



**PLANNING COMMITTEE:
9 SEPTEMBER 2021**

Report of: Corporate Director of Place and Community

Contact: Mrs. C. Thomas (Extn.5134)
Email: catherine.thomas@westlancs.gov.uk

SUBJECT: LATE INFORMATION

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.2 – TARLETON ACADEMY, HESKETH LANE, TARLETON, PRESTON - 2021/0741/FUL

The applicant has requested drainage conditions 13 and 15 be amended to allow some demolition prior to the submission of full drainage details.

RECOMMENDATION

Amend conditions 13 and 15

Condition 13

Others than demolition and works authorised by 2021/0508/FUL, no development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface waterflows are retained on-site during construction phase(s) and, if surface waterflows are to be discharged, they

are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses and public sewers, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere, and to ensure that any pollution arising from the development as a result of the construction works, does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies 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. No development, other than demolition and works authorised by 2021/0508/FUL, shall commence in any phase until a detailed, final surface water sustainable drainage and foul water drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

Amend condition 15

The detailed sustainable drainage strategy (foul and surface water) shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems or any subsequent replacement National standards and no surface water shall be allowed to discharge to the public sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Levels of the proposed drainage systems including Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
 - viii. A restricted rate of discharge of surface water agreed with the Local Planning Authority;
 - ix. The final point of connection for foul water and any mitigation measures to manage the risk of sewer surcharge;
 - x. Foul and surface water shall drain on separate systems;
 - xi. Details of existing surface water drains to be disconnected from the existing combined/foul drainage systems;
 - xii. The details for the emptying of the proposed swimming pool including the volumes/timings and a restricted rate of discharge;
 - xiii. A timetable for implementation.
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that the development complies with the provisions of the NPPF and Defra Technical Standards for Sustainable Drainage Systems and Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

REPORT NO.4 – PARK HOUSE, BLACK MOSS LANE, SCARISBRICK - 2021/0439/FUL

OTHER REPRESENTATIONS

Following publication of the Planning Committee Agenda, a representation has been received from Natural England which advises that further information is required to determine the impacts on designated sites, and without appropriate mitigation the application would have an adverse effect on:

The internationally recognised sites: Special Protection Areas, Ramsar sites, Special Conservation Areas, and sites of Special Scientific Interest.

In order to mitigate these adverse effects and make the development acceptable, Natural England have advised that an updated Habitat Regulation Assessment (HRA) which incorporates measures to address any impacts during the construction and operational phases of the development. They go on to advise what measures need to be included to ensure there will be no adverse effect on the integrity of the above designated sites which include:

Mitigation Measures during the Construction Phase

Natural England note that the HRA identifies there will be noise and visual disturbance impacts during the construction phase of the development and includes a range of measures to mitigate these impacts. We advise that the mitigation measures listed below should be incorporated into the updated HRA:

- *Construction Environmental Management Plan (CEMP)* - The production and implementation of a detailed Plan CEMP. The CEMP should provide specific details on mitigation such as the measures listed in Section 12.0 and include how certain construction activities will be limited in time, location or disturbance levels to minimise the risk of impacts to SPA birds together with pollution prevention measures to limit any construction related impacts on the nearby functionally linked land.

- *Suitable visual and sound barrier* - We note that some works maybe required during the overwintering period. As well as the erection of appropriate screening to limit visual disturbance as suggested in Section 11.0, Natural England advise that a suitable sound barrier (ie acoustic hoarding) should also be erected between 1st September to 31st March during the construction phase of the development to avoid disturbance of any SPA birds using the adjacent field as supporting habitat.

Mitigation Measures during the Operational Phase

We acknowledge that the HRA concludes likely significant effect during the operational phase of the development due to the loss of functionally linked land through increased disturbance. However, we advise that currently, the Appropriate Assessment does not clearly set out measures to mitigate these impacts. We advise the following measures should be included in the Appropriate Assessment of the updated HRA to address any impacts on SPA birds using the adjacent fields as supporting habitat:

- *Boundary Screening* - We note in Section 7.0 the report states that the erection screening will remain in place during the operational phase until such time as the post development boundary landscaping has matured to an extent to create acceptable natural screening. Natural England advise the boundary landscaping should be designed to limit any visual or noise disturbance during the operational phase of the development and be in place for the lifetime of the development.

- *Limited access to adjacent fields* - We also advise that the boundary of the application site should be designed in such a way which limits direct access from

the dwellings to the adjacent fields. This is to help limit any recreational activities that could disturb the SPA birds from the dwellings such as dog walking.

- *Lighting Scheme* - Natural England note that the HRA identifies impacts due to increased lighting from the development. We advise that the provision of an External Lighting Scheme designed to minimise visual disturbance should be secured by planning condition. The scheme should be designed to ensure there is no excessive light spill onto adjacent functionally linked habitats.

