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Date: 26 July 2022

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Dear Councillor

PLANNING COMMITTEE - WEDNESDAY 27TH JULY, 2022

I refer to the agenda for the above meeting and now enclose the following information which was unavailable when the agenda was published.

Agenda No.	Item
7	Late Reps (Pages 3 - 6)

Yours faithfully,

Democratic Services

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Planning Committee: 27th July 2022 Late Representations/Information

Appendix 4

Item 4A

DC/2022/01148

Telegraph House, Moor Lane, Crosby

Affordable Housing

The section on affordable homes states that 3 affordable homes for discounted sale, with a 20% discount, will be secured. They will actually be available to eligible households for either affordable sale or rent with a 20% discount on the sale price or market rent.

Acoustic Fencing

A further representation was made by Sefton's Environmental Health Manager. In addition to the existing condition on acoustic glazing and ventilation (condition 21), he requests a condition to secure acoustic fencing on the roof terraces as follows:

A detailed scheme of suitably designed acoustic barriers for the two rooftop terraces shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling. The approved scheme must be installed in the locations shown at Appendix E of the Nova Acoustics (1st April 2021) 'Environmental Noise Survey, Noise Break-in Assessment & Sound Insulation Scheme'. The approved scheme must be retained thereafter.

Reason: To safeguard the living conditions of existing and future residents

Details of drainage and SuDS

A late representation was received from United Utilities.

Following their review of the submitted the Drainage Strategy & SuDS Report, United Utilities can confirm that, whilst the proposals are acceptable in principle, they would like additional information on the detail of the drainage design. Whilst the Council's flood and drainage team, as the Lead Local Flood Authority, were happy with the Drainage Strategy and SuDS Report, it is suggested for clarity that Condition 9 is replaced as follows:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme in accordance with the agreed drainage parameters in the Drainage Strategy & SuDS Report (ref: 4/7682, Version 04, dated 30 June 2021), shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment

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of ground conditions and the potential for infiltration of surface water in accordance with BRE365 standards;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels (to 'Ordnance Datum'); and

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

The have also suggested an additional condition that will help secure the long-term management and maintenance of the drainage system. This is:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

These conditions are supported by the Council's officer in their role as Lead Local Flood Authority.

Residents' comments

A further two supportive comments have been received from Crosby residents. These are:

This scheme is a much-needed development to bring life back to Crosby village as the location is a massive blight on what could be a lovely village for locals to benefit from.

The plans to deliver a high-quality design, appropriate for the site is a very welcomed plan. It is positive brownfield regeneration to meet housing needs is well thought through. An investment with a positive outcome for our centre much needed. This development supports the vitality and viability for our district centre. A sustainable development that supports combatting climate change therefore changing the reliance on cars. A complete uplifting improvement on the appearance of the surrounding area.

Petition

A late petition in support of the proposal signed by 25 local residents was received. This petition proposes that the application to be approved 'as it is a high quality, well-designed mix of uses that will support our centre'.

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DC/2022/00412

Dairy, 21 Stamford Road, Birkdale

Environmental Health Manager – Further Comments

The Environmental Health Manager has provided further comments to justify conditions relating to an hours restriction and a scheme of noise control/sound insulation (including post-installation verification). For the avoidance of doubt, the comments state:

“Background:

The Environmental Health Team has previously reviewed the below referenced noise assessments.

- Acoustics and Engineering Consultants Ltd (14th May 2021) Bates Dairy, New Bottling Plant, 21 Stamford Road, Southport. Noise Assessment for Planning Purposes. AEC Report: P4366/R1/MR
- Acoustics and Engineering Consultants Ltd (21st February 2022) New Bottling Plant Bates Dairy, 21 Stamford Road, Southport. Noise Assessment for Planning Purposes. AEC REPORT: P4366/R1a/PJK

Hours of Operation:

The original noise assessment dated 14th May 2021 and submitted as part of application DC/2021/00118 indicated that the existing plant operated between the hours 05:00 to 15:00 daily and the new plant would operate between the hours of 07:00 to 13:00 daily. However, in the February 2022 noise assessment these hours have been extended and the report states.

“Typically, the existing bottling plant operates between 0400 and 1800h daily and the proposed bottling plant would also operate during this period”.

It has been noted from the noise assessment that the representative ambient (LAeq) and background (LA90) levels have only been monitored between the hours of 04:30 and 07:00. I have concerns, therefore, that the noise assessment does not provide satisfactory evidence to show that the background noise levels pre 4:30am are equal to or higher than the post 04:30am LA90 of 39dB. Therefore, when considering the available noise data, I would recommend the following hours' condition to ensure local residents living conditions are suitably protected.

- The new bottle plant must not be operational outside of the hours 04:30 – 18:00

Bottling Plant/Plant noise:

The specific noise data for the proposed plant is not available and it has been noted that only a prediction of the potential noise within the new bottling plant room has been provided (LAeq,1min 78dB). The report has used the current performance of the existing plant/operation to inform the

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assessment. The limitation of this approach is that the actual sound profile of the final plant is unknown meaning that correction values for such things as tonality etc. have not been applied.

Table 5.1 of the February 2022 assessment outlines the recommended sound reduction performance levels for the building elements. The conclusion is that the specific sound level of the new bottling plant/plant room would be LAeq 39dB at the residential receptor and not exceed the LA90 39dB. However, it should be noted that the proposed LAeq 39dB does not include acoustic feature corrections and it is the experience of the Environmental Health team that complaints relating to plant, and equipment often relates to the character of the noise and not solely the measured sound level.

Overall, it is possible that the development could proceed using conditions if we are satisfied that the noise from the new development can be controlled and restricted to current background levels (L90) or below including acoustic feature corrections as assessed in accordance with such standards as BS4142:2014. Therefore, I recommend the following conditions to protect existing residents' living conditions

- a) A scheme of noise control/sound insulation as described in Table 5.1 of Acoustics and Engineering Consultants Ltd (21st February 2022) New Bottling Plant Bates Dairy, 21 Stamford Road, Southport. Noise Assessment for Planning Purposes. AEC REPORT: P4366/R1a/PJK shall be installed to ensure that the plant/operational noise levels do not exceed the existing background L90 at the existing residential dwellings. The approved scheme must be installed before the development becomes operational.
- b) Within 2 months of (a) becoming operational a noise verification report in accordance with BS4142:2014 must be submitted to the Local Planning Authority. The verification report must demonstrate that the noise level requirement under (a) has been achieved or make further recommendations for enhanced noise control and sound insulation where satisfactory compliance has not been achieved.
- c) Noise mitigation recommendations made in (b) must be installed within 3 months of approval including the submission of a noise verification report to demonstrate that the additional scheme of noise control achieves the noise level stated in (a) etc.
- d) All agreed noise control measures must be retained thereafter."

It is considered that sufficient additional justification has been provided to justify both the requested conditions and that they should be added to any approval.