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Places People Love

Alan Kilroe
Knowsley Metropolitan Borough Council
Municipal Buildings
Huyton
L36 9UX

7th October 2021

**15/00559/FUL – Residential development at Site Of Former Bridgefield Forum,
Cartbridge Lane, Halewood Knowsley L26 6LH**

Dear Mr Kilroe

Further to our recent discussions, Countryside Properties (UK) PLC hereby submit, an application seeking to vary approval 15/00559/FUL. This application is made pursuant to Section 73 of the Town & Country Planning Act 1990 (as amended) and seeks to amend conditions 4 and 5, thereby allowing alterations to be made to the flood compensation requirements.

Summary of Changes

The proposed changes can be summarised as follows:

- Alteration to the flood compensation area required by condition 4 to provide 3,108m³ of storage area.

The proposed alteration to the flood water storage area is required due to the presence of a water main running through the relevant area of public open space, which consequently reduces the depth that can be excavated to create the storage area. It is therefore not possible to provide the storage area originally sought by condition 4. Furthermore, in order to cut further in to public open space to create the storage area required by condition 4 is likely to result in the area becoming unusable and inaccessible to the public due to the gradient of banks down from the exiting footpath to the storage area.

Condition 4 requires an overprovision of some 1,533m³ of storage area from that required to compensate for the area lost through the development of the site. However, there is no local or national policy justification or requirement to provide any betterment in flood compensation area through the development. Both Core Strategy Policy CS24 and Paragraph 164 of the Framework require development within a flood risk area to demonstrate that the site is safe for future users and that it will not increase flood risk elsewhere. As established through the RSK technical note, the provision of a flood water storage area of 3,108m³ as now proposed will mitigate the impact of the development and also provided a betterment which goes above and beyond the policy requirements.

It is also of note that an over provision of flood compensation area was not referred to nor identified as a benefit of the development within the committee report for permission 15/0559/FUL. Therefore, the betterment in flood water storage was not a consideration when determining the application and did not weigh in favour of the development when officers and Members undertook the planning balance to inform whether the original planning application should be approved.



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While there is no requirement to provide a betterment in terms of flood water storage there is a requirement to compensate those areas lost through the development. As set out in the RSK note that supports this application, there is a requirement to provide 3,019m³ of flood compensation to compensate those areas lost through the construction of the development. However, whilst there is no requirement to do so, the proposed alteration to the condition 4 will allow a flood storage area of 3,108m³, which provides a betterment of 89m³ over and above what the scheme is required to deliver. The provision of a compensation area of 3,108m³ will not only mitigate for the area of flood water storage area lost through the delivery of the development, but should also have the benefit of improving flooding elsewhere offsite.

Amendments required:

The variation of Conditions 4 and 5 comprise the following amendment to the condition wording to read (amendments set out in red):

4. *The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) September 2015/880590R2(02)/RSK LDE Ltd, **RSK Flood Compensation Note Ref: T680208 FRA L02** and the following mitigation measures detailed ~~within the FRA~~:*

- 1. Restriction of surface water discharge to existing greenfield rates.*
- 2. Provision of compensatory flood storage area to the south part of the site comprising ~~4541~~ **3108** cubic metres of compensatory volume.*
- 3. Finished floor levels are set no lower than 8.70m above Ordnance Datum (AOD).*

*The mitigation measures shall be fully implemented ~~prior to the first occupation of the development and subsequently in accordance with the timing and phasing arrangements embodied within the FRA~~ **within 6 months of the date of this permission** unless otherwise agreed in writing by the Local Planning Authority.*

*5. ~~Notwithstanding the details submitted the development hereby permitted shall not be commenced until a~~ **The** compensatory flood storage scheme ~~has been submitted to, and approved in writing by, the Local Planning Authority.~~ **as detailed within the RSK Flood Compensation Note Ref: T680208 FRA L02** ~~The~~ scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within **condition 4 and maintained thereafter**, unless otherwise agreed in writing by the Local Planning Authority.*

Context

Section 73 was introduced to allow for greater flexibility to amend extant planning permissions without the need to submit a new, full application by applying to applications for planning permission for the development of land that do not comply with conditions subject to which a previous planning permission was granted. The scale and nature of minor material amendments results in a development which is not substantially different from that approved and allows for conditions associated with the existing permission to be varied or removed.

As set out in the Planning Policy Guidance (PPG) there is no definition of 'minor material amendment'. Paragraph: 017 Reference ID: 17a-017-20140306 of the PPG identifies that minor material change is likely to include any amendment where the scale and or nature results in a development which is not substantially different from the one which has been approved.

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In the context of an approved scheme for 113 dwellings, the proposed amendments of altering the size of the flood compensation area constitutes a minor material change to the approved planning permission. As such, the proposed amendments would not result in a development which would substantially differ from the one which has been approved.

Summary

This statement and the accompanying plans demonstrate that when considered in the context of the overall scheme and its surroundings, the proposed changes whilst material are minor in nature and the overall character and appearance of the development will remain unchanged and the flood compensation area will still function effectively and go above and beyond the policy requirements by providing betterment in flood water storage.

The Application Submission

In the below list, we set out the documentation that has been submitted with the application:

- 1 Location Plan
- 2 As Built Levels
- 3 Proposed Levels
- 4 Earthwork method Statement
- 5 RSK Flood Compensation Note Ref: T680208 FRA L02

We trust that we have provided sufficient information to validate and progress the application and will contact you in due course in order to discuss the timescale for determination.

In the meantime, however, should you have any queries, or wish to discuss the above please do not hesitate to contact myself.

Yours Sincerely

Neil Lewis

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