

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th March 2017

Subject: **DC/2016/01922**
Brooklands Farm Brewery Lane, Melling L31 1EZ

Proposal: Erection of 11 detached two storey dwellinghouses after demolition of existing buildings

Applicant: Mr Grayson
 PMGP Ltd

Agent: Mr David Bailey
 NJSR Chartered Architects
 LLP

Ward: Molyneux Ward

Summary

This application seeks consent for the erection of eleven detached two-storey dwellings following the demolition of existing non-agricultural buildings within designated Green Belt accessed off Brewery Lane, Melling. The main issues to consider are the principle of development, the impact on the Green Belt, the impact on the character of the area, the impact on a non-designated heritage asset and the impact on highway safety and amenity. It is considered that the proposal complies with local and national policy and should be granted consent with conditions.

Recommendation: Approve with Conditions

Case Officer Mr Neil Mackie

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Application documents and plans available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OE7W9FNWM0400>

Site Location Plan



The Site

A site comprising a mixture of former agricultural buildings with long-standing lawful non-agricultural uses. The site is fully hard surfaced with centralised buildings and provides two vehicle accesses onto Brewery Lane, Melling within designated Green Belt.

To the rear of the site lies open farmland, with open farmland leading to the M57 motorway to the front. Adjoining the site is an agricultural worker's dwelling (with a suburban character arising from the front boundary wall treatment) and to the south along Brewery Lane, leading into Spencer's Lane, is a number of residential properties.

History

Extensive history to the site relating to longstanding agricultural and non-agricultural uses. Of most relevance is a recently issued consent for the continuation of use of buildings for DIY livery and riding school and as a base for a grounds' maintenance business (DC/2016/01279). The granting of this consent results in the entirety of the site subject to this application being considered as previously developed land as defined within the National Planning Policy Framework.

Consultations

Highways Development Design

No objections in principle, subject to various conditions including the provision of a new footway across the site frontage.

United Utilities - External Planning Liaison

No objection subject to conditions being attached to any approval in respect of the disposal of surface and foul water.

Flooding and Drainage

No objection subject to the submission of a drainage scheme.

Merseyside Environmental Advisory Service

Make a number of comments regarding loss of hedgerow habitat, nesting birds, construction management, archaeology and waste. However, consider that such matters can be dealt with by way of planning condition.

Following receipt of further information relating to bats, Meas have advised that reasonable avoidance measures be applied during the demolition of the buildings.

Environmental Health

No objection to the proposal.

Flooding and Drainage

Recommend drainage conditions.

Building Control

No apparent contravention of building regulations.

Merseyside Police Architectural Liaison Officer

No objection.

Community Fire Protection Department

No objection.

Neighbour Representations

Objections from 'Town Meadow Cottage' Brewery Lane, Numbers 11, 15, 19, 49 and 52 Brewery Lane, Number 26 Rock Lane, Numbers 152, 156, 158, 162, 172, 178, 184, 186 and 190 Spencers Lane (all Melling) and Number 21 Sandown Park Road, Number 6 Lancing Drive (both Aintree Village).

Melling Parish Council has also objected to the proposal.

Points of objection raised by respondents are:

Principle of Development

Opposition to further development within the Green Belt with objectors stating that "rural Melling" has already borne the brunt of new housing projects within the emerging Local Plan and that this will result in further erosion of the Green Belt. Concern that this will set a precedent for development to the surrounding fields and that this development is inappropriate against Green Belt policies.

Concern as to the loss of prime agricultural resources through this development.

Objectors have also stated that "this is the only open land available to the residents of Aintree within walking distance" and have raised concerns that the "public rights of way across these fields will be lost"..

Opposed to the development as the properties will not be affordable to most people.

The development will result in pressures to replace the equestrian development/uses elsewhere within the open countryside.

Flooding and Drainage

Statements made that Brewery Lane and farmland around the proposed development and neighbours have lain underwater at times due to saturation of the ground. Highlighted the extent of hardstanding at present contributing to standing water but concern that the extent of development proposed would not necessarily improve these matters. The introduction of a pumping station on Spencers Lane has helped but stated this only barely copes at present.

