 2012-2027 DPD it feels that special circumstances exist, namely the realistic prospect of delivery of employment land and employment opportunities. . It is considered that these special circumstances justify approval of the application as set out in the Officer's report. This report can be viewed or a copy provided on request to the Local Planning Authority.