Further representation from Merseyside and West Lancashire Bat Group (MWLBG) has been received objecting to the bat mitigation measures proposed on site. This objection was reviewed by the Council's Ecology Advisors (MEAS) who concurred with the view expressed by MWLBG and for this reason revised mitigation measures have been submitted.

AMENDMENT TO COMMITTEE REPORT

Paragraph 7.1 to read:

Highway Authority (19.05.2021, 26.07.2021, 16.08.2021) – No objection.

OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

I am satisfied that the issues identified by Natural England can be addressed through detailed discussions with the Applicant and Natural England and would not require a re-evaluation of all of the issues pertaining to the planning application. For this reason, I consider that the recommendation detailed at paragraph 12.1 of the Planning Committee report *'that the decision to grant planning permission be delegated to the Corporate Director of Place and Community subject to confirmation that the Appropriate Assessment is satisfactory and subject to the following conditions and any additional conditions being added on request by Natural England'* remains valid.

The revised bat mitigation measures have been reviewed by MEAS and are considered to be acceptable and if implemented in full, the Three Tests (Habitat Regulations) would be satisfied.

Updated Plans

As a result of the revised bat mitigation measures, plans condition 2 and bat mitigation condition 6 are updated.

AMEND RECOMMENDATIONS

Amend Condition 2

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

Plan reference:

Materials and Enclosures Plan 103 Rev A, received by the Local Planning Authority on 20/08/2021.

Cheadle Special House Type, CHSP-P-01
Hartford Special House Type, HTSP-P-01, received by the Local Planning Authority on 28/05/2021.

Plan reference:

Site Location Plan
Slaidburn House Type, SD-P-01
Haigh House Type, HA-P-01
Bretherton House Type, BE-P-01
Formby House Type, FM-P-01 and FM-P-01-1
Formby DG, FMDG-P-01-1
Wilmslow House Type, WM-P-01 and WM-P-01-1
Slaidburn, SD-P-01 and SD-P-01-1
Single Garage, SG-P-01
Double Garage, DG-P-01
2.4m High Acoustic Fence, SD-F014-1
1.8m high feather edge fence with 300mm trellis, SD-F02-1
1.8m high feather edge fence, SD-F02
1.2m high stock proof fence, SD-F06B
450mm high knee rail fence, SD-F09, received by the Local Planning Authority on 06/04/2021.

Planning Layout 102 Rev C, received by the Local Planning Authority on 08/09/2021.

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.

Amend Condition 6

The development shall be carried out in accordance with the recommendations for mitigation and compensation set out in the Mitigation Strategy in Relation to Bats, received by the Local Planning Authority 08/09/2021 which details the methods for maintaining the conservation status of bats, unless otherwise approved in writing by the Local Planning Authority or varied by a European Protected Species licence subsequently issued by Natural England.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2021-2027 Development Plan Document.

REPORT NO.5 – DELPH COTTAGE, CROW LANE, DALTON – 2021/0549/FUL

Consultee Responses

Arboricultural Officer – (19.08.2021), (02.09.2021) and (06.09.2021)
No need for any further tree details now that the parking proposals have changed. No objection to the proposed development from a tree point of view.

REPORT NO.8 – LAND TO THE EAST OF FIRSWOOD ROAD, LATHOM - 2020/0906/ARM

Other Representations

A representation has been received from Councillor Rigby on behalf of South Lathom Residents Association (SLRA) who have raised concern about the short length of time residents have been afforded to review the revised plans and for this reason request a deferral of the application. Councillor Rigby has also advised that the SLRA are concerned about inaccurate reporting of their comments and comments made by the Parish Council in the Planning Committee report.

A further representation has been received from Savills on behalf of GLP in respect of noise impacts from Plot 110 on the proposed residential development. The representation states that the Noise Assessment carried out by Martec Environmental Consultants Ltd on behalf of the Applicant does not take full account of the expected noise levels on the site and suggests a replacement planning condition to overcome this concern which would replace existing condition number 7.

AMENDMENT TO COMMITTEE REPORT

Paragraph 11.9 to read:

There would be a road leading through the estate with smaller cul-de-sacs coming off this spine road.-----

There would be an attenuation type meadow running alongside Slate Brook to the east of the site. Public open space, including a trim trail, would be located to the west of the site and this area would have dwellings facing onto it to ensure a degree of passive surveillance.

OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

The Council's neighbour notification letter advises that:

"In the interests of economy and operational efficiency, the Council will not acknowledge or respond to any comments or queries received in relation to the matter subject of this letter or notify you of any minor amendments. I can assure you however that all written comments received will be given full consideration by the Council in reaching its decision."

In relation to the amended plans received on 26th August these relate solely to a minor repositioning of the proposed block 8-19 to pull it further into the site away from Old Engine Lane. This is a minor change which has no material impact outside the site and therefore re-notification of neighbours was not required. Given the minor nature of the amendment I do not consider it appropriate to defer the item, particularly given that residents have had a lengthy period to comment

on the application which was originally submitted October 2020 and has been subject of two rounds of consultation.

