

Report to: PLANNING COMMITTEE **Date of Meeting:** 19 January 2022

Subject: [DC/2021/02486 & 02487](#)
[Former Birkdale School for the Hearing Impaired, 40 Lancaster Road, Birkdale, Southport PR8 2JY](#)

Proposal: DC/2021/02486 (planning application) - Construction of 147 units of extra care accommodation in six new blocks and within the listed building, including the provision of ancillary accommodation and facilities in the listed building; the reconstruction of part of the listed building destroyed by fire; the repair and works for the conversion and extension of the listed building to the proposed use, including the demolition of some extensions to the building and detached curtilage buildings; repair of brick boundary wall; creation of a new access from Lancaster Road; construction of internal access roads and hardstandings for car parking, landscaping.

DC/2021/02487 (listed building consent) - Listed Building Consent for internal and external alterations including repairs and extensions to the Listed Building and works to the boundary wall.

Applicant: Birkdale Retirement Village Ltd **Agent:** Mr. Paul Sedgwick
Sedgwick Associates

Ward: Dukes Ward **Type:** Major application

Reason for Committee Determination: Petition endorsed by Councillor Pugh

Summary

The proposals seek planning permission and listed building consent for a Class C2 (residential institutions) Extra Care development on the former Birkdale School for the Hearing Impaired, Lancaster Road, Birkdale.

The report, and the circumstances relating to the site, raises a variety of complex issues. Many of these issues run parallel to those relevant when planning permission and listed building consent were last granted for a smaller Extra Care scheme in December 2018 (referred to throughout the report as 'the 2018 permission'. As such, the headline points are as follows:

1. The school was last occupied in 2003 and has since fallen into a dreadful condition, with the principal Grade II building (known as 'Terra Nova') severely damaged by fire in May 2010. Approximately a third of the building, the right hand side elevation facing towards Lancaster Road, has been razed to the ground, and the remainder has been

exposed to a number of freezing winters which have contributed further to the deleterious condition of the building's interior.

2. Works have now commenced on the listed building in accordance with the planning permission and listed building consents already granted meaning that restoration and refurbishment is already under way on site. The works are certified as lawful.
3. There have been previous unsuccessful attempts to develop the site in the period since. Most notably, an application for conversion of the listed building and the development of a large part of the grounds for residential development was dismissed at appeal in 2015. This followed a previous scheme which also went to appeal but was withdrawn in June 2012.
4. The current proposal seeks to convert, extend, refurbish and remodel the listed building, with new build development within the grounds to facilitate a C2 'Extra Care' use, for over 55s with a professionally recognised health care need. The main listed building offers a range of communal facilities for all occupiers.
5. The new build components are more extensive than those provided for by the 2018 permission, and the rationale is explained in the main report.
6. The end user is confirmed to be Cinnamon Care Ltd. As such, an identified care provider and finalised model is explained in the report, which in part informs the Section 106 Legal Agreement (point 22 below).
7. The report discusses in detail the differences between this use and conventional dwellings, which is of significance in particular having regard to Council policy on affordable housing.
8. On the basis that the end use is accepted as C2 'Extra Care', the principle of development is acceptable in policy terms, as the significance of restoring the heritage asset is considered to outweigh some minor conflicts with the Local Plan and the National Planning Policy Framework ('the Framework') in relation to recreational use of the land, for reasons explained in the main report.
9. In 2020, case law emerged from a case in Oxfordshire (*Rectory Homes Ltd v SoSHCLG and South Oxfordshire DC [2020] EWHC 2098 (Admin)*) for an extra care development of 78 units, which serves to confirm that any requirement for affordable housing is based on the precise wording of planning policies rather than what use class the scheme falls under.
10. In the light of the case law at (9), the applicant agreed that Policy HC1 of the Local Plan should be ascribed weight and in accepting that requirements for affordable housing are applicable, submitted a viability report.

11. The conclusion of the Council's retained viability consultant is that not only would the scheme prove unviable if any affordable housing was provided, it is barely viable even without such provision.
12. The development impacts on key heritage assets, most notably the listed former school building, and the West Birkdale Conservation Area. The report comments in detail on the heritage significance of the site and the key heritage points. Most significantly, the deteriorated state of the asset is acknowledged, but not considered in making the final heritage assessment (the Framework paragraph 196).
13. The development causes 'less than substantial harm' to heritage assets, and this harm must be weighed against the public benefit derived from bringing the listed building back into use.
14. The new build designs are exciting and contemporary in nature.
15. Historic England have raised no objection to the proposals.
16. The proposal gives rise to the need for a comprehensive landscaping approach to reflect the new use, both responding to and informing new building layouts and the opportunity to better reveal heritage assets and open up key views of the building.
17. The proposal has been subject to review by highway colleagues, and with some slight modification to improve pedestrian connections to Granville Road, is acceptable in relation to parking provision on site, accessibility and overall highway safety.
18. Where impacts have been identified on neighbouring properties, these have been reviewed in conjunction with immediately affected residents and the applicants during the process, and no significant harm is considered to arise to neighbouring properties as a result.
19. Open space to the site frontage, though visible from Lancaster Road, is set below the carriageway level within a new landscaping framework and will benefit all future occupiers. There are also landscaped areas to the rear of the four new blocks A-D, set behind parking courts.
20. Detailed drawings are provided in relation to the listed building conversion, ensuring the finer detail of the internal conversion is understood and can easily be monitored over the duration of the application's implementation.
21. A full range of ecological surveys have been produced, which raise no fundamental points of concern, and the applicant has reviewed the implications of the development

in relation to recreational pressures of the Sefton coastline. A number of mitigation measures have been incorporated into the scheme as a result.