Stated that this development is on a flood plain, but it is shown as being in Flood Zone 1 on Environment Agency mapping where flooding from rivers and the sea is very unlikely (a less than 0.1 per cent chance of flooding occurring each year).

Ecology

The proposal will have a detrimental impact upon an established bat colony within the area

Access and Accessibility

Brewery Lane is narrow, twisty and has poor visibility with vehicles often travelling at high speed and the existing access to the site is largely obscured and difficult to exit, with workmen often holding up traffic to allow vehicles to enter/leave the site to the detriment of commuter traffic. Examples of recent vehicle accidents cited by objectors. This proposal will escalate traffic and access problems.

Proposal is reliant upon private cars for transport. Public footpaths must not be negatively affected and existing access to neighbouring fields and properties must be retained.

Character of the Area

The design and density of the buildings are inappropriate for this Green Belt Location and are out of character with the immediate area, having the appearance of a mini-housing estate.

Living Conditions

During construction the removal of rubbish and supply of materials would pass in front of neighbouring properties, using public highways, causing noise nuisance and creation of excessive dust.

Non-Designated Heritage Asset

Historic buildings within the site should be retained and accommodated within an 'attractive housing scheme with further single storey dwellings also in terrace form and traditionally detailed'.

Services and Utilities

Lack of utilities within the area to support this development. Infrastructure struggling to cope at present, which would be worsened by further development citing pressures on schools and medical facilities.

Policy Context

The application site is situated in an area designated as Green Belt on the Council's Adopted Unitary Development Plan.

The policies in the emerging Local Plan (June 2016) were subject to discussion at the recent Local Plan Examination and where appropriate have been given weight in coming to a recommendation on this application.

Those policies to which there was no objection or to which no modifications have been proposed may be regarded to carry significant weight. They will be referred to where appropriate in the assessment of this proposal.

Assessment of the Proposal

The main issues to consider in respect of this proposal are the principle of development including whether the development represents appropriate development in the Green Belt, the impact on the character of the area and the impact on highway safety and amenity. Consideration as to the loss of an employment site within the Borough will also be considered.

Principle of Development

When assessed against Unitary Development Plan policy GBC2 this proposal would not be considered acceptable in principle. This policy does not allow the development of previously developed sites within the Green Belt outside of those sites included within policies GBC3, GBC4 & GBC5 (which included The Powerhouse site in Formby and Ashworth Hospital in Maghull for example).

However, the National Planning Policy Framework (NPPF), introduced in March 2012, does allow for the redevelopment of previously developed sites outside of defined sites within any Unitary Development Plan or emerging Local Plan, as set out within paragraph 89.

It states that "a local planning authority should regard the construction of new buildings as inappropriate in Green Belt". Exceptions to this include:

“Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”

This updates criterion 1(d) of policy GBC2 by allowing the limited infilling or the partial or complete redevelopment of previously developed sites, and not just limiting this to major sites identified within a Local Plan. Policy MN7 (section 2) of the emerging Local Plan notes that the construction of new buildings is generally regarded as inappropriate development in Green Belt, subject to the exceptions set out in national policy.

The exception quoted above is applicable and relevant to this application.

Annex 2 of the NPPF defines "previously developed land" as "land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure". This excludes, amongst other things, land that is or has been occupied by agricultural or forestry buildings.

It is evident from the history to this site and the lawful uses that have been granted that it constitutes previously developed land within the Green Belt and therefore the proposal would not represent inappropriate development if it would not have a greater impact on the Green Belt and the purpose of including land within it than the existing development.

Of the twelve core planning principles set out within paragraph 17 of the National Planning Policy Framework that underpin both plan-making and decision-taking, the third principle states that planning should "proactively drive and support sustainable economic development to deliver the homes ... that the country needs" and the eighth principle states that planning should "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value." It is considered that subject to matters relating to the Green Belt that the principle of redevelopment of this brownfield site for housing is supported within the NPPF.

Finally, in respect of requirements of paragraph 55 of the National Planning Policy Framework which states that "local planning authorities should avoid new isolated homes in the countryside". By virtue of the adjacent residential development, along with residential and commercial development to Brewery Lane, Rock Lane and Tithebarn Lane, it is not considered that this is an isolated location and therefore paragraph 55 is not relevant to this proposal.

