

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 14<sup>th</sup> April 2021

**Subject:** [DC/2020/00418](#)

[Site of Former Royal British Legion, 326 Liverpool Road South, Maghull L31 7DJ](#)

**Proposal:** Erection of Retirement Living Housing of 44 residential units (Category II type accommodation) with associated communal facilities, landscaping and car parking following the demolition of the existing building

**Applicant:** McCarthy & Stone  
Retirement Lifestyles Ltd

**Agent:** Mr Chris Butt  
The Planning Bureau Ltd

**Ward:** Park Ward

**Type:** Full application - major

**Reason for Committee Determination:** Called in by Councillor John Sayers and a major application with 5 or more objections

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## Summary

This application seeks planning permission to construct a retirement living scheme of 44 residential units following demolition of the existing club building. The site lies within a 'primarily residential area' as identified in the Local Plan.

The application was considered at Planning Committee on 17 February 2021 when it was deferred to enable further discussion with the applicant to address concerns over the viability assessment, the affordable housing contribution and the building design. The report has been amended to incorporate the late representations submitted prior to the February meeting and to provide an update since the deferral.

The main issues to consider include the principle of the development, affordable housing requirements, visual impacts, effects on living conditions and highway safety as well as landscaping, ecology and drainage considerations.

The proposal complies with adopted local plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions and the completion of a Section 106 legal agreement to secure off-site affordable housing provision.

**Recommendation: Approve with Conditions subject to the completion of a Section 106 Legal Agreement**

**Case Officer** Diane Humphreys

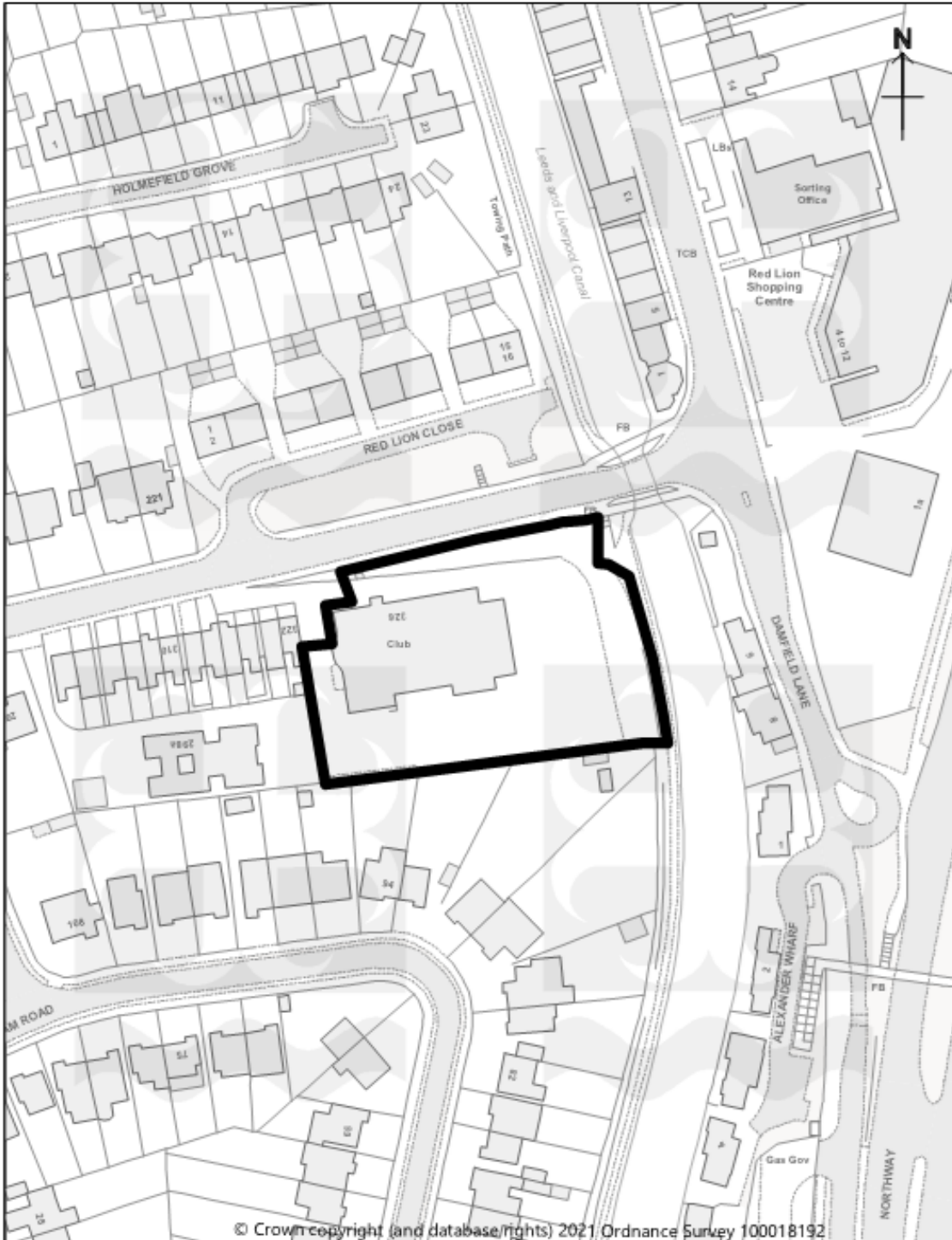
**Email** [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6S4LLNWIQH00>