22. The applicant will enter a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) committing to a phasing plan which will ensure that the listed building is restored and constructed at an early stage; this is necessary for the scheme to work in any event as without the communal facilities in the building, the new build blocks serve no purpose for end users.
23. The report properly balances the acknowledged heritage harm against the public benefits of the proposals, most notably facilitating the re-use of the listed building and providing much needed Extra Care accommodation and does so having regard to the relevant statutory tests.
24. All other policy and material planning considerations give weight to the conclusion that the proposal is acceptable once all relevant matters have been assessed.

The conclusion from the above points is that planning permission and listed building consent should be granted for the proposals.

Recommendation:

DC/2021/02486 - Approve with conditions subject to:

- a) completion of a Section 106 Legal Agreement, and
- b) agreement of Natural England to the final Habitats Regulations Assessment

DC/2021/02487 – Grant listed building consent with conditions.

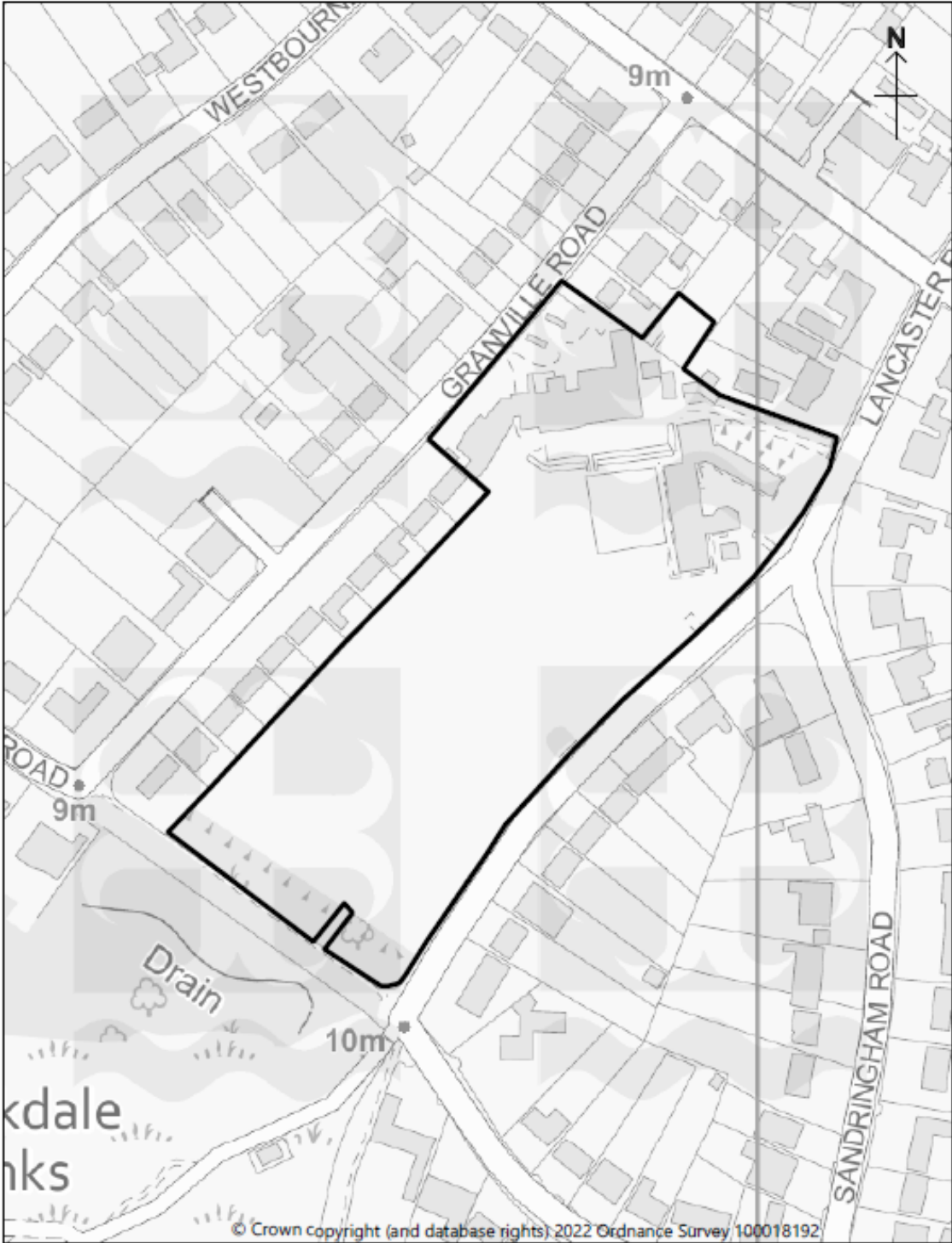
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Application documents and plans are available at:

Site Location Plan



Sefton Council



Reference: Map reference
Date: 10/01/2022
Scale: Scale: 1:2500
Created by: Initials

The Site

The site lies around 0.9 km west of Birkdale local centre and comprises the former Birkdale School for Hearing Impaired Children. The school closed in 2003 and is occupied by a Grade II listed building on the north east side ('Terra Nova') and a later separate building constructed in the 1970s.

Part of the former school fields fronting Granville Road was developed with 11 dwellings in 2000. This was subject to a Section 106 Legal Agreement, which sought to ensure grass cutting and lining of cricket and football pitches comprised within the land, and tree planting along the Lancaster Road frontage.