Impact on Green Belt

Openness of the Green Belt

An essential characteristic of green Belts is their openness (NPPF, para 79). "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Openness is often considered to mean the absence of buildings or development and it is quite clear that this site does not contribute positively to the openness given the extent of buildings and hardstanding throughout the site.

From figures provided by the applicant it is evident that the overall volume of development to this site will decrease if the indicative layout was to be implemented. The area of built form and hardstanding will also reduce given the introduction of grassed garden areas and other areas of soft landscaping.

Residential use to this site will give rise to taller development than the existing buildings and so may be more visible from Brewery Lane but the distance between buildings will be an improvement over the continual expanse of built form to this site, helped by steeper roof pitches to the proposed properties providing gaps between properties, thereby providing a greater degree of openness.

In considering the indicative layout and heights of the proposed dwellings, the position away from boundaries and the spacing between properties is considered to represent an improvement to the openness of the Green Belt.

Purposes of the Green Belt

The National Planning Policy Framework, in paragraph 80, sets out the five purposes served by the Green Belt which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The third and fifth purposes are relevant to this proposal.

In respect of safeguarding the countryside from encroachment, this site has housed permanent development for a considerable period of time in agricultural and subsequent lawful non-agricultural uses and has not contributed to the wider open agricultural lands to the north and north east. This proposal will not give rise to a form or extent of development not seen within the immediate or wider areas - given the presence of residential properties along Brewery Lane, Rock Lane and Tithebarn Lane within the vicinity. It is considered that this site will not result in encroachment into the countryside particularly as the amended proposal reduces the extent of development.

With regards to the fifth purpose, the reuse of a vacant brownfield site to provide for eleven dwellings accords with this as the Council cannot currently demonstrate a five-year housing land supply and this application would make a positive contribution to urban regeneration in this respect.

It is therefore evident that the proposal which is the subject of this application does not contravene the purposes served by Green Belt as set out within Paragraph 80 of the NPPF.

Conclusions in respect of impact on the Green Belt

This proposal satisfies para 89 of the NPPF in that it comprises redevelopment of brownfield land. It also meets para 79 as it is considered that the development will increase the openness of the Green Belt. Finally, it is consistent with para 80 in that it does not have a greater impact on the purposes of including land within the Green Belt than existing development.

In light of this, it is concluded that this proposal would be appropriate development within the Green Belt, and is consistent with Policy MN7 of the emerging Local Plan and the requirements of the National Planning Policy Framework.

Loss of Employment Land

In respect of the site providing local employment opportunities, Unitary Development Plan policy EDT18 states that "proposals for non-employment uses which involve the loss of land and/or buildings which are either currently used for or were last used for industrial business, office or other employment uses will only be permitted where it can be demonstrated that the proposal.

- a) would not result in the loss of employment of buildings of a type for which there are insufficient alternatives available locally; or
- b) would fully compensate for the permanent loss of the site for employment generating uses; or
- c) would replace an employment use that is seriously detrimental to local amenity and the local environment."

The protection of all employment land regardless of the designation of the land has not been carried forward into the emerging Local Plan. The most applicable emerging Local Plan policy in this instance would be policy ED3 'Existing Employment Areas', which seeks to retain employment uses (those falling within the office and light industrial, general industrial and storage and distribution classes) within designated employment areas. There is therefore an inherent conflict between the aims and objectives of UDP policy EDT18 and emerging Local Plan policy ED3. This emerging policy has been subject to examination and found no objections from the Inspector and is therefore considered to be in accordance with the National Planning Policy Framework. Given the significant weight to be attached to this policy it is considered that this application must be assessed against policy ED3 rather than EDT18.

Given that this proposal is not within an existing employment area (Local Plan designation) or a primarily industrial area (Unitary Development Plan designation) the loss of employment land does not have to be justified.

Character of the Area

The provision of development fronting the highway is evident to surrounding highways, particularly seen at Brewery Lane towards the junction with Spencers Lane. Development projecting to the rear of sites is evident to this location and neighbouring areas, albeit often limited to large scale commercial and agricultural uses. While residential development behind frontage properties is not readily evident to the immediate area, dwellings set back from the highway are characteristic of the immediate environs, most notably to the adjoining property to the south.

