

<b>No.4</b>	<b>APPLICATION NO.</b>	2019/1119/FUL
	<b>LOCATION</b>	Land Bounded By Liverpool Road South Abbey Lane Burscough Lancashire
	<b>PROPOSAL</b>	Variation of Condition No's. 6, 7, 8, 10 and 12 of planning permission 2017/0158/ARM to alter the trigger event for the submission and approval of some technical details.
	<b>APPLICANT</b>	Time Token Limited
	<b>WARD</b>	Burscough West
	<b>PARISH</b>	Burscough
	<b>TARGET DATE</b>	30th January 2020

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## **1.0** **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme; however Councillor Dereli has requested it be referred to the Committee to review concerns in relation to contamination and any concerns that the Environment Agency may have.

## **2.0** **SUMMARY**

- 2.1 This application seeks to vary several conditions attached to a reserved matters consent for residential development. Varying the conditions will have the effect of amending the trigger point for the submission of some technical details, so that remediation of the land and construction of the site access can proceed first. In my view the proposal complies with the relevant policies of the Local Plan and the Burscough Parish Neighbourhood Plan, and would allow for commencement of development without compromising the overall scheme.

## **3.0** **RECOMMENDATION: APPROVE subject to conditions.**

## **4.0** **THE SITE**

- 4.1 The application site is located on the corner of Liverpool Road South and Abbey Lane, Burscough. It comprises an area of approximately 4.35 hectares and is formed by two distinct parts; a broadly level area of former landfill for inert and industrial waste (2.9 ha) to the frontage of the site; and, a pond to the rear of the site that forms 'Abbey Lane Brick Pits' Biological Heritage Site (BHS). Residential properties are located to the north of the site along Liverpool Road South and at Lordsgate Lane. Beyond the rear boundary of the site there is a Household Waste Recycling Centre along with industrial units. A former domestic landfill site is located to the east of the site. There is one vehicular access to the site from Abbey Lane on the western boundary of the site.

## **5.0** **THE PROPOSAL**

- 5.1 The application seeks to vary condition nos. 6, 7, 8, 10 and 12 of planning permission 2017/0158/ARM; the conditions relate to submission of details in respect of street management and maintenance, traffic management plan, estate street phasing and construction, constructional detail of streets, and materials. At present all of these details are required to be submitted and approved prior to commencement of works on site. The landowner wants to make a start on the development by constructing the approved site access junction and associated off-site highway works, which would allow access for the contamination remediation contract period and the subsequent development of housing at a later date.

5.2 Presently, the planning permission prevents a start on highway works or remediation until various technical information relating to street maintenance, traffic management, street phasing, constructional detail of streets including street lighting, and details of materials. Variation to the conditions detailed above would amend the trigger point for submission of some technical details, pushing it later into the development process, so that the site access works and remediation of the land can proceed first, ahead of any technical approval to later aspects of the development when the housing, estate roads and services would be constructed.

5.3 The amendments to the conditions are shown underlined below:

**Condition 06 - Amended**

No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the 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 07 – Amended**

Prior to commencement of development a Traffic Management Plan for the remediation and construction works shall be submitted to and approved in writing by the planning department before any works begin on site and shall include:-

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials used in the remediation of the site and construction of the development.
- Storage of such plant and material.
- Details of wheel washing facilities.
- Periods when plant and material trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
- Routes to be used by vehicles carrying plant and materials to and from the site.

Measure to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be undertaken in accordance with the approved Traffic Management Plan.

**Condition 08 – Amended**

No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets (and off-road sustainable links) serving each phase of the development will be completed. Development shall be carried out in accordance with the approved Plan.

**Condition 10 – Amended**

No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be

constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

### **Condition 12 – Amended**

No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2018/0337/NMA – Non material amendment to planning permission 2012/1224/OUT – Delete the following words from condition no.2 'plan reference proposed site layout – 12090-1 Revision F, received by the Local Planning Authority on 29<sup>th</sup> August 2013'. GRANTED 06.04.18.
- 6.2 2017/0158/ARM - Approval of Reserved Matters for the development of 110 houses and apartments, accessed from Liverpool Road South including details of appearance, landscaping, layout and scale. GRANTED 20.04.18.
- 6.3 2012/1224/OUT – Outline – Housing development including details of access from Liverpool Road South. GRANTED 13.03.14.

## **7.0 CONSULTEE RESPONSES**

- 7.1 Environment Agency (06.12.19) – No comments.
- 7.2 Highways (11.12.19) – No objection.
- 7.3 Environmental Protection – Contamination (15.01.20 and 24.01.20) – No objection.
- 7.4 Merseyside Environmental Advisory Service (20.12.19) – No objection.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 None received.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Covering letter.