As regards inaccurate reporting of representations, it is normal practice to summarise lengthy and detailed representations received in respect of planning applications, and I am satisfied that representations have been adequately reported and are representative of the objections received and are addressed in the assessment where appropriate and relevant.

The additional representation in respect of noise has been assessed in discussions with Environmental Health and the following suggested revised noise condition to replace existing condition 7 is considered to be satisfactory; the suggested condition has been amended slightly to make it more precise.

Updated Plans

Additional detailed landscape plans have been submitted and plans condition 1 is updated.

Additional Condition Substation

Following publication of the Agenda, I consider it necessary to include a condition in order to allow the Local Planning Authority control of the design and siting of any electricity substation which may be necessary on site:

AMEND RECOMMENDATIONS

Amend Condition 1

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

Plan reference:

Location Plan - WH.FR.LP.01 Rev B, received by the Local Planning Authority on 07/10/2020.

Plan reference:

Detailed site layout plan ref: WH/FR/DSL/RM/01 Rev O
Boundary treatment plan ref: WH/FR/BTP/01 Rev A
Hard landscaping plan ref: WH/FR/HLP/01 Rev A, received by the Local Planning Authority on 26/08/2021.

Plan reference:

House Type: Trevithick - 3.205CB/P/BU/L10/300 Rev A
House Type: Brahms - R24LH/P/R/L10/300
House Type: Ellington - R35LH/P/R/L10/300
House Type: Brunswick - 3.113SACB/P/BU/L10/300 Rev A

House Type: Holbrooke - G/R46LH/P/R/L10/300
House Type: Wren - 4.404CB/P/S/L10 300
House Type: Wrenbury - 4.404DACB/P/BU/L10 300
House Type: Newton - 4.201/P/BU/L10/300 Rev A
House Type: Haversham - 4.342/P/BU/L10/300 Rev B
House Type: Shakespeare - 4.341/P/BU/L10/300 Rev A
House Type: Priestley - 4.341/P/BU/L10/300
House Type: Oakmere (New) Apartments 1 of 2 - 2.346HL/P/BU/L10
House Type: Oakmere (New) Apartments 2 of 2 - 2.346HL/P/BU/L10
House Type: Hatherleigh & Bay 4B6P - 4.342SAB/P/BU/L10/300 Rev B
House Type: Jenner 3B4P - 4.209CB/P/BU/L10/300 Rev A
House Type: Stephenson - 4.203/P/BU/L10/300 Rev B, received by the Local Planning Authority on 28/04/2021.

Plan reference:

Screen Wall Drawing - FD001
Boundary Details - FD002 and FD003
Feather Edged Fence Drawing - FD-004 Rev P1, received by the Local Planning Authority on 07/10/2020.

Plan reference:

Landscape Masterplan - 5897.08 Rev G
Landscape Proposals Sheet 1 - 5897.03 Rev G
Landscape Proposals Sheet 2 - 5897.04 Rev G
Landscape Proposals Sheet 3 - 5897.05 Rev G
Landscape Proposals Sheet 4 - 5897.06 Rev G
Landscape Proposals Sheet 5 - 5897.07 Rev G, received by the Local Planning Authority on 02/09/2021.

Plan reference:

Cycle store plan ref: 9000, received by the Local Planning Authority on 20/08/2021.

Plan reference:

Street Scene and Site Section - WH.FR.SS.01 Rev A, received by the Local Planning Authority on 09/07/2021.

Plan reference:

Large single garage side to side - LSG/SE/1.4/B
Large single garage front to rear - LSG/SE/1.3/B, received by the Local Planning Authority on 05.07.2021.

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.

Amend condition 7

Development of plots 43-48 (inclusive) and plots 54 and 56 shall not be commenced until an assessment of noise on the location of dwellings has been submitted to and agreed in writing with the Local Planning Authority. A scheme for enhanced sound insulation of the facades of the proposed dwellings shall be submitted to, and approved in writing by the Local Planning Authority. The mitigation shall ensure that the following internal noise rating levels are not exceeded within these properties, at any time, with windows closed and ventilation provided:

35cBL_{Ar, 1 hour} inside habitable rooms between 07:00 and 23:00 hours;
30dBL_{Ar, 15 mins} in bedrooms between 23:00 and 07:00 hours.

The ventilation provided must be sufficient to minimise the need to open windows to control overheating.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Additional Condition Substation

Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPA of the detailed siting and external appearance of the substations.

Reason: These details are required prior, in order to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

REPORT NO.9 – LAND TO THE WEST OF CHILDREN AND PARENTING SUPPORT SERVICES, FAIRLIE, BIRCH GREEN - 2021/0142/FUL

SUPPORTING INFORMATION

Additional information has been submitted by the applicant regarding drainage and highways matters.

OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

This item has been removed from the agenda to allow time for officers and interested parties to consider the additional information and the application will be brought before a future Planning Committee.