The repositioning and/or planting of a new hedgerow to the front of the site will ensure that this aspect of local distinctiveness is retained and enhanced. As originally submitted the proposal sought the full removal of the hedgerow to the frontage, which would have had a significant detrimental impact upon the character of the area. The accesses and access road will result in gaps to hedgerow but this is seen to neighbouring properties and to the existing site as it is and the breaks in the hedgerow will not be an alien or negative feature.

The scale of development to the front of the site echoes that seen elsewhere along Brewery Lane, while the scale of the properties behind the frontage echo the grander proportions of neighbouring properties, particularly individually sited properties such as that to the south.

The materials to be used to the properties draw from those seen to Brewery Lane and surrounding highways and in this regard the proposal is acceptable.

Concerns have been raised as to the suburban appearance of this development but the scale and appearance of the dwellings are appropriate to this location.

Overall, it is considered the design of the scheme would be compliant with policy DQ1 of the Unitary Development Plan, EQ2 of the emerging local plan and the NPPF, in particular section 7.

Living Conditions

Policy H10 of the Unitary Development Plan permits residential development outside of Primarily Residential Areas provided, amongst other things, the development would result in an acceptable residential environment. This is mirrored in policy HC3 of the emerging local plan.

Policy DQ1 of the Unitary Development Plan seeks to protect the amenity of those within and adjacent to site, a principle brought forward in policy EQ2 of the emerging local plan.

One of the core principles of the NPPF is to seek a good standard of amenity for all existing and future occupants of land and buildings.

Future occupiers

Sufficient outlook is provided to all habitable rooms for each of the properties and the garden sizes exceed the minimum size of 60m² as set out in Supplementary Planning Document 'New Housing'. The separation of the frontage properties, positioned to the southwest, from those set within the site will ensure that rear gardens are not overshadowed to an unreasonable degree.

Abutting the site to the northwest is a building and land used for equestrian purposes where the riding school was not permitted to open outside of 09:00 - 23:00 as per planning approval 94/0756/S and limited to the use as a riding school and livery facility only and not to be used for the staging of gymkhanas, horse shows or other events to which the general public would be admitted (Condition 6 of that approval).

The building abutting the site is, as per planning approval DC/2015/00579, to be used as an indoor horse riding school and stables, while a ménage will abut the rear of properties along the northeast boundary. The use of the building, the ménage and the use of fields beyond this building will generate noise by operational activities comprising the movement of vehicles, noise from horses and noise from customers and staff. This will be apparent to any future occupier and is a use that is common to countryside areas, often contributing to the character of these areas. If the noise generated from the site proves to be causing harm then this is best addressed as statutory nuisance that may require the operators of the equestrian use to adopt 'best practicable means' to overcome such harm.

Neighbouring properties

The proposed development would ensure sufficient interface distances are met with neighbouring properties as to not physically impact on the living conditions of neighbouring residents.

Furthermore, the development would see the removal of some of the noisier commercial activities which exist on the site. Consequently, it is considered there would be a general improvement in the environment to the benefit of existing residents.

Overall, it is considered that the level of amenity for existing and future residents would be acceptable.

Access and Accessibility

Unitary Development Plan policy AD2 requires that all developments provide for a realistic choice of means of travel through, in part, the provision of safe cycle and walking facilities within the site and/or the improvement of routes or facilities which serve the site. It also requires the provision of safe and adequate access and circulation within the site and in its connections to the public highway. UDP policy DQ1 requires development to ensure safe and easy movement into, out of and within the site for everyone, including those with limited mobility. Such requirements are carried through into emerging Local Plan policies EQ2 and EQ3.

Paragraph 17 of the National Planning Policy Framework sets out twelve core planning principles to underpin decision-taking and in regards to matters of access and accessibility point 11 is of direct relevance as it states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".

Access

Amended plans have been submitted to address concerns that the Council's highway engineers had with regards to the safe access into and out of the site and the properties fronting Brewery Lane. The provision of two vehicle accesses off Brewery Lane along with the central access road as shown on submitted drawing 201 Rev 1 'Site Plan' is now considered to be acceptable, aided by the setting back off hedgerows behind the line of the visibility splay. It is considered that the proposal is acceptable in this regard.