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD and the Burscough Parish Neighbourhood Plan (2017-2027) provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the settlement boundary with the frontage of the site being located within the Key Service Centre of Burscough, part of the rear of the site is allocated as green infrastructure/open recreation space and a nature conservation area, as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **West Lancashire Local Plan 2012-2027 DPD**

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
RS1 – Residential Development  
RS2 – Affordable and Specialist Housing  
IF2 – Enhancing Sustainable Transport Choice  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN3 – Provision of Green Infrastructure and Open Recreation Space

### **Burscough Parish Neighbourhood Plan**

BPI1 – Development and Infrastructure

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

11.1 The principle of allowing a residential use on the site has been established in the granting of outline consent and reserved matters (application refs: 2012/1224/OUT and 2017/0158/ARM), and therefore these matters will not be revisited as part of the assessment of this application. The main issues to consider in the assessment of this application is the acceptability of allowing highway access to be installed in advance of submission of details relating predominantly to highway matters, including; the management and maintenance of the streets; traffic management; street phasing; street lighting and street drainage. Details of materials to be used in the construction of the dwellings would also be submitted at a later phase during the development.

### **Highways**

11.2 The proposed access to the development would be taken from Liverpool Road South; this along with the impact from increased traffic as a result of the proposed development was agreed under the outline planning permission. The Highway Authority have considered the acceptability of allowing the access to be constructed as the first phase of the development and consider it a suitable approach. They have advised that construction of the access will require a section 278 agreement of the 1980 Highways Act; this is required prior to the implementation of the site access, and is currently being pursued by the developer.

11.3 I am satisfied that the implementation of the proposed access as an early phase of the development would be acceptable, and that other technical highway matters can be dealt with as part of a later phase of the development process.

### **External Appearance**

11.4 At present details of materials to be used in the external construction of the dwellings are to be submitted prior to commencement of development, and this application proposes that material details are submitted prior to development, with the exception of the site access. I am satisfied that it is not necessary to consider material details in advance of works to the site access commencing, and that variation of condition 12 which relates to submission of materials does not affect developer obligations in respect of external appearance.

### **Conclusion**

11.5 Presently, the reserved matters permission prevents a start on site until technical information has been received and agreed by the Local Planning Authority. I am satisfied that by varying the specified conditions to allow a later date for submission of details,

which would be further along the development process is acceptable and would not have wider implications for the satisfactory delivery of the overall scheme.

## **12.0 RECOMMENDATION**

12.1 That planning permission be approved subject to the following conditions and reasons:

### **Condition(s)**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference '12090-03' received by the Local Planning Authority on 13.02.17.  
Plan reference 'PL13A, PL14A, PL01K' received by the Local Planning Authority on 19.04.18.  
Plan reference 'PL03B, PL06B, PL12B, PL11B, PL10B, PL09B, PL08B, PL07B, PL02B, PL04B' received by the Local Planning Authority on 27.11.17.  
Plan reference '11348\_L02, 11348\_L03, 11348\_L05P02, 11348\_L04 P03' received by the Local Planning Authority on 29.11.17.  
Plan reference 'PL05C' received by the Local Planning Authority on 22.02.18.  
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.
2. No dwelling shall be occupied until the associated vehicle parking and manoeuvring space has been provided in accordance with the approved plan. Thereafter the parking and manoeuvring spaces shall be kept clear for the parking and turning of vehicles.  
Reason: To allow for the effective use of the parking areas.
3. A scheme for the provision of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated cycling facilities have been provided in accordance with the approved scheme.  
Reason: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.
4. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages/car ports shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority. For the avoidance of doubt, car ports shall be retained as such and shall not be enclosed.  
Reason: The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development and to ensure there is sufficient parking for each dwelling in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The new estate road for the residential 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 the site and shall be further extended before any development commences fronting the new access road.  
Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
6. No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the 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.

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

7. Prior to commencement of development a Traffic Management Plan for the remediation and construction works shall be submitted to and approved in writing by the planning department before any works begin on site and shall include:-
- The parking of vehicles of site operatives and visitors.
  - Loading and unloading of plant and materials used in the remediation of the site and construction of the development.
  - Storage of such plant and material.
  - Details of wheel washing facilities.
  - Periods when plant and material trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
  - Routes to be used by vehicles carrying plant and materials to and from the site.

Measure to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be undertaken in accordance with the approved Traffic Management Plan.

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

8. No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets (and off-road sustainable links) serving each phase of the development will be completed. Development shall be carried out in accordance with the approved Plan.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy GN3 of the development plan.

9. No dwelling or dwellings within each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policies GN3 and IF2 of the Development Plan

10. No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

11. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Liverpool Road South. A similar survey shall be carried out

within six months of the completion of the development, and the developer shall make good any damage to Liverpool Road South to return it to the pre-construction situation.

Reason: To maintain the construction of Liverpool Road South in the interest of highway safety.

12. No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building(s) 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.

### **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 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

together with Supplementary Planning Guidance and all relevant material considerations.

The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.