The listed building and the other buildings to Lancaster Road suffered extensive fire damage in May 2010. The remainder of the site largely comprises unkempt green area and varied groupings of trees. The fields are sunken a couple of metres below the carriageway level to Lancaster Road.

If optimum condition was to be assumed, the site is a positive feature of the conservation area. However, its long term lack of maintenance and stewardship has led to significant degradation.

The surrounding area is characterised by residential property of mixed era, spacious layout with low density and individual design. Much of the built form is from the interwar period adopting varying styles including gothic, modern revival and arts and crafts styles.

To the south west of the site lie Birkdale Hills and the Royal Birkdale Golf Links.

History

Planning permission was granted in May 2000 for the erection of 11 two storey dwellinghouses with garages fronting Granville Road.

An application to convert the former school building to form 27 apartments including internal and external restoration and alteration, erection of 16 detached two storey dwellings, new and revised access from Lancaster Road, parking, landscaping and public open space was refused in March 2011 and the appeal was eventually withdrawn in June 2012. (S/2010/1671).

In 2013 a further application was submitted for conversion to form 27 apartments, and 30 dwellings in the grounds. The applicant appealed against the non-determination of the application and this appeal was dismissed in September 2015. (S/2013/0890)

Planning permission was subsequently granted in November 2018 for 113 units of extra care accommodation in six new blocks and within the listed building alongside associated car parking, access and landscaping (DC/2018/00607). The pre-commencement planning conditions for this application have been approved and a lawful start has been made to this development on site which was confirmed by a certificate issued on 14 October 2021 (DC/2021/02356).

Consultations

Highways Manager – no objections subject to conditions

Environmental Health Manager – no objection subject to suggested conditions for acoustic protection to car parks and noise from plant/equipment

Contaminated Land Manager – no objection

Natural England – further consultation response awaited having regard to Habitats Regulations Assessment

Merseyside Fire and Rescue – no objections

Flooding and Drainage Manager – comments awaited

Cadent Gas – no objection

Merseyside Environmental Advisory Service – no objections subject to conditions and completion of HRA review by Natural England

Police Architectural Liaison Officer – no objections but suggestions on boundary treatments and hard surfacing

Tree Officer – further landscaping plan requested

Historic England – no objection

Twentieth Century Society – no comments received

The Georgian Group – no comments received

Society for the Protection of Ancient Buildings – no comments received

Victorian Society – no comments received

Council for British Archaeology – no comments received

Historic Buildings and Places - no comments received

United Utilities – no comments received

Representations

A petition of 56 signatures has been provided objecting to the application and is endorsed by Cllr John Pugh. Cllr Sir Ron Watson and Cllr Prendergast have also written broadly expressing support for the principles but raising concerns over specific details relating to site layout, density and impacts on nearby residents.

Around 20 individual representations have been received from residents of Granville Road, Sandringham Road and Lancaster Road. These all object to the proposals, though some express more general support for the principle of securing the site's future. Some comment that they had supported the original plans but cannot support these due to the changes to height and design and proximity to properties compared with the 2018 permission.

The objections are based on the following main points:

Design – many objections comment on the design which is seen to be poor, does not reflect the character of the local area, far from appealing, too high with blocks no longer recessed, square, angular buildings with little detail, an eyesore, more like what would be envisaged in a city environment.

Design should give consideration to two storey blocks more centrally located, A design with red brick and traditional windows would be supported, development too great a contrast, inappropriate materials (use of grey bricks inappropriate)

The previous two storey Block E now three storey, will dominate Lancaster Road, increased number of occupiers is presumed to be down to Block E. Developer has claimed that building heights are unchanged from previous.

Plans fail to create well-connected, attractive outdoor areas for local residents

Impacts on adjoining properties – proposed windows and balconies will cause unacceptable overlooking of properties particularly on Granville Road and Sandringham Road respectively and in some instances, a serious loss of privacy is cited. Also claims of loss of light, and sunlight in particular from the new apartment blocks.

Heritage - Development is uncharacteristic of wider conservation area, key vista point from Lancaster Road looking across to Terra Nova has been moved since the 2015 permission. Conservation comments relate to the listed building but not to the impact on Conservation Area

Other general comments and objections are raised as follows -

- Development results in 'over development' of the area.
- Concern over construction traffic passing nursing homes on Lancaster Road and Grosvenor Road
- Insufficient room for tree planting
- Insufficient greenspace
- Increased pressure on junctions and traffic accident blackspots
- Noise from parking to the rear of properties
- Impacts on local drains and sewers
- Impacts on ecology and wildlife
- Proposals reflect an attempt to get an initially acceptable development but replace it with an alternative that is wholly out of character
- Proposals bring interference with the European Convention on Human Rights, notably, Articles 6 and 8
- Query raised as to whether new hedgerow would replace the existing to rear of Granville Road, concerns over removal or allowing it to grow inappropriately
- Proposal will bring strain on medical and health care facilities
- A nearby development at Oxford Road has come to a halt - should this not be prioritised?
- Works must prioritise the listed building above the new build components.

Policy Context

The application site is designated as an Education and Care Institution by the Sefton Local Plan adopted by the Council in April 2017. Policy HC7 'Education and Care Institutions' is therefore relevant and point 3, which refers to sites formerly in use as schools, colleges or care institutions, states that:

"Development for an alternative use which is compatible with the surrounding area is acceptable in principle, where appropriate evidence is provided that the institution and its ancillary facilities are surplus to recreational requirements."