# Site Location Plan



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## The Site

The site comprises the former Royal British Legion premises located on the south side of Liverpool Road South and bounded by the Leeds and Liverpool canal to the east with residential property situated immediately to the south and west.

The building on the site is brick built and single storey with a pitched roof and flat roof additions. It is located fairly centrally on the site (although closer to its west than its east boundary) and is presently vacant. The building is largely surrounded by hardstanding with a sloped grass embankment at the Liverpool Road South frontage due to the site being set at a lower level than the road. Access to the site is currently taken from Liverpool Road South at the western end of the site frontage.

## History

None relevant.

## Consultations

### Local Plans Manager

No objections subject to conditions and a Section 106 legal agreement.

### Maghull Town Council

No formal objection but wish to make the following points:

- Access is close to the Red Lion Bridge making ingress and egress difficult
- Fewer parking spaces than apartments does not seem appropriate
- The ramp appears too tight
- Four storey building is incongruous
- Possible overlooking to nearby properties
- Loss of amenity caused by loss of trees
- Level access required to the towpath

Further to the above, Councillor Sayers on behalf of Maghull Town Council has expressed concern that the development breaches MAG 4 of the Maghull Neighbourhood Plan as the four storey development is not consistent with the Parkhaven Character Area.

### Conservation

No objections.

**Canal and River Trust**

No objection subject to conditions.

**Environmental Health Manager**

No objections subject to conditions.

**Highways Manager**

No objections subject to conditions.

**Tree Officer**

No objections subject to appropriate mitigation planting which can be secured by condition.

**Merseyside Environmental Advisory Service**

No objections subject to conditions. The Council does not need to consider the proposals against the three tests (Habitats Regulations).

**Flooding & Drainage Manager**

No objections to the latest drawing.

**United Utilities**

No objections subject to conditions.

**Contaminated Land Team Leader**

No objections subject to conditions.

**Fire and Rescue Service**

No objections.

## Neighbour Representations

Written objections/concerns have been received from 5 local addresses as well as from Bill Esterson MP, the main points of which are summarised below:

### Living Conditions

- Overlooking and loss of privacy to adjacent properties including back gardens
- Too close to adjacent garden and garage
- 4 storey development will block out light
- Noise
- Detrimental impact on peaceful canal environment

### Access and Parking

- Possible loss of access to canal towpath
- Should include improvements to canal access which currently has no disabled access

- Access close to Red Lion Bridge which is narrow and a traffic accident hotspot
- Lack of parking
- What is proposed route for construction traffic?
- Inaccurate information in submitted reports eg accessibility of site and parking levels

#### Visual Impacts

- Height and design not in keeping with local property
- Grey cladding not in keeping
- Cottages to the east are low level dormer bungalows

#### Landscaping

- Would prefer certain trees to be retained and others to be removed contrary to tree report
- Mature evergreen trees should be planted on the site frontage which will provide greenery all year round, improve outlook for new residents and soften the stark appearance of the development
- There is a line of trees on the east side of the site
- Trees are inaccurately shown on the plans
- Will there be additional planting?