Accessibility

The application site is located in a rural setting and it is accepted there would be a greater dependency on private motor vehicles. That said, the nearest bus stop is approximately a 10 minute walk away from the application site on Spencer's Lane, which provides local bus services to nearby train stations, including Old Road and Aintree, as well as direct routes to the Liverpool City Centre.

The site is well served by public footpaths and whilst there are no designated cycle paths in the immediate area, the site is close to the Leeds and Liverpool Canal.

It is acknowledged that the definitive Public Right of Way, known as Melling Footpath no.8, runs along the south east perimeter of the development site. The existing width of the footpath is in places in excess of 8m and in order to accommodate the proposed development it will be necessary to reduce the width to approximately 5m. Whilst the Highways Manager has no objections to this, an extinguishment order would be required to enable the reduction in width of the footpath, this can be relayed to the applicant by way of an informative.

Non-designated Heritage Asset – Barns and Stable

Paragraph 135 of the National Planning Policy Framework states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

A point of objection made against this proposal is the effect it will have on a non-designated heritage asset namely a barn and stables to the site, with an objector making reference to the presence of a building on historic Ordnance Survey mapping.

The Merseyside Environmental Advisory Service has stated:

"The brick-built barn at Brooklands Farm is a non-designated heritage asset, recorded on the Merseyside HER, MME 14127, thought to date to the late 18th or mid-19th century (it is shown on the 1st Edition Ordnance Survey 1:10560 of 1850).

The period 1750-1880 has been recognised as the most important period of farm building development in England (Historic Farmsteads: Preliminary Character Statement - North West region, English Heritage 2006, p. 6), and the Council for British Archaeology's 'An Archaeological Research Framework for North West England: Volume 2, Research Agenda and Strategy' (Brennand, 2007) has indicated that farm buildings are "an important historical research resource" (p. 140), that "there is an urgent need for all local authorities to ensure that farm buildings undergoing adaptation are at least considered for recording" so that "a regional database of farm buildings can be derived and variations across the region examined."

With regards to historic mapping, it is clear that the extent and arrangement of buildings to this location - including those cited within the objection - has varied over the years as they are extended, partly demolished or otherwise modified. On site the alterations are more apparent and while containing some good details, such details are seen within the immediate and wider area with buildings in more prominent locations than these buildings, which are screened to a significant degree from public vantage points. The screening of the buildings from wider public view limits its contribution to the character of the area, perhaps lessening its importance and resulting significance but it may also be said that that this has also reduced the awareness of the public of this building and of its architectural or historic character and value.

This application has not provided any justification for the loss of this building, but it is apparent that it could not be supported or reused within the layout as proposed. Providing such a layout would not be sufficient to support the loss of this building but a prior notification application for the demolition of the building could be submitted at any time and subject to detailed considerations relating to the method of demolition and any proposed restoration of the site the Council could consider that either prior approval was not required or that prior approval was required and granted, permitting the demolition of this building.

In view of the above, MEAS have recommended that a programme of archaeological building recording is undertaken for the buildings, and that this is secured by a condition attached to any approval.

Notwithstanding the above, the loss of the non-designated heritage asset will be given weight within the balance of any decision made.

Ecology

The Council's ecological consultants, Merseyside Environmental Advisory Service, have had regard to the information provided, including the addition of further ecological information. In this regard they have raised no objection to the proposal, but recommend that various planning conditions be attached to any permission. This includes the need to ensure reasonable avoidance measures are introduced in the demolition of the buildings to ensure the protection of bats; a requirement for the installation of bird boxes, replacement planting be introduced; and protection over the removal of trees. The latter point is covered under separate legislation, but the other recommended conditions are considered reasonable.

Public Greenspace and Development

Emerging Local Plan policy EQ9 states that "appropriate high quality new public open space of at least 40 square metres per new-build home must be provided for the following developments:

- proposals for 150 or more new-build homes
- proposals for 11-149 new-build homes on sites which are more than 2 kilometres from a main park or Countryside Recreation Area

This new public open space must be provided within the site unless it can be demonstrated that enhancement of off-site open space is more appropriate, in terms of:

- the type and density of housing development and site size, or
- proximity to existing main, neighbourhood and community parks, or
- other site-specific factors"

It is evident that this site is more than 2 kilometres from a main park or Countryside Recreation Area and as such is required to provide for new public open space on site, unless demonstrated otherwise. The applicant has not demonstrated whether the provision of open space on site would be deliverable or not but it is apparent from the proposed site layout that the provision of an area of 440m² on site would have a material impact upon the total number of properties that could be provided. The provision of open space would likely reduce the number of properties proposed to a figure below the 11 threshold and consequently the provision of open space would not be required.

