

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 28<sup>th</sup> July 2021

**Subject:** [DC/2020/01729](#)  
[Former Lydiate Barn Garden Centre And Nurseries, 341 Southport Road, Lydiate L31 4EE](#)

**Proposal:** Variation of condition 2 pursuant to planning permission DC/2018/00898 approved 19/12/2020 to allow changes to the overall site layout and house types (alternative to DC/2019/02194 approved 11.6.2020).

**Applicant:** Mr James Stock      **Agent:** Mr Matthew McGovern  
Stock Brickwork Ltd      Keith Davidson Partnership

**Ward:** Park Ward      **Type:** Variation of condition

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## Summary

The proposal seeks to vary the permission for an approved development of 7 dwellings, specifically in order to allow surface water runoff from access roads only to connect to an existing highway drain below the site. The application is submitted as an alternative to an identical scheme approved by Committee in June 2020, with the only difference being the drainage layout. There are no objections from the Flooding and Drainage Manager given the existing informal drainage conditions on site and the fact that run off would be restricted to access roads and attenuated before connecting to the highway drain. Surface water runoff associated with each dwelling would be via a soakaway designed into each plot. The proposal is acceptable and thus recommended for approval.

## Recommendation: Approve with Conditions

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFZA2KNW01A00>

## Site Location Plan



Sefton Council



Reference: Map reference  
Date: 16/07/2021  
Scale: Scale 1:1250  
Created by: Initials

## The Site

The application site comprises the former Lydiate Barn Garden Centre and Nurseries to the west of Southport Road, Lydiate. The site is currently being redeveloped for 7 dwellings.

## History

Planning permission was granted in December 2018 for the '*erection of 3 bungalows and 4 two storey detached dwellings following demolition of former garden centre*' (reference DC/2018/00898).

Planning permission was granted in June 2020 for 'Variation of condition 2 attached to planning approval DC/2018/00898 dated 19/12/2018 - to revise the overall site layout and house types' (DC/2019/02194).

Planning permission was granted in July 2020 for 'Erection of a dwelling house on Plot No.6 (redesign of approved scheme DC/2019/02194)' (DC/2020/00244).

The current application amalgamates DC/2019/02194 and DC/2020/00244, with the only difference being the amendments to the approved drainage scheme explained within this report.

## Consultations

### **Environmental Health Manager**

No comment.

### **Flooding and Drainage Manager**

No objection subject to conditions.

### **Highways Manager**

No objection subject to conditions.

### **Local Plans Manager**

No comment.

### **Merseyside Environmental Advisory Service**

No comment.

### **Natural England**

No comment received.

### **Tree Officer**

No objection.

## Neighbour Representations

Application called-in to Committee by Cllr O'Hanlon due to concerns about foul water drainage, nuisance from the treatment plant and its reliance on a soakaway, along with concerns as to whether surface water drainage scheme accounts for effects of climate change.

Objection received from Lydiate Parish Council objecting to use of green space and querying why three different variations have been sought. The PC requests that development be in accordance with the Neighbourhood Plan.

## Policy Context

The application site lies within an area designated as Green Belt in the Sefton Local Plan which was adopted by the Council in April 2017.

The Lydiate Neighbourhood Plan was 'made' (i.e. adopted) on 24th January 2019 and carries full weight in decision making.

## Assessment of the Proposal

The proposal is submitted as an alternative to a development of 7 dwellings approved last year, which in itself was an alternative to the original scheme granted in 2018. As explained within the planning history section, this application amalgamates two existing permissions which seek the layout and house types altered.

Aside from the changes which already benefit from planning permission, the applicant is seeking to amend drainage proposals. Specifically condition 2 attached to permission DC/2019/02194 states that no surface or foul water is to discharge into a highway drain. By way of background highway drains do form part of the sustainable drainage hierarchy contained within the National Planning Policy Framework, albeit at the lower end of sustainability, however the Local Plan specifically omits highway drains from its hierarchy within policy EQ8 due to generalised concerns in relation to capacity.

