



**PLANNING COMMITTEE:  
10<sup>TH</sup> JANUARY 2019**

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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. 1 – BEACON PARK GOLF CENTRE, BEACON LANE, DALTON**

Director of Leisure and Environment (20.12.18) – no objections.

**REPORT NO. 2 – BEACON PARK GOLF CENTRE, BEACON LANE, DALTON**

Director of Leisure and Environment (21.12.18) – no objections; request conditions to protect local amenity during works including in relation to vehicle routing, delivery/waiting times, restricted times of operations, noise levels, dust and mud suppression measures.

LCC Highways (03.01.19) - no objections to the principle of remodelling the golf driving range, but have concerns regarding HGV traffic movement associated with the importation of final top dressing material and potential routing of delivery vehicles. LCC recommend the reopening of the former haulage access direct onto the A577 Stannanought Road to the west.

A third party representation has been received advising that the commentary at paragraph 10.10 relating to the continued suitability of the course for competition golf is incorrect as BPGC Senior Golf Club has been eliminated from their league since assurances to the course standard could not be given by the club.

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

As stated in paragraph 10.7 of the report, the routing of any vehicle deliveries to the site is reserved for agreement under the terms of proposed Condition 4.

The following additional conditions are proposed to reflect the concerns of the Director of Leisure and Environment and the restrictions imposed on the preceding permissions for the site in order to protect local amenity in the vicinity of the golf course:

### **Condition 8**

No operations on the site shall be carried out except between the hours of 08:00 and 17:00 Monday to Friday and 08:00 and 13:00 Saturdays and no vehicles associated with the importation of materials onto the site shall enter or leave the site and no waiting shall take place except between the stated hours. No operations of any nature shall take place on Sunday or Public Bank Holidays without the prior written approval of the Local Planning Authority.

#### **Reason**

To safeguard the amenity of nearby residential 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.

### **Condition 9**

The noise emitted from the site's plant, equipment and machinery shall not exceed 55dB(A)LAeq, 1hr free field at the boundary of any nearby residential dwelling during the allowed operational hours.

#### **Reason**

To safeguard the amenity of nearby residential 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.

With respect to the Senior Club competition league, discussions with Mr Collins (Senior Captain) advise that the club may be reinstated if works take place quickly and the course can be re-measured and a temporary green provided to standard before the season starts (first fixture 11 April 2019). The club is currently scheduled within the league season fixtures as 'friendlies' but may be fully reinstated if those works can proceed in time.

## **REPORT NO. 3 – SITE OF FORMER ATKINSON KIRBY, ATKINSON ROAD**

Following receipt of correspondence from the applicant and United Utilities regarding the proposed conditions, some of the wording requires amending to better reflect the phased nature of the development and protection of groundwater resources during construction. The wording of the following conditions has therefore been amended:

### **Condition 2**

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

Plan Ref: AD 105 E (Proposed site layout masterplan) received by the Local Planning Authority on 6th December 2018;  
Plan Ref: AD 117 E (Proposed phasing plan) received by the Local Planning Authority on 6th December 2018;  
Plan Ref: AD 111 (Proposed Lidl building plan) received by the Local Planning Authority on 26 July 2018;  
Plan Ref: AD 112 (Proposed Lidl roof plan) received by the Local Planning Authority on 26 July 2018;  
Plan Ref: AD 113 A (Proposed Lidl elevations) received by the Local Planning Authority on 6 December 2018;  
Plan Ref: AD 114 D (Proposed Lidl boundary treatments) received by the Local Planning Authority on 17th December 2018;  
Plan Ref: AD 121 B (Proposed flexible retail/commercial building plan and elevations) received by the Local Planning Authority on 6th December 2018;  
Plan Ref: AD 122 A (Proposed flexible retail/commercial roof plan) received by the Local Planning Authority on 20th December 2018;  
Plan Ref: 17-337-PO2 V (Proposed residential site plan) received by the Local Planning Authority on 17th December 2018;  
Plan Ref: 17-337-PO3 A (House type 1) received by the Local Planning Authority on 6th December 2018;  
Plan Ref: 17-337-PO4 A (House type 2) received by the Local Planning Authority on 6th December 2018;  
Plan Ref: 17-337-PO5 A (House type 3) received by the Local Planning Authority on 6th December 2018;  
Plan Ref: 17-337-PO6 A (House type 4) received by the Local Planning Authority on 6th December 2018;  
Plan Ref: 17-337-P 07 A (Block A) received by the Local Planning Authority on 8<sup>th</sup> January 2019;  
Plan Ref: 17-337-PO8 A (Block B) received by the Local Planning Authority on 6<sup>th</sup> December 2018;  
Plan Ref: 17-337-PO9 C (residential boundary treatments) received by the Local Planning Authority on 17th December 2018.