So as to address this policy requirement in a way that is of direct relevance and benefit to future occupiers of the properties, as well as being of wider public benefit, it is considered reasonable and appropriate to seek a commuted sum of £22,275 (£2,025 per dwelling) for enhancing access from the site to the Melling No. 8 footpath, which links to the canal towpath, improving the Melling No. 8 footpath that runs adjacent to the site and providing signage from the site and at appropriate points along the footpath to indicate the direction of the canal. This commuted sum will be secured by a legal agreement.

The applicant has agreed to the provision of the commuted sum and has requested that the legal agreement be secured by a condition attached to any approval.

Conclusions

It is acknowledged that the proposal does not comply with the Unitary Development Plan with regards to green belt policy. However, it fully complies with all other aims and objectives of the Unitary Development Plan, in addition to those set out in the emerging Local Plan and all other material considerations including the National Planning Policy Framework with regards to the principle of residential development in this Green Belt location, the impact on the Green Belt, the impact on the character of the area, the living conditions of future occupiers and neighbouring properties, matters of access and accessibility, ecology and the provision of open space.

The proposal will result in the total loss of a non-designated heritage asset i.e. the barn and stables. However, the provision of 11 houses would make a modest contribution to the housing supply within the Borough and the removal of commercial operations will take away the harm which has been caused to the living conditions of neighbouring residential properties. Overall it is considered that these benefits outweigh the harm of losing the barn and stables.

It is therefore recommended that the proposal be approved subject to conditions.

Recommendation - Approve with Conditions

Conditions

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

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2) The development permitted by this planning permission shall not be started by the undertaking of a material operation as defined in Section 56(4) (a-e) of the Town and Country Planning Act 1990 until a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and the Local Planning Authority has given its approval in writing. The planning obligation will provide that a commuted sum payment as required by emerging Local Plan policy EQ9 will be paid to the Local Planning Authority for enhancing access from the site to the Melling No. 8 footpath, which links to the canal towpath, improving the Melling No. 8 footpath that runs adjacent to the site and providing signage from the site and at appropriate points along the footpath to indicate the direction of the canal.

Reason: To ensure that the development provides appropriate open space enhancements and complies with Policy EQ9 of the emerging Local Plan.

- 3) Prior to commencement of development other than the demolition of existing buildings a preliminary investigation must be prepared in accordance with best practice and current guidance. The report must include:

- Desk study
- Site reconnaissance
- Data assessment and reporting
- Formulation of initial conceptual model
- Preliminary risk assessment

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the DCLG National Planning Policy Framework, March 2012). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 4) Prior to commencement of development other than the demolition of existing buildings the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings must be produced. The report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 5) Prior to commencement of development other than the demolition of existing buildings a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, must be prepared and is subject to the approval in writing of the Local Planning Authority.

a) The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development and commencement of its use.

b) In the event that the proposed remediation scheme involves the provision of a ground cover system a plan indicating the existing and proposed external ground levels on the application site shall be submitted for approval to the Local Planning Authority.

c) The development shall proceed in accordance with the external ground levels approved under (b) unless the Local Planning Authority gives its prior written approval to any variation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 6) a) The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation and other than the demolition of existing buildings.

b) 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 the first occupation of any of the dwellings hereby approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 7) a) 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.

b) 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 6

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

- 8) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- 9) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

- 10) 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.

- 11) Before the development other than demolition of existing buildings is commenced, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:
- i) Existing and proposed levels or contours
 - ii) Proposed and existing services above and below ground
 - iii) Details of boundary treatments and hard surfaces
 - iv) The location, size and species of all trees to be planted
 - v) The location, size, species and density of all shrub and ground cover planting
 - vi) A schedule of implementation.

Reason: In the interests of visual amenity and to comply with policies CS3, DQ1 and DQ3 of the Sefton Unitary Development Plan.