Subject to that assessment being undertaken and provided there is no conflict with HC1 'Affordable and Special Needs Housing' there would be no planning policy objection to the proposal in land use terms.

Policies NH5 'Protection of Open Space', NH9 'Heritage Assets' and NH11 'Works Affecting Listed Buildings' are also of significance as are the related provisions of the National Planning Policy Framework.

Assessment of the Proposal

KEY DIFFERENCES BETWEEN 2018 PERMISSION AND CURRENT PROPOSAL

The proposals largely replicate the already approved proposals for the listed building itself. The main changes to the scheme are in respect of the free standing blocks, providing for supported living units (SLUs) and, as set out in the applicant's Planning Statement, involve the following:

- Redesign of all new blocks and providing a more formalised high quality landscape setting
- Increasing accommodation from 113 to 147 units;
- Extending new Blocks A – D towards the site boundary to increase floorspace without impact on the setting of the listed building;
- Re-siting Block E to respond better to the listed building and the formal gardens and lawns in front of it.

The applicant states that there are no changes proposed to the operations of the business. On site care and support is retained as well as the shared facilities available to all residents. Shared indoor accommodation is provided on the ground floor of the listed building and includes a restaurant, bar, lounge, courtyard garden, treatment rooms, library, hair dresser, gym and activities room, laundry, reception, management and staff accommodation.

The residential accommodation will be in the form of assisted living units (ALUs) and are for people relying most heavily on support services and shared facilities such as the restaurant. They are to be provided within the listed building and the attached Block F, so that they are close to the carers and the shared facilities.

The Supported Living Units (SLUs) are for people who require care but are less dependent. The approved layout was informed in part by the siting and extent of existing development associated with the listed building. These developments are being replaced with new residential blocks – E and F, although the siting has been altered a little to respect views of the listed building from Lancaster Road and also to ensure that new development is visually and structurally separated from the historic structure.

Four additional blocks (The Villa blocks A-D) are to be constructed and take the form of a crescent located towards the southern end of the site. They are functionally linked to the core facilities in the listed building whilst the degree of separation from it respects its setting and character, and frame the panoramic views of it from Lancaster Road, an important element of the conservation area. The grounds between the listed building and Lancaster Road will be managed to retain the view of the school over landscaped greenspace.

It had been hoped that the 2018 permission would come to full fruition, and this scheme offered an excellent solution for the site bringing the listed building back into full use and new built form that would offer an enhanced setting whilst being fully respectful of the presence of existing adjoining occupiers. As this development will not proceed, it is necessary to explain why a larger scheme is contemplated in the present.

The 2018 permission was promoted by Octopus Investments and their architects on the basis that they would fund the development of the scheme. Therefore, the current consented scheme and mix of units was formed by Octopus on this basis. However, the deal was never completed as the economics of the scheme was found subsequently not to work. This mainly due to the huge cost of renovating the Listed Building, which in addition to the necessary basic infrastructure is understood to require £30m investment before one single sale takes place.

The applicants then explored the possibility of bringing forward the 2018 permission with another developer but received substantial and consistent feedback on it as follows:

- The mix of units was wrong. The Assisted Living Units (intense Care generally for one senior adult) needed to be 80% 1 beds of a certain size where the previous development had units of two bed size representing 75% of the mix.
- The communal space offering for services and support was also too small to be a successful operation. Likewise with regard to the supported living units, which needed to be 75% 2 beds as opposed to being entirely 2 bed.
- Operationally, there needs to be staff to support the number of residents and at 113 units it never worked efficiently. The staff costs were identified to be too great for this number of residents. At one stage, the applicant had contemplated introducing a further block for extra massing but it was made clear by officers that development must rely on the broad basis of what had already been approved, with the views across the listed building retained, and this leading to the exploration of further space behind the approved blocks.

The applicant has also highlighted issues associated with the ongoing Covid pandemic. They indicate that infection control has created a massive problem and concern in senior living and care residences. The pandemic creates a much larger and critical sensitivity to this care environment. As such, the scheme has been designed in such a way that it would reduce the possibility of infections: -

- Shortened journey distances internally for a resident to gain access to their apartment
- Ability for residents to pass each other in the hallway and stay socially distanced
- Improved outside access and grounds
- Increased cleaning staff to sanitise every 3 hours of the day.

Without this confidence of the best design to reduce, if not eliminate, potential infections the applicant has indicated that they could not possibly expect to sell the units. It would have been unlikely within the 2018 permission that these measures could have been put in place.

Issues with the pandemic have also led to increasing the level of communal space for services as well as infection control measures in extra spaced hallways, which has placed a huge burden on to the viability of the scheme; the efficiency of net to gross floorspace obviously declines.

The current scheme has allowed for a suitable balance between all of these factors to propose a viable and deliverable scheme in massing, offset of listed building restoration costs and efficiency in its operation which will work ad infinitum. The applicant is committed to the scheme as submitted and the funding is earmarked for the plans presented. It is envisaged that marketing would commence in the Spring should permission be forthcoming.

This summary reflects the rationale behind the changes to the scheme. In practice, there is increased number of 1-bed units within the supported living accommodation, and the total number of bedrooms equates to 231 in the present scheme vs 223 in what has been approved, an increase of eight.

