

No.6	APPLICATION NO.	2018/0375/FUL
	LOCATION	14A New Cut Lane Halsall Southport Lancashire PR8 3DN
	PROPOSAL	Variation of Condition No. 2 of planning permission 2017/0891/FUL relating to the layout of the development to allow for amended house types to incorporate garages and porches.
	APPLICANT	L & C Developments (Southport) Ltd
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	19th June 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Planning Committee to consider the impact upon drainage and trees.

2.0 SUMMARY

- 2.1 This is an application to vary condition number 2 of planning permission 2017/0891/FUL relating to the layout of the development to allow for amended house types to incorporate garages and porches. The proposed design, layout and appearance is considered to be acceptable. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity and adequate parking has been provided. The proposed drainage details and landscaping proposals are considered to be acceptable. Therefore, I consider the proposal complies with the relevant policies of the Local Plan.

3.0 RECOMMENDATION: APPROVE with conditions

4.0 THE SITE

- 4.1 The site is located wholly within the settlement boundary of Halsall. The majority of the site is designated as Rural Sustainable Village, while the rear of the site is designated as a housing allocation site. The site is located to the rear of number 14a New Cut Lane.
- 4.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

5.0 THE PROPOSAL

- 5.1 This application seeks planning permission to vary condition number 2 attached to planning permission reference 2017/0891/FUL relating to the layout of the development, the key changes being new house types involving the addition of front porches and garages to some plots.
- 5.2 The following changes are proposed:

Plots 1 & 6 – New house type with integral garage and enlarged first floor accommodation over the garage and revised roof design. An additional parking bay is provided
Plots 2, 3, 4, 5 and 7 – New house type, ground floor front bay window omitted, new front porch and minor window changes

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.2 2016/0479/FUL GRANTED Demolition of dwelling, erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.3 2016/1173/FUL GRANTED Demolition of dwelling, erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.
- 6.4 2016/1152/FUL WITHDRAWN Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details"
- 6.5 2016/1184/FUL WITHDRAWN Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 6.6 2017/0722/CON GRANTED Approval of Details Reserved by Condition Nos. 3, 4, 7, 8, and 9 of planning permission 2016/1173/FUL relating to materials; landscaping scheme; finished levels of all parts of the site, including the floor levels of all buildings; a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees and an easement agreement allowing continuous future access to the surface water drainage system.
- 6.7 2017/0890/FUL GRANTED Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL relating to a scheme for the wildflower garden to allow the access road to extend further south to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 6.8 2017/0969/CON GRANTED Approval of Details Reserved by Condition No's. 3, 4 and 5 of planning permission 2014/0301/FUL relating to landscaping scheme, external brickwork and roofing materials, details of the proposed screen walls and/or fences.
- 6.9 2017/0891/FUL GRANTED Variation of Condition No. 10 imposed on planning permission 2014/0301/FUL to read: 'The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report', Issue 3, dated 26th October 2017, received by the Local Planning Authority on the 30th October 2017 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.' Removal of Condition No. 15 imposed on planning permission 2014/0301/FUL relating to the prior acquisition of a licence from Natural England.

7.0 CONSULTEE RESPONSES

- 7.1 Technical Services Manager (Drainage) (29.06.18) – No Objection in principle.

8.0 OTHER REPRESENTATIONS

- 8.1 I have received 1 letter of objection from a neighbouring resident and an objection from Halsall Parish Council dated 22.05.18; as their objections are similar, I have summarised them below:

Concern over loss of trees – the original permission featured 26 trees, this scheme shows only 18 trees. The wildflower garden has already been lost and further Arboricultural reduction is unacceptable as trees have both an environmental and ecological benefit (i.e. reduce the amount of surface water drainage);

The proposed 'Black Bitmac' a form of non-permeable tarmacadam is proposed on the road which will add to the volume of surface water requiring disposal. The originally approved planning application featured the use of porous permeable material for surfacing the access way and other areas, e.g. footpaths. The previously conducted strategic drainage survey and percolation calculations were based on the originally approved materials and not 'Black Bitmac';

The additional garages reduce the areas of naturally draining land and adds to the volume of surface water;

