



**PLANNING COMMITTEE:  
29<sup>TH</sup> NOVEMBER 2018**

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**Report of: Director of Development and Regeneration**

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**SUBJECT: LATE INFORMATION**

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**1.0 INTRODUCTION**

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

**2.0 ITEM 7 – PLANNING APPLICATIONS**

**REPORT NO. 3 – LAND TO THE SOUTH OF STOPGATE LANE,  
SIMONSWOOD**

**CONSULTEE RESPONSES**

United Utilities (21.11.18) – No Objections subject to conditions.

Lead Local Flood Authority (LLFA) (22.11.18) – No Objections subject to conditions.

**OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

The applicant has submitted a revised Flood Risk Assessment (FRA). Both the LLFA and UU have no objections to the proposed development subject to planning conditions.

**Adjustments to conditions**

In light of the updated FRA and consultation responses from LLFA and UU, I propose to update the wording of drainage condition numbers 15 and 17 and also update the wording of the reason for contaminated land condition numbers 26 and 27.

**Condition 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, 15<sup>th</sup> November 2018) 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.

**Condition 17** - As part of any reserved matters application and prior to the commencement of any development the following sustainable surface water 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 + allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, 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.

Condition 26 & 27 Reasons are amended to read:

To ensure the development does not pose a risk of pollution to controlled waters, the groundwater environment and public water supply and to comply with the provisions of policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document.

## **REPORT NO. 4 – LAND TO THE EAST OF TOLLGATE ROAD, BURSCOUGH**

Following publication of the agenda report, the agents have submitted comments with regard to the suggested conditions. They have advised that in relation to the outline application, and proposed condition 1, three years will be insufficient time to apply for approval of all of the reserved matters. The proposals are for 31,100 sq m of B1/B2/B8 floorspace which will not be built out all at once. The agents therefore suggest that it would be reasonable to require applications for reserved matters to be submitted within six years, rather than the usual three year period. As a result minor changes to the wording of conditions to allow for a phased development of the site are recommended by the agent.

### **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

I consider that the approach suggested by the applicant's agent is reasonable and therefore I recommend amendments to the wording of several conditions. In relation to the outline planning application this will more easily facilitate a phased approach to the development of the site. I also propose to add a further condition regarding levels on the full application and correct errors in condition 6 of the full application and 11 in the outline application.

#### **A: CONDITIONS FOR THAT PART OF THE DEVELOPMENT APPLIED FOR IN FULL:**

It is proposed to reword the following conditions:

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 18-019 600 (application boundary new link road) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Plan reference CBO-0576-003 (key plan) received by the Local Planning Authority on 19<sup>th</sup> June 2018;  
Plan reference CBO-0576-004 Rev B (proposed link road western section) received by the Local Planning Authority on 20<sup>th</sup> November 2018;  
Plan reference CBO-0576-005 Rev B (proposed link road eastern section) received by the Local Planning Authority on 19<sup>th</sup> June 2018.
5. No development shall commence until details of the phasing of the surface water attenuation scheme, including a timetable for implementation have been submitted to and approved in writing with the Local Planning Authority. The attenuation features (including basins, flow control devices and related structures) shall be provided in accordance with the approved timetable for implementation.
6. Within two months of the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority, which, as a minimum, shall include:
  - a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company;
  - 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;
- c) Means of access for maintenance and easements where applicable;
- d) If appropriate, evidence of a legal agreement to demonstrate the responsibilities to maintain the SuDS for the lifetime of the development regardless of future ownership changes.

The plan shall be implemented in accordance with the approved details prior to completion of the development. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

It is also proposed to add an additional condition:

10. No development shall take place until details of finished levels of the link road have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved details.

#### Reason

10. 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.

#### **B: CONDITIONS FOR THAT PART OF THE DEVELOPMENT APPLIED FOR IN OUTLINE:**

It is proposed to reword the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of six years beginning with the date of this permission and the development must be begun not later than the expiration of two 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. Details of the reserved matters set out below shall be submitted to the local planning authority for approval within 3 years from the date of this permission:

- i) layout
- ii) scale
- iii) external appearance

Approval of all reserved matters shall be obtained from the local planning authority in writing prior to commencement of development. The reserved matters submitted pursuant to this condition shall have regard to the details shown on the following plans:-

Plan reference 18-019 700 (Phase 2 Employment Application Boundary) received by the Local Planning Authority on 19<sup>th</sup> June 2018;

Plan Reference 18-019 1300 (site parameters plan) received by the Local Planning Authority on 19<sup>th</sup> June 2018;

Plan reference 18-019 800 (development zones) received by the Local Planning Authority on 19<sup>th</sup> June 2018.