STATUTORY TESTS APPLICABLE TO DETERMINATION OF APPLICATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that, where regard is to be had to the statutory development plan in determining an application for planning permission, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confirms that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Act states that with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In addition, Section 16 (2) of the Act requires that when considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Within this context, 'preserving' means to do no harm. These provisions inform paragraphs 199 and 206 of the Framework and confirm that great weight must be afforded to the heritage impact of the proposals. To do so, it is important to understand the significance of the heritage assets, and this is explained in further depth later in the report.

USE CLASS

Clarification of Use – the distinction between Use Class C2 (Residential Institutions) or C3 (Dwellinghouses)

Typically, 'Extra Care' housing is for people whose disabilities, frailty or health needs make ordinary housing unsuitable but who do not need or want to move to long term care (residential or nursing homes). This can give rise to tension over the precise use class in which such premises sit, whether Use Class C2 (residential institutions) or C3 (dwellinghouses), or possibly in extreme cases, sui generis i.e. not falling within any single use class as defined by the Town and Country Planning (Use Classes) Order 1987 (amended) (referred to as 'UCO').

Care homes and housing for the elderly may often be classed under Use Class C3 (dwellinghouses) if they do not provide the features usually associated with a residential care facility. However, this proposal is put forward on the basis that it would fall within Use Class C2 under the UCO.

This would give rise to it being exempt from, notably, the requirement for affordable housing provision, and education contributions (the latter as it is intended for over 55s).

The application was submitted prior to the Council adopting the Supplementary Planning Document 'Affordable and Special Needs Housing and Housing Mix' in June 2018. However, it is still nevertheless a relevant material consideration. The SPD sets out a number of conditions to be met in order for a proposal to be considered C2.

- The accommodation must be restricted to households where at least one member is in need of care and aged 55 years or over,
- Each resident in need of care must commit to a minimum care package that provides the equivalent of at least 2 hours of weekly personal care and this should be additional to any service charge,
- The proposal should include a number of communal facilities that demonstrate that the development, when taken as a whole, is clearly intended to provide residential accommodation to people in need of care. This may include, but not be restricted to:

- Communal lounge
- Kitchen/dining room
- IT room/library
- Community room
- Staff areas and office
- Treatment rooms
- Hairdressing salon
- The individual units within the proposal can be self-contained (i.e. have a kitchen, bathroom, separate entrance, lockable front door etc.) as the scheme as a whole will be considered to determine what Use Class it is, taking into account the points above.

The matter has been reviewed in detail throughout the application process, with the above criteria in mind. All of the above criteria are met, with the exception that any resident in need of care must commit to minimum package of 1½ rather than 2 hours. The care on offer is not only fully identifiable but capable of being readily secured through a Section 106 Legal Agreement.

Occupiers would be subject to an initial health assessment undertaken by an appropriately qualified and experienced person on behalf of the Owner, to establish the occupier(s) care needs. This would also determine the level and type of care/support required and ensure that the accommodation and care/support services provided are appropriate to those needs. Ongoing health assessments would have to be made to ensure that the level of care and support, and the accommodation provided, remain appropriate to needs as assessed.

The care would take a variety of forms, including, but not limited to, assistance with personal hygiene, dressing and undressing, preparation of meals, ordering or collection of medication, bill payment, and maintaining contact with family members. Assistance would also be available for residents with impaired mobility or medical needs or who may otherwise require such assistance due to age or ability with household chores and errands, including assistance with cleaning and laundry, and assistance with the delivery and collection of post/parcels to maintain contact with family members, and or to pay bills and to facilitate independent living.

A variety of other factors put forward are considered to support the view that the proposals constitute a C2 rather than a C3 use:

- The apartments are of a larger size than would be expected for standard open market housing, with generous facilities for manoeuvring space and accessibility
- There is lift provision to each of the blocks to maximise accessibility; though these can be provided for residential development and may be considered desirable, they are not a specific requirement for Class C3 dwellings
- Main Entrance doorways will have powered openers for ease of entry/exit.
- Each apartment is fitted with a nurse call system

- Windows on the new blocks have lowered sills to permit views from a seated position or bed
- Solid structural soffits permit easier retrofitting of hoists, which would not as a matter of course be provided for Class C3 dwellings
- Standard features supportive of elderly living will also be provided as a matter of course, such as wider apartment entrance doors and higher socket positions
- Showers will be level threshold with the ability to easily remove features to help with assisted bathing, as well as being set up to accommodate wall mounted seating or grab rails.

The application demonstrates that the design of the submitted scheme has been informed by the requirements of the Care Quality Commission (CQC), and the need to meet the care needs of future residents. Included within the proposals is a commitment to delivering required care on site in-house 24 hours per day. Medical care will be provided on site and a range of care packages for residents will be available.

The granting of planning permission would be subject to a planning obligation confirming that the owner/developer must ensure that a domiciliary care provider, registered with the CQC, is based on site and services are available to residents 24 hours a day every day of the year for as long as the scheme is occupied.

Additionally, all residents are contracted to receive, as a minimum and for the duration of their occupancy, an entry-level personal care package (expressed as access to an emergency care package). This would be through an additional service charge to each occupant over and beyond that anticipated by non-institutional accommodation.

It will also be necessary to ensure that communal accommodation not contained within the listed building is available for all end users. The development does not seek to wholly depart from the concept of independent living but would offer communal facilities which facilitate assisted living meeting the needs of the occupants whilst allowing for their social well-being and interaction with the outside world.