### **Condition 3**

The total gross internal floorspace of the development hereby permitted devoted to Class A1 uses shall not exceed 2386sqm of which not more than 1,100sqm net should be devoted to convenience good sales floorspace.

### **Condition 4**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) and Sections 55 (2) and 55 (2A) of the Town and Country Planning Act 1990 (as amended) none of the retail/commercial units may be subdivided, either horizontally or vertically and no retail sales floorspace or other publically accessible areas shall be created at mezzanine level.

### **Condition 6**

No above ground development shall take place within any phase of development until full details of the finished levels of all parts of the site within that phase, 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.

**Condition 8**

No development shall take place within any phase, including any works of demolition, Until a Construction Management Plan for that phase, which details the means of mitigation of construction effects, has been submitted and agreed in writing by the Local Planning Authority.

This shall include the following:

- The areas for the storage of plant and materials.
- A programme of works, including phasing
- Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements
- On site facilities for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway

All site works within that phase of development shall then proceed only in accordance with the approved management plan.

**Condition 9**

Notwithstanding the submitted Phase 2 Ground Investigation Report prior to the commencement of development (including any groundworks) within any individual phase of development, a further study should be undertaken which clearly identifies the types and levels of contaminants present on land within that phase, assesses the potential impacts from all construction activities on the surrounding environment including any groundwater and public water supply and provides a clear Remediation Strategy to remove the risk to receptors whether human or otherwise and to make the land within that phase suitable for its intended use and surrounding environment including any groundwater and public water supply.

The Remediation Strategy for each phase shall be submitted to and approved in writing by the Local Planning Authority before development within that phase commences. Prior to the first occupation of any building within each phase a Validation/Closure report for that phase of development shall be submitted to and approved in writing by the Local Planning Authority.

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

**Condition13**

No part of the development hereby approved shall be occupied or open for trading until a scheme for the construction of the site access onto Atkinson Road and all off-site works of highway improvement including HGV signage on the approach from Burscough Road has been submitted to, and approved in writing by, the Local Planning Authority and the approved scheme implemented in full.

**Condition 14**

No development shall commence on the residential phase of development other than works required to satisfy Condition 9 until details of the proposed arrangements for future management and maintenance of the proposed streets within the residential phase of development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

**Condition 15**

The new estate road/access between the site and Atkinson Road and Hattersley Way shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development, other than that required to satisfy Condition 9 and/or site set-up works, takes place within the site.

**Condition 27**

Prior to the occupation of any retail/commercial building (i.e. excluding dwellings), a scheme detailing the proposed external lighting to be installed on the retail/commercial phase(s) of development shall be 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.

**Condition 31**

The landscaping and planting shall be implemented in accordance with the details provided in Landscape Layout 3111 101E and Planting Plans 3111 201D and 202D and Landscape Management Plan Ref 3011-501 received on 12<sup>th</sup> December 2018. Planting within each phase of development shall be carried out before that phase is first occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within ten years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation. The landscape maintenance shall be carried out in accordance with Landscape Management Plan.

**Condition 32**

Prior to the occupation of the foodstore, the cycle and motorcycle parking spaces shown on the approved plan AD 105 E Proposed Site Layout Masterplan, shall be provided in full and retained for the lifetime of the development. For the avoidance of doubt, the cycle parking spaces shall comprise 7no. Sheffield-type stainless steel cycle hoops.

**REPORT NO. 4 – LAND TO THE WEST OF OASIS CLOSE, RUFFORD**Other representations

In response to the amended plans showing the traffic calming methods I have received 8 letters of objection from neighbouring properties. Their concerns are

summarised below:

- The entrance to the site off Liverpool Road lacks visibility particularly from motorists travelling from Burscough direction due to a blind bend over a bridge. Motorists travel at speed and the new traffic calming methods won't stop the risk of accidents
- The proposed traffic island would cause an extra restriction when trying to exit driveways opposite. We will be unable to turn right.
- Concerns over flooding of my property which is below ground level of the development
- My private water main runs across the development site and if this becomes damaged my water will be cut off, how will this be dealt with?
- How will the boundary fence be maintained between my property and the development?
- Concern about increase in noise from the development, extra pollution and hazards
- Adverse impact upon the protected trees which have a conservation order on them. Several large trees in my garden will not be removed for the development and their root system may splay further than my boundary.
- Loss of privacy and my property and grounds will be overlooked
- The open fields when entering Rufford are part of the character of Rufford, developing on this land would remove this character
- Concerned over access from Oasis Close, a high fence would be better than a low fence
- Manuals for Street (MfS) is an appropriate reference document for suitable geometric parameters at the junction and I disagree that the required sightlines for a 30mph road can be achieved as the 43m distance referred to relates to streets not main roads. The centre of the access is only 33m and does not adhere to the 43m. The developer has placed the centre of the exit road 43m from the bridge but ignored the 22m towards Preston.
- For access to a principal road the splay line distances are 70m in a 30mph zone. The visibility splay for the 30mph road should be 2.4m by 70m. Anything within this should be kept clear but the bridge intercepts this visibility. In my judgement that a line of 70m towards Preston can touch the edge of the carriageway but cannot in the southerly direction towards Burscough because the bend in the A59 and the height restriction is breached because of the bridge, therefore the distance of 59m specified cannot be achieved as the centre of the site entrance is approximately 33m from the bridge.
- In my opinion a 70m each way splay line requirement to access a major road has not been asked for. However if this is not the case then compliance cannot be achieved with the 43m figure.