During the course of the previous application the applicant made the Council aware of their intentions to connect to the highway drain which is why the condition was attached to permission reference DC/2019/02194. Subsequent discussions have taken place between Planning Services, the Flooding and Drainage Manager and the applicant and it was agreed in principle that limited attenuated discharge could be accommodated within the highway drain and a formal application to vary was submitted.

## **Flooding and Drainage**

The applicant has submitted detailed drainage plans and calculations which have been reviewed to the satisfaction of the Flooding and Drainage Manager. The scheme promotes infiltration as the method of drainage for each residential plot which is supported, whereas surface water run off from access roads would be directed towards a highways drain via a large attenuation crate below ground. The applicant has submitted sufficient information within their site investigation report to rule out infiltration on a wider scale and given the absence of a nearby watercourse, surface water or combined drain that connection to the highways drain is the most practicable method of drainage. The submitted calculations indicate that climate change has been accounted for within the design of the scheme and capacity of the attenuation crate.

In regard to foul water drainage, this would be treated on site and discharge by way of ground infiltration which is considered to be a sustainable solution. Such infrastructure is designed to not cause a nuisance by virtue of noise or odour.

Overall it is considered that the proposal complies with the provisions of Local Plan policy EQ8 and the proposal would not result in increased flood risk.

## **Other Matters**

The majority of neighbour representations have been responded to within the above. The principle of development (i.e. Green Belt policy) has been established, while a developer is free to make any number of iterations to a planning permission. In this specific situation the condition wording relating to drainage was prohibitive and did not allow flexibility in terms of surface water drainage, thus warranting a variation of the condition.

A condition requiring that the 'existing ornamental Pond be drained down in late autumn when amphibians and their larvae are less likely to be present' is no longer required as the pond has been drained and is no longer in situ, and thus can be removed from any subsequent decision notice.

## **Conclusion and Planning Balance**

Taking all of the above into account, the proposal is considered acceptable. The drainage strategy does not necessarily accord with the requirements of Local Plan policy EQ8 however as it has been demonstrated that the method of drainage is as sustainable as practicable when considering the sustainable drainage hierarchy set out under national Planning Practice Guidance. The proposal would introduce drainage infrastructure where there was previously little and there would be no increased risk of flooding as a result. The proposal incorporates attenuation which accounts for flood risk associated with climate change. Foul water would be drained on a separate system treated on site by a Klargest treatment plant and discharged via soakaway. The proposal is considered to comply with adopted local and national policy and is recommended for approval.

## Recommendation - Approve with Conditions

### Approve with Conditions

#### Conditions

This application has been recommended for approval subject to the following conditions and associated reasons:

#### Approved Plans

- 1) The development hereby granted must be carried out strictly in accordance with the following details and plans:-
  - Location Plan (Drawing 1562 PL 001)
  - Proposed Site Plan (Right of Way) (201 Rev A)
  - Proposed Site Plan (101 Rev K)
  - House Types 1, 2, 3 (With and Without Carport), 4, 5 and 6
  - Phase 1 Site Investigation Report (Report No R1/01 Issues 1)
  - Phase 2 Site Investigation Report (19-09-04 Rev 1)
  - Phase 3A Remediation Strategy and Implementation Plan (20-03-07 Rev 2)
  - Preliminary Ecological Appraisal (9th April 2018) Issue 1.0
  - Tree Survey, Arboricultural Implications Assessment & Method Statement (19609/A1\_AIA\_Rev.A)
  - Proposed Site Plan Lighting Strategy (110 Rev A) (Position of Light Columns Only)
  - Highways Assessment Technical Note (12 July 2018) (067128/TN)
  - Geological Mineral Assessment Report (Report 3476R02/01)
  - Proposed Site Plan - Landscaping (202 Rev B)

Reason: To ensure a satisfactory development

#### During Building Works

- 2) The provisions of the Construction Traffic Management Plan and accompanying drawing approved under reference DC/2019/01657 shall be implemented in full during the period of construction.

Reason: In the interests of highway safety.