In conclusion, the nature of the care being provided has been thoroughly assessed and is readily quantifiable through a Section 106 Legal Agreement. Subject to this being set out via the heads of terms expressed elsewhere in the report, it is considered that the proposal, whilst not quite complying with the minimum care package set out in the SPD, falls under Use Class C2 of the 1987 Town and Country Planning (Use Classes) Order (amended). This reflects the fact that the characteristics of the proposal must be considered in combination and when taken as a whole the proposal is clearly intended for over 55s in need of care. The application and its impacts are, from there on, assessed against this premise.

PRINCIPLE OF DEVELOPMENT IN LAND USE PLANNING TERMS

The site is designated as land within educational and care institution. As such, Policy HC7 of the Local Plan is relevant. This confirms that development for an alternative use which is compatible with the surrounding area is acceptable in principle, where appropriate evidence is provided that the institution and its ancillary facilities are surplus to recreational requirements (Policy NH5).

Policy NH5 'Protection of open space and Countryside Recreation Areas' is relevant, notably part 1b which states that development on open space is acceptable where an assessment has shown the public open space or outdoor sports facilities to be surplus to requirements, and 1b ii) where the loss of such facilities would be replaced by equivalent or better provision.

As set out in paragraph 11.71 of the explanation to policy NH5, this policy covers outdoor sports facilities used by local teams and sports leagues even if there is no general, formal public access.

The site was bound by a Section 106 Legal Agreement dated May 2000 and signed by the Council and the Birkdale School for Hearing Impaired Children which required Birkdale School to prepare and mark out the existing football and cricket pitches on the site, and to allow, by agreement, 'properly constituted and affiliated clubs teams or other [local] schools' to use the land and changing facilities outside school hours.

The Planning Statement notes that: "These works were carried out and the site was used from time to time as specified in the obligation. However, there was no requirement to continue to maintain the land as playing fields and following the closure of the school [in 2003], the land has not been managed as pitches and is now unsuitable for such use. Additionally, the changing facilities referred to have become wholly unusable. The obligation depended on the school use for maintenance of pitches and provision of changing facilities...."

Though the Section 106 Legal Agreement is a material consideration, it is agreed that, prior to the school closing 18 years ago, managed access by local recreation clubs was allowed, subject to agreement. However, there has been no such access allowed since the school closed in 2003. Additionally, changing facilities were provided within the school, and that is no longer practical. It is therefore agreed that no recreational use of the site has taken place since at least 2003.

In 2015, an appeal was dismissed in relation to application S/2013/0890 for the conversion of the former school to form 27 apartments (including internal and external restoration and alteration), erection of 30 dwellings, new and revised access, parking landscaping and public open space.

The Inspector's letter stated: "Paragraph 74 of the Framework [the 2012 iteration] also indicates that existing open space should not be built on unless, among other things, the land

is surplus to requirements. I am aware that the site was used for sport by outside bodies while the school was in operation, and indeed there is still a planning obligation in place that requires it to be allowed to be used in this way. There has been some interest in using the site for sports, and this was affirmed at the inquiry by Southport and Birkdale Sports Club. However, no expression of interest has been taken forward and there is no ongoing requirement for the owner to maintain the grounds or apparently any willingness of an outside body to do so”.

The appeal Inspector’s conclusion that “I was not presented with convincing evidence of need or of a shortage of open space to convince me that the whole of the space should be retained for sports or recreation” is noted. The Inspector went on to determine the application despite the planning obligation being in place.

However, the Council’s most recent Playing Pitch Strategy (2016) refers to this as one of a number of sites “currently not in use and, therefore, classified as disused/lapsed sites”. Under ‘current status’ the Playing Pitch Strategy states that this is a “Lapsed playing field site last used approx. 12 years ago. ...”. For the application site, the Playing Pitch Strategy’s ‘recommended action’ is to: “Explore opportunities to bring the site back into use to meet identified shortfalls in the Assessment.

Alternatively, if bringing the site back into use is not feasible or sustainable or disposal of the site is inevitable, it must meet the requirements of the second criterion of paragraph 99 of the Framework [in effect, part 1 b ii of Local Plan policy NH5]. This requires replacement provision of an equivalent or better quantity and quality in a suitable location.

The Playing Pitch Strategy identifies a shortfall of youth [grass] football pitches and a shortfall of three full size 3G pitches in Southport (and a shortfall of at least 11 full size 3G pitches across Sefton). No requirement for either additional cricket or hockey pitches is identified in Southport.

For football, given the appeal Inspector’s 2013 conclusions and that the last formal recreational use of the pitches on the site was 2003 at latest, it is considered unreasonable to require compensatory provision of a football pitch as recommended by the 2016 Playing Pitch Strategy.

Thus while the proposal may not meet a strict application of the ‘tests’ in paragraph 99 of the National Planning Policy Framework and Local Plan policies HC7 ‘Education and care institutions in the urban area’ and NH5 ‘Protection of open space and Countryside Recreation Areas’, it is considered to be unreasonable to meet these tests given the specific issues faced by this site.

As there is no identified cricket shortfall in Southport in the 2016 Playing Pitch Strategy, and given the site-specific issues as above, it is considered that any former cricket pitches on the site are surplus to requirements and that their loss is acceptable in terms of Local Plan policies

HC7 'Education and care institutions in the urban area' and NH5 'Protection of open space and Countryside Recreation Areas'.

In summary, it is considered in this case that there is an overwhelming need to ensure that the heritage asset is restored, provided it meets the relevant heritage tests set out below. The site has been vacant since 2004, and the listed building has long since been a liability, subject to repeated complaint over its condition, vandalism, anti-social behaviour, and with no hitherto acceptable approaches to its restoration.