#### Other Issues

- Concerned about structural stability of house and garage
- Inappropriate time to be consulting on a major application due to covid restrictions
- Concerned about disruption during construction
- Possible rat problem

Four written letters of support have been received and these include the following comments:

- There is a demand for retirement living in Maghull
- We need smaller more manageable apartments so people can downsize and free up properties which may have become a burden
- Helps older people lead happier, healthier lifestyles amongst likeminded people
- A bonus to the community
- More aesthetically pleasing than the current site
- Wish for the British Legion to be remembered in Maghull in some way

Ward Councillor John Sayers submitted a statement which was read out at the Planning Committee meeting on 17 February 2021 and the main points are summarised below:

- Residents have written to the developer but received no response and their concerns have been ignored
- Windows overlooking Buckingham Road properties will be frosted but those overlooking properties closer to the site will have clear glass and balconies causing a loss of privacy

- The size and design of the building is incongruous with the architecture of other buildings in the town and conflicts with Local Plan policies HC4 and EQ2, NPPF para 127, Sefton's House Extensions SPD and the Maghull Neighbourhood Plan MAG 4.
- The building will overshadow homes and gardens on the opposite side of the canal and will result in a significant loss of outlook and have an overbearing impact on these properties in conflict with Local Plan policy HC4, NPPF para 130 and Sefton's House Extensions SPD.
- Developers have ignored request to afford level access to the canal
- Grave concerns regarding parking and road safety

## Policy Context

The application site lies within an area designated as primarily residential in the Sefton Local Plan which was adopted by the Council in April 2017.

The Maghull Neighbourhood Plan was 'made' (i.e. adopted) on 24th January 2019 and carries full weight in decision making.

## Update Since the Deferral

The application was deferred at the February Planning Committee meeting to enable discussion with the applicant to address concerns over the viability assessment, the affordable housing contribution and the building design. The applicant has since provided further information in respect of viability, has increased the affordable housing contribution and has amended the design of the building. These matters are discussed in more detail below.

## Assessment of the Proposal

This application seeks planning permission to construct a retirement living complex of 44 residential units comprising 23 one bed apartments and 21 two bed apartments within a part three/part four storey L-shaped building. It comprises Category II type accommodation, defined as 'warden supported self-contained accommodation for the less active elderly, which includes the full range of communal facilities' (Department for Communities). The proposal includes communal facilities such as a communal lounge, a house manager's office and an alarm system.

The main issues to consider include the principle of the development, affordable housing requirements, visual impacts, effects on living conditions and highway safety as well as landscaping, ecology and drainage considerations.

### Principle

#### *Local Plan*

The site lies within an area designated as 'primarily residential' in the adopted Sefton Local Plan and the proposal for retirement flats is acceptable in principle under policy HC3. In addition, there is an

identified need for this type of accommodation in Maghull.

#### *Neighbourhood Plan*

The Maghull Neighbourhood Plan was made (i.e. adopted) on 24 January 2019 and forms part of the development plan for Sefton. One of the main objectives of the Neighbourhood Plan is to support housing development which meets identified needs where such housing is appropriate to its environment with good design features and usable public green space for the benefit of all residents. Maghull Town Council does not raise an objection to the proposal in principle although they do raise some points of concern which are addressed in other areas of this report.

Policy MAG 4 'Residential Character Areas' sets out that development proposals will be supported that respect the distinctive characteristics of the Character Area in which they are located, as defined in the Maghull Residential Character Assessment document, in terms of type of development, scale, design, open space provision and general layout, and which enhance their surroundings.

This proposal is within the Parkhaven Character Area. Many houses within the Character Area are traditional 1930s villas with tree lined roads as well as considerable tree planting in the gardens. The roads are narrow and do not allow parking on both sides. Whilst this proposal is different in character than most of the housing in the area, it is at the eastern edge of the area and is close to modern buildings on the opposite site of the canal, some of which are larger than two storey dwellings. The site is also close to the town centre, which would support a scheme of higher density. Concern has been expressed by Maghull Town Council about the proposal's consistency with the Parkhaven Character Area. However, the site is at the edge of the character area where there is a mix of development styles and where there is limited three storey commercial and residential development very close to the site. The road rises up to the Red Lion Bridge which is equivalent to two storey eaves level. The design of the proposal has taken account of its location next to the town centre and adjoining the canal.

#### *Conclusion on Principle*

There is an identified need for retirement flats in Maghull and the site's location within a 'primarily residential area' makes it suitable for the proposed development. Whilst the development does not strictly comply with the Neighbourhood Plan policy MAG 4, in that it is different in character to the rest of the Parkhaven Character Area, the scheme is considered appropriate for its canalside setting and location close to the town centre. The assessment has given due weight to the Neighbourhood Plan and to factors relevant to this specific site and concluded that a higher development can be justified.