- 12) a) The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

b) 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 unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

- 13) a) Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan.

b) The barrier/fencing approved under (a) above shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

- 14) No part of the development shall be brought into use until the existing vehicular accesses on to Brewery Lane have been permanently closed off and the footway reinstated (outside of the extent of any new vehicular access).

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

- 15) No part of the development shall be brought into use until means of vehicular access to the development has been constructed.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 of the Sefton Unitary Development Plan.

- 16) (a) Before any development commences other than the demolition of existing buildings, a detailed landscaping schemes shall be submitted for approval to the Local Planning Authority showing the siting, species, size, timetable for

implementation and maintenance of a new hedge to replace the existing hedge that will be lost to provide the visibility splay for the new access.

(b) The hedge shall be implemented according to the agreed landscaping scheme and either prior to the first occupation of any of the dwellings or to a timetable for implementation, whichever is the earlier, and shall be retained as such thereafter.

Reason: In the interest of visual amenity and in order to comply with policy DQ1.

- 17) 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 and to accord with policies CS3 and DQ1 in the Sefton Unitary Development Plan 2006

- 18) No part of the development shall be brought into use until visibility splays of 2 metres by 120 metres at the proposed junction with Brewery Lane have been provided clear of obstruction to visibility at or above a height of 1 metres above the carriageway level of Brewery Lane. 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 and to accord with policies CS3 and DQ1 of the in the Sefton Unitary Development Plan.

- 19) No part of the development shall be brought into use until visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 1 metres above the footway level of Brewery Lane.

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 and to accord with policies CS3 and DQ1 of the Sefton Unitary Development Plan.

- 20) A detailed scheme of highway improvement works for the provision of the following works together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.

- Closing off of the existing redundant accesses
- the reinstatement/reconstruction of the footway on the north-east side of Brewery Lane across the entire frontage of the site together with the provision of a new

footway crossings to the three houses with direct vehicular access off Brewery Lane

- the formation of a junction with the new access road incorporating flush kerbs and tactile paving either side of the junction with Brewery Lane

No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details approved.

Reason: In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.

- 21) The development hereby granted shall be carried out strictly in accordance with the following details and plans :-

200 Rev.1; 201 Rev.1; 202. Rev1; 203 Rev.2; 204 Rev.1; 205 Rev.1; 207 Rev.2; 210 Rev.1; 211; 212; 15_5837_10_03 Rev.1.

Reason: To ensure a satisfactory development.

- 22) No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme

Reason: The application site contains a non-designated heritage asset and the local authority wish to ensure that the building is recorded in line with guidance set out in paragraph 141, Section 12 of the National Planning Policy Framework and Managing Significance in Decision Taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2 (Historic England, 2015).

- 23) The demolition of the existing building shall be carried out in accordance with the reasonable avoidance measures (RAMs) as set out in paragraph 4.4 of the Ecological Assessment report (V.A. Sherrington, December 2015).

Reason: To safeguard conservation of species/ habitats and to comply with policy NC2 in the Sefton Unitary Development Plan.

- 24) Prior to occupation, details of bird nesting boxes (number, type, location on an appropriately scaled plan along with a timetable for implementation), shall be submitted and approved by the local planning authority. The boxes shall be implemented in accordance with the approved details.

Reason: Reason: To safeguard conservation of species/ habitats and to comply with policy NC2 in the Sefton Unitary Development Plan.

- 25) Prior to occupation, the first floor windows on the side elevation of house type 4 (identified on drawing number 210 Rev.1 as side elevation 1 and annotated as being obscure glazed windows) shall be fitted with obscure glazing and top hung, and shall be retained as such thereafter.

Reason: In the interest of residential amenity.

Informatives

1) Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 3 to 7 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until Condition 7 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

2) Addresses

The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for new property numbers.

3) Highway works

The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 for further information.

4) Public right of way

The applicant is advised of the requirement for a "stopping up order" for the partial width of the public right of way. For further information please contact the Highways Development Control team on 0151 934 4175.

5) Bats

The applicant, its advisers and contractors should be made aware that if any bats are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

6) Bird breeding boxes

The applicant is advised that house sparrow terrace type boxes should be included amongst the bird breeding boxes that are proposed for erection upon the site.