3. No construction shall take place on any building until full details of the finished floor levels of that building, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.

5. A Travel Plan relating to an individual building or phase of buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of that part of the development. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved. The approved plan shall be implemented in accordance with the details as approved.

6. No building shall be occupied until a detailed landscaping scheme for the phase of development has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, species and number of all proposed trees, shrubs, hedges and grassed. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months of a building within the phase being occupied the respective landscaping details relating to that plot shall be carried out. All elements of the landscaping details shall be completed within 9 months of the last building being occupied. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

11. Within two months of the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority, which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker; or, management and maintenance by a Management Company
- 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;
- c) Means of access for maintenance and easements where applicable.
- d) If appropriate, evidence of a legal agreement to demonstrate that the responsibilities to maintain the SuDS for the lifetime of the development regardless of future ownership changes.

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

## **REPORT NO. 7 – SCARISBRICK HALL SCHOOL, SOUTHPORT ROAD**

A letter has been received from a local resident advising that as the Hall Road access is now closed to school traffic, this has alleviated problems that were being experienced by residents on Hall Road.

Further correspondence has been received from Merseyside & West Lancashire Bat Group (MWLBG) (07.11.18 and 11.11.18). They have advised that they do not disagree with the findings of TEP (the applicant's ecology consultants) or MEAS (the Council's ecology advisors) in respect of bat roost categorisation or the proposed mitigation measures put forward, however they do raise concern that TEP and MEAS do not recognise or mention that the proposed woodland clearing work will isolate the proposed mitigation from foraging habitat that will be retained and as such, the loss of habitat close to roosts will make the success of mitigation less likely.

MWLBG object to the development because there appears to be no change to the development that would not lead to or compensate for the loss of bat habitat, particularly in close proximity to known roosts and that consideration should be given to retaining a habitat link in the form of a tree line from the roost to the wider landscape.

TEP have advised that they have been through the ecological matters in detail with MEAS and both have agreed that the application has sufficient baseline data, assessment information and proposed mitigation to ensure the avoidance of adverse impact on the local bat populations.

A further response has been received from Environmental Protection recommending the imposition of an additional condition to control the impact that outdoor performances within the application site may have on nearby residents.

### **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

Information in respect of ecology has been assessed by MEAS who consider that the application is acceptable in ecological terms subject to appropriately worded conditions. The EAS brook corridor has shown to be of high ecological value for commuting and foraging bats and is to be retained as a dark corridor; this is to be secured by a condition requiring the implementation of a suitable Habitat Management Plan. MEAS are also satisfied that the mitigation measures proposed in section 7 of the Ecological Assessment are sufficient; these are secured by condition.

I am satisfied that on the basis of the information submitted and assessed by MEAS that the proposed development is acceptable in terms of potential impact on bats, in accordance with Policy EN2 of the Local Plan.

In terms of concerns in respect of noise from outdoor performances the Council's EHO recommends restricting the use of the proposed courtyard area within the application site. I therefore propose to add the following condition:

*Condition 18*

*External performances involving amplified live music, amplified recorded music and amplified voices that are audible beyond the school premises boundary shall not take place more than twelve times per calendar year.*

*Reason*

*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.*

**REPORT NO. 8 – 198 BURSCOUGH STREET, ORMSKIRK**

**OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

Since compilation of this agenda, the Council has been notified that the applicant has submitted an appeal against non-determination of application 2018/0581/FUL. The Council was unable to determine the planning application within the statutory 8 week determination period, or agree an extension of time with the applicant. Therefore the Council cannot proceed to determine the planning application. It will be decided by the Planning Inspectorate using the written representations procedure.

It is important that the views of Planning Committee are sought to enable the Council to effectively defend the appeal. I am of the view the scheme is unacceptable and the agenda report suggests two reasons for refusal. It is recommended that the Planning Committee endorse these reasons for refusal and authority is given to officers to defend the appeal on the above grounds.

Therefore the **RECOMMENDATION** is amended to read:

That Planning Committee notes the submission of a non-determination appeal but is of the opinion that the proposed development is unacceptable in principle, for the reasons identified under the reasons for refusal in the agenda report.