The proposed development is acceptable in principle.

#### **Affordable Housing**

New developments that create 15 or more residential units should provide affordable housing. In Maghull the requirement is for 30% of the scheme to be affordable housing.



The applicant has submitted a viability appraisal that sets out that due to viability issues it is not possible to provide the required affordable housing within the scheme.

The Council instructed its retained viability consultants, CP Viability, to undertake an independent review of the viability appraisal submitted by the applicant. A key issue our consultants raised for this scheme was in relation to sales values. There is a lack of direct comparable evidence on which to base the assessment of value and therefore adjustments had to be made from the best comparable evidence in different market areas. This increases the risk of inaccuracy in the identified values. To reflect this uncertainty our consultants modelled 3 scenarios. Scenario 1 accepted the sales values put forward by the applicant as being reasonable, which resulted in only a modest surplus of £19,000 which could be put towards planning contributions. Scenario 2 assumed an increase of 5% in sales revenue. This results in a significantly higher affordable housing contribution of £330,000. They also ran a Scenario 3 where the values were reduced by 5%, which results in a nil contribution.

On this basis, due to uncertainty of the sales values for the site, our consultants recommended a compromise position in the region £150,000 as a reasonable contribution towards local affordable housing provision in lieu of affordable housing on site. The applicant agreed to the £150,000 off-site contribution on the condition that they could retain their ability to charge ground rents. Legislation is currently being drawn up by Government to remove this ability.

With regards to the off-site contribution, part 10 of Local Plan policy HC1 states:

*Off-site provision of affordable housing, or a financial contribution of broadly equivalent value, will be considered where it can be robustly justified, and where the agreed approach contributes to the objective of creating mixed and balanced communities.*

In this case, the applicant's viability consultant advises "the development seeks an off-site contribution due to the specialist nature of the retirement development proposed. It is well established that affordable housing provision cannot be provided onsite within a single retirement block with its associated management regime and relatively high service charges."

It is accepted that the affordable housing requirement cannot be met within the retirement scheme proposed and the contribution can be secured by a Section 106 legal agreement and used in connection with affordable housing provision in the area.

As the justification for accepting no on-site affordable housing is based on the specialist nature of the retirement development it is considered appropriate to restrict the age of residents within the scheme. The applicant's Planning Statement advises that the apartments will be occupied by persons over 60 years of age and, in the case of a couple, one person must be over the age of 60 and the other 55 years. This can be covered by condition.

Based on the above assessment, the Council's policy on affordable housing is met.

The reasons for deferring the application at the February Planning Committee meeting included concerns over the viability assessment and the affordable housing contribution with an opportunity given for further discussion with the applicant over these matters.

Since this time the applicant has advised that the Mayhall Court development in Maghull was first occupied in 2000 and that 3 of its flats were sold in the last 12 months for an average of just over £119k which is some way below the sales values considered appropriate for the current scheme and would indicate a lower affordable housing contribution for the present application. The applicant has also advised that they cannot agree to any form of claw back mechanism as these are only appropriate when set out in Local Plan policy and usually apply to larger, multi-phase schemes.

The applicant has, however, agreed to increase the contribution to off-site affordable housing to £175,000. As previously stated, they have agreed to the figure on the basis that they can charge ground rents on the properties. Legislation is currently being drawn up by Government to remove this ability.

### **Visual Impact**

The proposal comprises an L-shaped building of predominantly 3 storeys in height with a small element of 2 storeys on its western elevation and 4 storeys on the majority of its north and east elevations overlooking Liverpool Road South and the Leeds and Liverpool canal respectively.

Concerns over the design of the building were one of the reasons for deferring the application at the February meeting. Since then, the design has been amended. The grey cladding has been replaced with a sandstone brick chosen to reflect the local use of sandstone identified in the Parkhaven Character Area section of the Neighbourhood Plan. A cornice has been added to the roofline, the central render panel on the canal elevation has been extended to full height and additional windows added on the building's Liverpool Road South elevation. The building has a modern appearance with a flat roof and has been carefully designed through massing and the use of a variety of materials, including red brick, off white render and sandstone brick, which add interest and reduce its overall impact. Red brick and render are common features of the area and the use of sandstone can be seen on boundary walls and properties further along Liverpool Road South to the west of the site. Balconies overlooking the canal add further detail. The site is set at a lower level to the road and canal and much of the ground floor of the building will not be visible from public view outside the site further minimising its impact.