Whilst still retaining reservations regarding the use of Sandy Brook, the Parish Council accepted the attenuation tank solution when it was approved in 2017. However, we are deeply concerned that under the proposed variation, the attenuation tank has been abandoned in favour of a cellular infiltration system (SuDS). A Cellular or Geo infiltration system simply acts as a 'soakaway' for the collected water which permeates into the ground. Dependent on rainfall levels the system and land in the immediate vicinity can become fully saturated and lead to flooding. Unlike attenuation tanks, infiltration systems have no flow control, are difficult to maintain, inspect and replace. Because such systems eventually fill and clog with soil etc., they need to be replaced from time to time whereas a correctly coated quality attenuation tank not only lasts for many years but also directs accumulated water at controlled rates into an approved watercourse, i.e. Sandy Brook. It is recognised by manufacturers that cellular soakaway systems or SuDS are not recommended for use in high water table areas and are never recommended for use in heavy peat areas. New Cut Lane and the surrounding area is well known for the underlying and unstable 'blue billy' peat. Given these circumstances and backed by manufacturers recommendations, the retention of the attenuation tank is viewed as vital.

9.0 LOCAL PLAN ALLOCATION

- 9.1 The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located within settlement area of Halsall, which is designated as a Rural Sustainable Village in the West Lancashire Local Plan.
- 9.2 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which any future development proposals will be assessed.

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

10.0 **SUMMARY OF ISSUES**

Design, Scale and Layout

- 10.1 The applicant has submitted a revised site layout plan, the key changes being new house types involving the addition of front porches and garages to some plots. The proposal involves extending plots 1, 6 and 8 with side garages, plots 1 and 8 will also be extended at first floor to accommodate larger bedrooms. New house types are proposed for plots 2, 3, 4, 5 and 7 which results in changes in the floor layout, a new porch and minor window changes. The resulting changes retain a soft landscaping strip around the north west of plot 1. The car parking standards are maintained within the development. As a result I consider the impact of the changes will be negligible. I am therefore satisfied that the proposed development is acceptable in terms of design, scale and layout and is compliant with Policy GN3 of the Local Plan.

Impact upon Residential Amenity

- 10.2 With respect to neighbouring dwellings, the closest are located to the north on New Cut Lane and to the west in New Cut Close. The minimum spacing distances are still maintained between the proposed and existing properties. I do not consider that the above minor changes will result in an adverse impact upon the amenity of the occupiers of these properties. As such I am satisfied that neighbouring amenity will be maintained and the proposal is therefore compliant with Policy GN3 of the Local Plan.

Impact on Drainage

- 10.3 This site has been subject to lengthy drainage negotiations during the previous planning applications and a suitable drainage scheme secured. In summary, surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into the watercourse to the north west of the site (Sandy Brook).
- 10.4 Following submission of this application concern was raised by the Council's Principal Drainage Engineer that the plans proposed 'Black Bitmac', a form of non-permeable tarmac which will add to the volume of surface water requiring disposal rather than a porous surfacing material. In addition concern was raised that the additional built development i.e. garages/porches reduce the areas of naturally draining land and adds to the volume of surface water. Halsall Parish Council raised the same concerns.
- 10.5 In response to these concerns, the applicant has submitted an updated drainage strategy which takes into consideration the run-off from the additional roof areas and confirms the use of porous surfacing materials, porous asphalt for the access road area and porous pavements for the driveways and parking areas to allow rainwater to infiltrate into the ground and recharge the water table on the site. The site plan has been updated to include additional trees. The drainage scheme remains as previously agreed: *The run-off from the roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into the watercourse to the north west of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of*

5.0 l/s in accordance with general best practice for small sites. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1 in 100 year return period including a climate change allowance of 30%. The updated drainage strategy for this site has been assessed by the Council's Drainage Engineer and he raises no objections and is of the opinion that it satisfies technical requirements. I am satisfied that the principle of an acceptable drainage scheme has been provided and subject to the imposition of a suitable condition, the proposed scheme complies with the requirements of Policy GN3 in the Local Plan.

Conclusion

- 10.6 In summary, the scheme is in accordance with policy GN3 of the West Lancashire Local Plan and the SPD Design Guide and I recommend that planning permission be granted.