It is also emphasised that there is an extant permission in place for development of the wider grounds too, which would further limit the weight that can be given to the issues associated with preserving the playing field.

For this reason, the minor deviation from the above planning policies is considered to be outweighed by the need for development that will secure the long term future of the heritage asset. To this degree, the provisions of Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 are afforded great weight.

HERITAGE ANALYSIS

The building and former playing fields are a recognised 'designated heritage asset' as set out by the provisions of the National Planning Policy Framework and the following paragraphs set out the required approach to assessing heritage impact.

It is important to firstly understand the significance of the heritage assets. The impact of the proposed development on the heritage asset must then be quantified, before reaching a conclusion having regard to the relevant heritage related statutory and policy tests.

Significance of Heritage Assets – Conservation Area

The Council designated West Birkdale Conservation Area in October 1988. It is located due west of Birkdale Village and north of Royal Birkdale Golf Links and covers an area of late Victorian development. The attractive Victorian and Edwardian buildings are abundant within the conservation area. Characteristically these are large houses with long gardens, some of which have been converted into flats. Later buildings are of a more romantic style composed of brick with steeper roofs and half timbering in attractive and ingenious combinations.

In some cases, round towers gave a touch of fairytale castle architecture, and an example of this can be found at no 3 Grosvenor Road. The revival of Tudor/Elizabethan style with smooth red Accrington brick and black and white half-timbered upper floors marked the development of late Victorian houses in the 1880s and lasted through to the 1930s. Development spread from Lulworth Road, Beach Road, Westbourne Road, Grosvenor Road, Lancaster Road, and Waterloo Road towards Selworthy Road.

The conservation area was designated because the character of the Victorian and Edwardian section of the park was being gradually eroded by the loss of original buildings, trees and Southport pavements. In addition, developments of flats, by their form, scale and materials, paid scant respect to the street scene and the character of the area.

The character of West Birkdale Conservation Area is linked to the impressive range of late Victorian and Edwardian buildings, and its connection with the development of Birkdale Park. The conservation area is notable within the Birkdale Park area for its relatively late Victorian and Edwardian houses set in large gardens, Southport pavements, brick boundary walls and mature trees.

Significance of Heritage Assets – Listed Building

The 'Terra Nova' building was deemed by English Heritage (now Historic England) to be of national importance in terms of its architectural and historic interest and as a result was included in a list compiled by the Department for Culture, Media and Sports (DCMS) in July 1999 as a formally designated Listed Building.

The building was constructed in 1902 and purposefully designed for the specific use as a boarding school including the laying out of playing fields. The design is of a simplified Queen Anne style by the local architect Edward Shelbourn and was extended by him in 1908.

The school appears to have been positioned in an impressive open landscape context to give the boarding school a sense of grandeur, whilst also utilising the space as playing fields and to obtain maximum sunlight throughout the day due to its south facing axis. Its use as a school, albeit from a public boarding school to a school for the partially hearing was uninterrupted from 1902 until its closure in 2003, (other than use of the building as a Central National Registration Office when requisitioned during the second world war).

Within this context, for the building's setting to be properly maintained, it is clear that the scale and grandeur of the building should be commensurate with the spaciousness of its open landscaped setting and the views afforded to it.

West Birkdale Conservation Area – Conservation Area Appraisal

The West Birkdale Conservation Area appraisal (2008) explains in considerable further detail key characteristics of the conservation area.

The appraisal notes that "the perpendicular streets of Grosvenor Road and Westbourne Road largely set out the spatial character of West Birkdale Conservation Area. Grosvenor Road runs through the heart of the area and is the principal point of access. The conservation area is generally flat with no one natural focal point with buildings of a consistent density and size throughout.

The appraisal also comments that views of specific buildings are not generally important to the West Birkdale Conservation Area as there is very little hierarchy between the older buildings. The only one 'feature' building and the exception to this rule is 'Terra Nova', the former school building, due to its significantly larger size and open grounds.

Views towards its prominent south facing elevation are identified a critical part of the character of the conservation area. At present, though tree cover has become more established to Lancaster Road, the building can nevertheless be appreciated from long distances with the field in the foreground and comes into sharper focus travelling in a north easterly direction up Lancaster Road.

Many of the roads gradually curve, progressively revealing the buildings, whereas in other instances, straighter sections of roads display a large number of houses together. In these views the continuity of the building form and style is particularly important.

The regularity of the housing in West Birkdale opens up to a wide grassed area to the south and south-west of Terra Nova (the former school for the partially hearing). This open area of greenery adds considerably to the 'green' character and sense of spaciousness in West Birkdale.

The site is recognised as one of those areas where the general grain and pattern of built form prevailing in the remainder of the conservation areas breaks down.

The appraisal confirms that most buildings throughout the conservation area are of a consistent height and comments that where there is a sudden change of scale in a street it can have a detrimental effect.

It is important that any development of the site responds positively to these identified characteristics. Given the school building is identified as the only primary landmark in the area, it is important that development does not serve to reduce its prominence as a primary feature and the unique setting of the building within the conservation area becomes all the more important to retain.

Assessing the Heritage Impact of Development

Policy NH9 'Heritage Assets' point 3 (c) refers to the spacious planned character of Victorian and Edwardian suburban conservation areas including Birkdale as a strategic priority for safeguarding and enhancing.

Point 4 confirms that designated heritage which is 'at risk' will be a priority for action. Opportunities to secure enhancements to safeguard and sustain these assets will be expected to be taken.