It is acknowledged that most of the buildings in the vicinity of the site are two storeys in height. This includes housing to the rear and west side of the site and on the opposite side of Liverpool Road South. One of the properties on the opposite side of the canal is single storey but some of the newer properties in Alexander Wharf are more than two storeys in scale with dormers at second floor level giving them greater height. There are also taller commercial buildings with a greater massing close to the site on Liverpool Road North with the building announcing 'Maghull Business Centre' occupying a prominent position adjacent to the elevated Red Lion Bridge.

The proposed building is sited close to the road and canal frontages allowing generous spaces to remain between the building and adjacent properties. The building's stepped design allows it to integrate with its surroundings by providing lower elements adjacent to existing properties.

The Canal and River Trust welcome the positive interaction of the building with the canal corridor but request that the iron railings proposed adjacent to the canal towpath are no more than 1 metre in height and this can be covered by condition.

The design of the proposed development is considered appropriate for its setting which is adjacent to the canal and close to the town centre.

## **Living Conditions**

### *Surrounding Residents*

Local residents have raised concerns about overlooking and loss of light. The building has been designed so that these impacts are minimised and a drawing has been provided to show how the building casts a shadow on the canal at different times of the year in response to concerns raised by residents living on the opposite side of the canal. There is a distance of approximately 26 metres between the east elevation of the proposed building to the cottages on the opposite side of the canal at 6 and 8 Damfield Lane and approximately 40 metres between the building's south elevation and houses at the rear on Buckingham Road (90, 92 and 94). The blank gable wall of the adjacent house at 322 Liverpool Road South is over 20 metres away. These distances all exceed the minimum separation distances set out in the Council's 'New Housing' Supplementary Housing Document (SPD) which is 21 metres between habitable room windows and 12 metres between a blank wall and a habitable room window.

A condition can be imposed so that all of the windows in the south elevation close to the boundary with 90 Buckingham Road are obscurely glazed in order to minimise overlooking impacts to this neighbouring garden. The windows all serve communal corridors where obscure glazing is appropriate and will not harm residents' outlook from within the building.

The Environmental Health Manager recommends that an acoustic barrier is provided for any boundary with residential dwellings and a condition can be imposed to secure the provision of an acoustic barrier along the southern and western boundaries of the site.

### *Occupiers of the Site*

The Council's 'Flats and Houses in Multiple Occupation' SPD provides guidance on standards of amenity expected for occupiers of flats. It sets out that one bedroom flats should have a minimum floor area of 37 square metres and a two bedroom flat 61 square metres. The proposed flats all exceed this standard.

All habitable rooms should have a window with a reasonable outlook and prospect and the proposal complies with this guidance. The ground floor flats on the building's front elevation will be facing a

grassed embankment sloping up to the road. Their habitable rooms are served by large patio doors which open out onto a terraced area and this is considered acceptable.

In terms of outdoor amenity space, the SPD states that it is important for residents to have access to an area of outdoor amenity space and a minimum of 20 square metres per flat should be provided. This equates to 880 square metres for the 44 proposed apartments.

The applicant has demonstrated that the proposal provides useable outdoor amenity space, including communal gardens, patios and paths for exercise, totalling 804 square metres. There are also 11 private balconies with a total floor area of approximately 110 square metres. In addition, landscaped areas to the north and east of the building provide an attractive outlook for residents and total some 508 square metres in area. The quality and quantity of outdoor amenity space provided for future occupiers of the site is considered acceptable and in accordance with the SPD standards.

The Environmental Health Manager has reviewed the submitted noise assessment report which concludes that road traffic noise is the main environmental noise source impacting the development site. It is accepted that noise levels for residents of the scheme will be acceptable both inside the building and in the external communal areas. A condition is recommended to minimise noise levels from any new fixed plant on the site.

### **Highway Safety**

A number of objections have been received on highway safety grounds, many of them concerning access and parking issues.

The application, including the applicant's Transport Statement (TS), has been reviewed by the Council's Highways Manager.

The access arrangements for the site is a 5.5m carriageway with a 2.0m wide footway. The Highways Manager advises this is an acceptable access into the site and will provide safe pedestrian movements and allow 2 way vehicular traffic. Tactile paving and dropped crossings will be required at the junction and inside the site and bus stops should be updated.