11.0 **RECOMMENDATION**

- 11.1 That planning permission be GRANTED subject to the following conditions:

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Drawing reference 580_100 Rev A and topo survey received by the Local Planning Authority on 27th March 2015
Drawing reference 580_108 Rev B received by the Local Planning Authority on 9th April 2018
Drawing reference 580_104 Rev B, 580_106 Rev B, 580_107 Rev B and 580_109 Rev B received by the Local Planning Authority on 24th April 2018
Drawing reference 580_105 Rev E received by the Local Planning Authority on 16th May 2018
Drawing reference 580_103 Rev J received by the Local Planning Authority on 14th June 2018
2. The materials shall be that agreed and detailed under application 2017/0969/CON - Fortterra Atherstone Red facing brick, magnolia render and Marley Modern Smooth Grey Tiles.
3. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out as shown on drawing number 580_103 Rev J received by the Local Planning Authority on 14th June 2018. All 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). 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.
4. The boundary treatment details shall be as shown on plan reference 580_105 Rev E received by the Local Planning Authority on 16th May 2018.
5. 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 garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
6. No development shall take place until full details of the finished levels of all parts of the site, 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.

7. Prior to the commencement of development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed, maintained and managed in accordance with the approved details.
8. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report', C-0703 Issue 5 and on drawing number C-0703-01 rev B, received by the Local Planning Authority on the 27th June 2018 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
9. In order to ensure that impacts on reptiles such as Slow-worm (protected species and Species of Principal Importance) and hedgehog (species of Principal Importance) are avoided during the works:

Works affecting any features likely to provide shelter for reptiles and/or hedgehogs (for example log piles, piles of leaf litter, dense vegetation) will be avoided during the core hibernation period (Nov-Feb inclusive)

Vegetation to be removed shall be cut at a height of approx 6-7 inches and removed (note the need to ensure nesting birds are not affected)

All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched by hand by a suitably qualified ecologist immediately prior to removal/development works. All heaped debris and any other habitat suitable for sheltering/hibernating hedgehogs and reptiles shall be uplifted carefully by hand and removed from the site

Vegetation shall then be kept at ground level until works commence

Any hedgehogs or reptiles (or any other wildlife) encountered shall be moved carefully to a safe area of suitable habitat, which will then remain undisturbed

The duration of all ground works should be kept as short as possible and any excavations should be made in a phased order when required to minimise the time holes are exposed for

Trenches and other excavations shall be backfilled or covered before nightfall, or a ramp (low angle sloping boards of approximately 300mm wide) placed in excavations to allow animals to easily exit. All excavations left open overnight shall be searched/checked every morning prior to commencement of works and any hedgehogs or reptiles found shall be removed to a safe area of suitable habitat, which will then remain undisturbed

In order to retain habitat connectivity for Species of Principal Importance, such as hedgehogs, boundary treatments should be raised from ground level of 0.15 to 0.2 metres or suitably sized gaps should be left at strategic points.
10. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected
11. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)
12. If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Japanese Knotweed, then they shall be eradicated from the site and working methods shall be adopted to prevent their spread
13. The recommendations made within Section 4 of the 'Loss of Habitat/Biodiversity Compensation/Enhancement' document (The Tryer Partnership, June 2014 (received by the local planning authority on 11th August 2014) shall be adhered to at all times during and following the development hereby approved.
14. The new estate road for the 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.

15. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
16. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and permanently maintained thereafter
17. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions are to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reasons

1. 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. 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.
3. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. 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.
7. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. 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.
10. 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.
11. 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.
12. 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.
13. To ensure that the proposed development does not have a detrimental impact on bats and is in accordance with Policy EN1 in the West Lancashire Replacement Local Plan and Policy EN2 in the West Lancashire Local Plan 2012-2027 Submission Document.

14. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
15. To avoid the possibility of the public highway being affected by the deposit of mud and/or base materials thus creating a potential hazard to road users
16. To allow for the effective use of the parking areas.
17. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

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:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN1 - Low Carbon Development and Energy Infrastructure

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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.