- 3) The remediation strategy approved under condition 1 must be carried out in accordance with its terms prior to first occupation of development. Following completion of the remedial works identified in the approved remediation strategy, a verification report that

demonstrates compliance with the agreed remediation objectives and criteria must be produced and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

- 4) No trees shall be felled, no vegetation shall be cleared and no demolition shall take place during the bird nesting season (1 March - 31 August inclusive) unless the absence of nesting birds has been confirmed by a survey, which has been submitted to the local planning authority, and such works have been approved in writing beforehand by the local planning authority.

Reason: To ensure that wild birds building or using their nests are protected.

#### **Before the Development is Occupied**

- 5) The development hereby permitted, including all components of the sustainable drainage system, shall be carried out in accordance with the approved Sustainable Drainage Strategy (Proposed Site Plan (101 Rev K)) and submitted Flow Control, Soakaway and Structural Calculations. The approved scheme shall be fully constructed prior to occupation of development in accordance with the approved details and be managed and maintained thereafter as such.

Reason: To ensure satisfactory drainage facilities are provided to serve the site and in order not to increase flood risk elsewhere.

- 6) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

- 7) The Existing Polytunnels shown within the blue boundary on Existing Site Plan shall be permanently removed prior to the occupation of any dwelling. Before the occupation of any dwelling, details of the replacement landscaping scheme for this area shall be submitted to and approved by the local authority. The landscape scheme shall be installed in accordance with the approved plans prior to occupation of plots 4-7 and retained thereafter.

Reason: To preserve and enhance the openness of the Green Belt.

- 8) No dwelling (with dedicated parking) shall be occupied unless and until an electric vehicle charging point for that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The approved infrastructure shall be permanently retained thereafter. All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

Reason: To facilitate the use of electric vehicles and to reduce air pollution and carbon emissions.

- 9) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development have been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed and be operational prior to occupation of any dwelling and shall be retained thereafter in accordance with the approved details.

Reason: To ensure fast broadband infrastructure for new dwellings and to facilitate economic growth.

- 10) No part of the development shall be brought into use until visibility splays of 2.4 metres by 43 metres at the proposed junction with Southport Road, have been provided clear of obstruction to visibility at or above a height of 0.6 metres above the carriageway level of Southport Road. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

- 11) No part of the development shall be brought into use until a detailed scheme of highway improvement works for the provision of the introduction of dropped kerbs and tactile paving on both sides of the access to the site at its junction with Southport Road; together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority. The approved works must be completed before any of the dwellings are occupied and retained thereafter.

Reason: In the interests of highway safety.

- 12) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 13) A scheme of works for the proposed vehicular and/or pedestrian access shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until a means of vehicular and/or pedestrian access to the site/development has been constructed. These works shall be in accordance with the approved scheme.

Reason: In the interests of highway safety.

- 14) The scheme of noise protection (Environmental Noise Impact Report, 13037) approved under application reference DC/2019/01657 shall be implemented prior to occupation of each respective dwelling and retained thereafter.

Reason: In order to safeguard the living conditions of future occupiers.

- 15) The light mitigation strategy approved under condition 1 shall be implemented prior to first occupation of any dwelling and thereafter retained in perpetuity.

Reason: To safeguard conservation of species/habitats.

- 16) No dwelling shall be occupied until a scheme and appropriate scaled plan identifying suitable locations on the site for the erection of bird nesting boxes together with a timetable for implementation has been submitted to and approved in writing by the local planning authority. The approved scheme of nesting and bat boxes shall be installed in accordance with the approved details and timetable.

Reason: To ensure the conservation of wild birds.

### Ongoing Conditions

- 17) The hard and soft landscaping scheme hereby approved under condition 1 must be carried out in full within the first available planting season following first occupation of development. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season.

Reason: In the interest of visual amenity.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no extension shall be erected to a dwelling unless expressly authorised.

Reason: In order to protect the openness of the Green Belt.

- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no fences, gates or walls shall be erected aside from those shown on the Proposed Site Plan - Landscaping (202 Rev B), unless expressly authorised.

Reason: In order to protect the openness of the Green Belt.