The industry standard TRICS database has been used to obtain estimated trip rates for this current proposal, which is an accepted method and has made the comparison of the level of use from other similar developments in order to establish the extent of extra traffic that is likely to be generated by the proposals. The statement shows that the existing site will generate 7 two way trips in the AM peak and 11 two way trips in the PM peak hour. The TS has highlighted that 44 apartments will generate 3 two way trips in the AM peak and 4 two way trips during PM peak period. Therefore, the net impact of the proposed development is likely to generate fewer two way vehicular movements during both the AM and PM peak hour periods than the previous use.

Pedestrian movements will increase and will be served by the provision of the new 2.0m footway into the site.

The parking provision is shown as 34 car parking spaces for the development which includes the provision of 2 disabled parking bays and is acceptable. The proposal includes 8 visitor parking spaces, an ambulance bay, a taxi drop off point and 2 electric vehicle charging points which accords with the standards set out in the Supplementary Planning Document (SPD) 'Sustainable Travel and Development'. Staff parking should also be provided.

As car parking levels were mentioned at the February committee meeting, the applicant has advised that the Mayhall Court scheme in Westway has 15 spaces for the 43 units.

Cycle parking is required in accordance with the SPD. Cycle stands are shown close to the entrance to the building and the applicant advises that a mobility scooter store inside the building includes charging points for the scooters and can be used to store bikes.

The submission and subsequent implementation of a Residential Travel Plan can also be secured by condition.

The Highways Manager has raised no objections to the proposal subject to conditions relating to access details, off-site highway works, parking provision, a travel plan and a construction traffic management plan.

### **Landscaping**

The proposal requires the loss of 9 trees which the Council's Tree Officer does not object to on the basis that the trees are of low quality with one identified as dead. Mitigation tree planting on a one for one basis and a landscaping scheme are required in accordance with Local Plan policy EQ9 and a condition is recommended to secure this. The scheme should include tree planting along the Liverpool Road South frontage and adjacent to the canal.

A local resident has requested that some of the trees shown for removal are retained and vice versa. The Tree Officer has looked at this request but advises that he is unable to object to the proposed tree removal based on its low quality but that this is subject to satisfactory mitigation planting. One of the trees requested for removal by the resident lies outside the site while the other is of moderate quality so should be retained as it would be difficult to mitigate its loss.

### **Ecology**

The applicant has submitted a Preliminary Ecological Appraisal report which has been reviewed by Merseyside Environmental Advisory Service (MEAS). The report finds no evidence of bat use or presence and the Council does not need to consider the proposals against the three tests (Habitats Regulations).

Conditions are recommended to protect potential habitats for bats and breeding birds.

## **Drainage**

The latest drainage proposals show that foul water and surface water will drain separately into the existing public sewers on Liverpool Road South. A hydrobrake will limit surface water discharge to 5 litres per second which is acceptable to United Utilities and the Flooding and Drainage team. United Utilities had requested conditions and these requirements have been accommodated on the latest drainage scheme therefore drainage conditions are not required.

## **Section 106 Legal Agreement**

Affordable housing is required for this application in accordance with Local Plan policy HC1 as set out above under the sub-heading 'Affordable Housing'.

In lieu of on-site provision, the applicant has agreed a £175,000 financial contribution towards affordable housing in the local area. This can be secured through a Section 106 legal agreement.

## **Other Issues**

### *Conservation*

Any impact on the Damfield Lane Conservation Area, which lies on the opposite side of the A59 (to the east), is considered to be minimal and the Conservation team have raised no objections.

### *Contaminated Land*

The Phase 1 desk study report identifies no potential sources of contamination, with the exception of 'made ground' associated with the previous development of the site, and the overall risk from land contamination is considered to be low. The Contaminated Land Team Leader recommends standard conditions in relation to contaminated land.

### *Invasive Species*

Japanese knotweed is present on the site and conditions are recommended to secure a suitable scheme for controlling the invasive species and remediating the site.

### *Waste*

As the proposal is for major development, Merseyside Environmental Advisory Service recommend a waste audit or similar mechanism, such as a site waste management plan, is secured by condition in accordance with policy WM8 of the Merseyside and Halton Waste Joint Local Plan which requires the minimisation of waste production and efficient use of resources.

### *Canal*

The Canal and River Trust recommends a condition requiring details of the retaining wall proposed along the canal side of the development.