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

The Highway Authority has thoroughly assessed the proposal and has raised no objections. Liverpool Road is classified as a 30mph road. However, due to concerns raised about vehicle speeds at this location, a traffic study was undertaken by the applicant which confirmed the speed of vehicles passing the site is 41mph. As a result, improved visibility has been secured to the north and additional traffic calming methods proposed. This is considered by the Highway Authority to be acceptable.

The Highway Authority consider that the sightlines of 2.4 x 43m are fully achievable at the site entrance and the scheme provides suitable and safe access.

The traffic calming methods include a traffic island, whilst the plans show the position of one of the islands opposite a private driveway, this location is indicative and the exact positioning of the traffic islands will be determined with the Highway Authority during the Section 278 agreement. The condition will also include the requirement for the existing 30mph sign to be relocated (at the developers expense) to allow more time for vehicles to reduce their speeds as they approach Rufford. The condition will be updated to reflect this.

A private drain runs across the development site which serves number 2 and 3 Sluice Lane. As this drain is private, any impact upon it is a civil matter between the developer and the occupiers of these dwellings.

### **Adjustments to condition**

Condition 7 has been amended to refer to specific plots:

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added plots 19-22 until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.*

Condition 24 has been updated to read:

*No part of the development shall be first occupied until all the highway works within the adopted highway indicated on plan reference 1490-F02 Rev A received by the Local Planning Authority on 11th December 2018 (namely the provision of right turn lane for the new junction incorporating traffic islands and signage and the installation of a Speed Indicator Display Sign, and the relocation of the existing 30mph sign) on Liverpool Road, A59, have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.*

### **REPORT NO. 6 – SOUTHVIEW LODGE CARE HOME, 92 STATION ROAD**

This application has been removed from the agenda as it has come to light that Certificate B has been served incorrectly.

### **REPORT NO. 7 – GIBBONS BARN, PLEX LANE, HALSALL**

The application has been withdrawn from the agenda at the request of the applicant, who wishes to have the opportunity to revise the scheme further.

## **REPORT NO. 8 – BURSCOUGH AFC, VICTORIA PARK, MART LANE**

A consultation response has been received from Natural England (08.01.19) which advises that they have no objection subject to appropriate mitigation measures being secured by planning condition.

Following receipt of these comments and discussion with the Council's ecology advisors (Merseyside Environmental Advisory Service) the proposed condition in respect of timing of construction works has been reworded to ensure that no construction works are to take place between 1<sup>st</sup> September and 28<sup>th</sup> February (condition no.12 below), two conditions in respect of Japanese Knotweed are also required (conditions 7 and 8 below), and a condition requesting acoustic fencing to the western boundary of the site has been requested (condition 12). The conditions are as follows:

### **Condition 7**

Prior to construction a method statement in respect of Japanese knotweed should be submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

A plan showing the extent of the plant.

What method will be used to prevent the plant spreading further, including demarcation.

What method of control will be used, including details of monitoring. The development shall be implemented in accordance with the approved details and completed to the satisfaction of the Local Planning Authority before the development is occupied.

#### **Reason**

In the interests of ecological stability and in accordance with Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Condition 8**

Within 12 months of first occupation of any of the approved dwellings a validation report is required to be submitted to and approved in writing by the Local Planning Authority confirming the remediation treatment carried out in respect of Japanese knotweed and that the site has been free of the Japanese knotweed for 12 consecutive months.

#### **Reason**

In the interests of ecological stability and in accordance with Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Condition 11**

The rear boundary fences of the gardens on the western boundary of the site shall be acoustic fences and a minimum of 1.8m high.

#### **Reason**

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



**Condition 12**

No construction works should take place between 1<sup>st</sup> September and 28<sup>th</sup> February.

**Reason**

In order to avoid harm to non-breeding birds and to ensure that the development will not have an adverse effect on the integrity of European sites. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.