### *Broadband*

The National Planning Policy Framework (NPPF) outlines how high quality and reliable communications infrastructure is essential for economic growth and social well-being. A condition is recommended to secure such broadband services for all dwellings within the development in accordance with Local Plan policy IN1 'Infrastructure and Developer Contributions' and the NPPF.

### **Planning Balance and Conclusion**

The proposal will deliver retirement apartments in Maghull for which there is an identified need and will contribute to housing delivery within a 'primarily residential area'. An appropriate contribution to affordable housing is also secured.

Whilst not strictly complying with the Neighbourhood Plan in terms of character areas, the scheme is considered appropriate in visual terms for its canalside setting and location close to the town centre.

The scheme will not have any significant detrimental impacts on the living conditions of existing residents, on future occupiers of the scheme, on matters of highway safety or on landscaping and matters of ecology subject to conditions.

The proposal complies with Local Plan policy and, in the absence of any other material considerations, approval is recommended subject to conditions and the completion of a Section 106 legal agreement.

## **Recommendation - Approve with Conditions subject to the completion of a Section 106 Legal Agreement**

### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

- 2) The development shall be carried out in accordance with the following approved plans and documents:

Drawing No. A001 Site Location Plan

Drawing No. A101 rev B Proposed Site Plan

Drawing No. A107 rev A Proposed Ground Floor Plan  
Drawing No. A108 rev A Proposed First Floor Plan  
Drawing No. A109 rev A Proposed Second Floor Plan  
Drawing No. A110 rev A Proposed Third Floor Plan  
Drawing No. A111 Proposed Roof Plan  
Drawing No. A112 rev B Proposed Elevations Sheet 1 of 2  
Drawing No. A113 rev B Proposed Elevations Sheet 2 of 2  
Drawing No. McC&S-RBL-M-004 rev B Proposed Drainage Layout

Reason: For the avoidance of doubt.

### Before the Development is Commenced

- 3) No development shall commence, including any works of demolition, until details of all wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall include provision for the wheel washing of every vehicle directly engaged in construction/demolition activity prior to it leaving the site and shall be implemented during the course of the entire demolition/construction period.

Reason: To ensure the safety of highway users during both the demolition and construction phase of the development.

- 4) No development shall commence, including any works of demolition, until a Highways Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the demolition and construction phase of the development. If the details are not approved prior to commencement it will prejudice the safety of highway users.

- 5) No development shall commence, including any works of demolition, until a waste audit or similar mechanism, such as a site waste management plan, has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the demolition and construction period.

Reason: To minimise the production of waste and secure efficient use of resources.

- 6) No development shall commence until a method statement showing the extent of Japanese knotweed and a scheme for its eradication from the site has been submitted to and approved in writing by the local planning authority. The method statement shall include:-
  - i. A plan showing the extent of the invasive species,



- ii. what methods of eradication will be used to prevent the plant spreading further, including demarcation,
- iii. what methods of eradication will be used,
- iv. a timetable for its implementation; and,
- v. details of ongoing monitoring.

The scheme shall be carried out in accordance with the approved details.

Reason: The details are required prior to commencement to ensure that Japanese knotweed is eradicated from the development site and to prevent the spread of the plant through development works.

- 7) No development shall commence until the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. Remediation shall proceed in accordance with the approved details.

Reason: The details are required prior to development or site clearance commencing 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.

- 8) No development shall commence until a 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, has been submitted to and approved in writing by the Local Planning Authority. 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. The remediation strategy must be carried out in accordance with the approved details at all times.

Reason: The details are required prior to development or site clearance commencing 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.

- 9) No development shall commence until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the local planning authority. The details shall:

- i. Demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure;
- ii. Provide detailed cross sections showing the distance from the canal to the proposed retaining wall and proposed buildings and relative levels;
- iii. Include the design, depth and means of construction of the foundations of the retaining wall, method for monitoring of vibrations of any piling, together with any other proposed earthmoving and excavation works required in connection with demolition or construction of the retaining wall and building;
- iv. Include details of the drainage layout to be provided as part of the retaining wall to deal with surface water run-off and current or future leaks/seepage from the canal;
- v. Specify how the canal will be protected during the works and include any proposed protective fencing to be erected to safeguard the waterway infrastructure during construction; and
- vi. Specify the method for how the trees on the boundary with the canal would be removed whilst safeguarding the stability of the canal infrastructure.

The development shall be carried out in accordance with the approved Risk Assessment and Method Statement.

Reason: To protect the structural stability of the canal infrastructure.

### **During Building Works**

- 10) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the building are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: These details are required prior to external construction to ensure an acceptable visual appearance to the development.

- 11) 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 shall be submitted to and approved in writing by the Local Planning Authority. 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 28.

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.

- 12) No tree felling, scrub clearance or earth works, shall take place during the period 1 March to 31 August inclusive unless all buildings, trees, and scrub are first checked by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and approved in writing by the local planning authority.

Reason: To protect birds during their breeding season.

- 13) Prior to the erection of any lighting on the site, a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats shall be submitted to and approved in writing by the local planning authority. The approved mitigation strategy shall be implemented prior to occupation of the development and thereafter retained in perpetuity.

Reason: To safeguard conservation of bats.

- 14) The dead tree located in the north-east corner of the site shall be removed during the winter months (November to January inclusive) unless the removal of the tree is directly supervised by a licensed bat ecologist.

Reason: To safeguard conservation of bats.

#### **Before the Development is Occupied**

- 15) No apartment hereby approved shall be occupied until a validation report confirming the remediation treatment carried out on the site in respect of invasive species has been submitted to and approved in writing by the local planning authority which demonstrates that the site has been free from invasive species for 12 consecutive months.

Reason: The details are required prior to occupation to ensure that Japanese knotweed has been eradicated from the development site.

- 16) Before the development is occupied, 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.

- 17) Within the first planting/seeding season following completion of the development, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure an acceptable visual appearance to the development.

- 18) Prior to the occupation of the development hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved before the development is occupied and retained as such thereafter.

Reason: To ensure an acceptable visual appearance to the development and/or to ensure that the privacy of neighbouring occupiers/land users is retained at all times.

- 19) Before the development hereby permitted is first occupied, the windows in the south elevation of that part of the building closest to the boundary with 90 Buckingham Road shall be fitted with obscured glazing, and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: To ensure that the privacy of neighbouring occupiers/land users is retained at all times.

- 20) The use hereby permitted shall not be occupied until a written scheme of noise control for any plant and equipment to be installed on site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: To safeguard the living conditions of neighbouring/adjacent occupiers and land users.

- 21) The development hereby approved shall not be occupied until details of full fibre broadband connections to all proposed dwellings within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any dwelling in accordance with the approved details.

Reason: To ensure adequate broadband infrastructure for new dwellings and to facilitate economic growth.

- 22) The development shall not be occupied until a minimum of two electric vehicle charging points have been installed and are made available for use within the development as permitted. The approved infrastructure shall be permanently retained thereafter.

Reason: To facilitate the use of electric vehicles and to reduce air pollution and carbon emissions.

- 23) a) A scheme of works for the proposed vehicular and/or pedestrian access shall be submitted to and approved in writing by the Local Planning Authority.
- b) No part of the development shall be brought into use until a means of vehicular and/or pedestrian access to the site/development has been constructed. These works shall be in accordance with the scheme approved under (a) above.

Reason: In the interests of highway safety.

- 24) The development shall not be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i. New pedestrian tactile dropped crossing on either side of the junction into Liverpool Road South; and
  - ii. Updated bus stops adjacent to the new development on both sides of Liverpool Road South via Merseytravel.

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

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

- 25) 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.

- 26) No part of the development shall be brought into use until space and facilities for cycle parking have been provided in accordance with the approved plan and these facilities shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 27) The development shall not be occupied or brought into use until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local

Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In order to meet sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

- 28) Before any part of the development hereby permitted is occupied/brought into use a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to and approved in writing by 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.

### Ongoing Conditions

- 29) The development shall not be occupied until a scheme and appropriate scaled plan identifying suitable locations on the site for the erection of bat boxes together with a timetable for implementation has been submitted to and approved in writing by the local planning authority. The approved scheme of bat boxes shall be installed in accordance with the approved details and timetable.

Reason: To safeguard conservation of bats.

- 30) The occupation of the apartments shall be restricted at all times to people of 60 years and above or those over that age with a spouse or partner of at least 55 years old.

Reason: To accord with affordable housing policy.

### Informatives

- 1) This permission is subject to a Section 106 legal agreement.
- 2) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail [snn@sefton.gov.uk](mailto:snn@sefton.gov.uk) to apply for a street name/property number.
- 3) 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 Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk) for further information.

- 4) Bats may be present in your building. Bats are protected species. If you discover bats you must cease work immediately.
  
- 5) 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 8 and 9 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 12 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.