Point 5 confirms that proposals affecting Sefton's heritage assets and their settings should ensure that features which contribute to their significance are protected from losses and harmful changes. Development should therefore:

- Secure the long term future of the heritage asset,
- Be designed to avoid harm,
- Be of a high quality design which is sympathetic to the historic context of the heritage assets affected,
- Incorporate proposals for proper repair and re-instatement of historic features and/or involve work which better reveals the significance of Sefton's heritage assets and their settings, and;
- Where losses are unavoidable, a thorough analysis and recording of the asset should be undertaken.

Policy NH11 'Works affecting listed buildings' refers to a series of criteria which confirm that new development affecting the building's setting must respect and conserve historic and positive existing relationships between the listed building and its surroundings. Development which harms elements that contribute to the significance of a Listed Building or its setting will not be permitted, unless it can be demonstrated that public benefits outweigh the harm.

For reasons explained in the next section on 'Impact on Heritage Assets', the scheme does not fully meet the provision of the Local Plan. As such, the heritage related provisions of the National Planning Policy Framework apply. It must therefore be established whether or not the proposals constitute sustainable development within the context of the Framework paragraph 11 in which case the principle could be acceptable.

Paragraph 11 footnote 7 refers to policies in the Framework with (in part) reference to "designated heritage assets". In view of the impacts on designated heritage assets, it is therefore necessary to consider whether the heritage based paragraphs of the Framework below comprise restrictive components.

Paragraph 196 of the Framework states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. This is clearly the case in this instance. Therefore, heritage analysis cannot regard the restoring of the heritage asset, notably, the rebuilding of the fire damaged third, as a benefit, because it would endorse wilful neglect of the asset itself. The re-use of a vacant building on the other hand, can, in my opinion, be considered beneficial, and the listed building was vacant for several years prior to it being fire damaged.

Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the Framework goes on to confirm that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As a result of the above paragraphs, it is necessary to weigh the 'less than substantial harm' identified against any public benefits that may arise. If the public benefits of the proposal outweigh the identified harm, it may be concluded that planning permission should be forthcoming subject to compliance with all other relevant policies and material planning considerations.

Impact on Heritage Assets

The applicant has modelled their development on the basis that a total of 149 units are required and has centred the communal facilities on the Listed Building, whilst carefully considering the size, scale and position of all new buildings to ensure the least amount of harm.

As per the 2018 permission, clear sightlines have been maintained to the former school building, consistent with those identified to be significant at the 2015 Public Inquiry, retaining the relationship between the building and its grounds. The quantity of development is greater than that offered by the 2018 permission but continues the theme of drawing the eye to the listed building when viewed from the south and west, with good retention of the open space, and the proposed form of the new build is also seen as appropriate in principle, affording clarity between the original development and layout, and the new built form.

In respect of the listed building, there are elements of demolition required, though much relates to later additions. Most notably, there is significance in the loss of the five court which is noted to contribute to the understanding of the importance of sport at the former school. There will be certain levels of internal partitioning required, and the subdivision of certain rooms, to facilitate the new use and to overcome practical difficulties with internal layout.

The former swimming pool would be converted to apartment accommodation, reducing further the understanding outlined above, as would the dining room/guest dining room. A series of other fire safety measures will be required within the building, and these taken in isolation would be seen as causing 'less than substantial harm'.

At the point of its listing, the building contained the uPVC windows that now remain, as well as the unsympathetic later additions. Nevertheless, these additions adversely impact on the listed building.

With regard to the impact of the proposals on setting, the original building's curtilage was extensive, and over the years the original setting of the building was compromised by the construction of a number of ancillary buildings within the curtilage. Furthermore in 1999 a

number of residential dwellings were built on Granville Road which further diminished its significance.

The new proposed Blocks A, B, C and D are built on the previous curtilage, and cause a degree of harm to the setting of the listed building, by further diminishing the original curtilage. However, due to the new villas' location backing onto the previous development on Granville Road, and their orientation being specifically aligned to retain views of the prominent elevation of the Listed Building, the proposals are considered to have been designed to cause the least amount of harm to the building's setting.

The additional buildings around the envelope of the Listed Building to Lancaster Road (Blocks E and F) have been built as far as practicable on the footprint of the previous building within the Listed Building's curtilage and have been designed to provide the level of development required by the end user to achieve a viable use, whilst designed to cause the least amount of harm to the building's setting.

With regard to the conservation area, the appraisal makes the 'Terra Nova' building an exception in relation to it being a 'feature' building, with views towards its prominent south facing elevation identified as critical. Development in the grounds of the school, on the former playing field, is seen itself to cause 'less than substantial' harm, with there being a case for concluding that it does not follow the precise pattern or grain of development within the conservation area.

Balanced against the harm identified are the benefits brought by rebuilding and reuse of the listed building, which is a key focal building within the conservation area. These benefits will secure its long term future and enable the conservation area to be removed from the national 'Heritage at Risk' register. Nevertheless, taking of all of the above into account, 'less than substantial' harm results to the listed building, its setting and the West Birkdale Conservation Area.

As such, the identified harm is such that the proposal does not meet the strict provisions of Policy NH9 of the Local Plan in so far as it relates to heritage matters. The conclusion is that the scheme does not enable application of paragraph 11 of the Framework relating to sustainable development.

As such, planning permission can only be forthcoming if the public benefits of the proposal clearly outweigh the harm identified to result from the proposals as set out by paragraph 202 of the Framework.

Public Benefits of Proposal

In discussing the public benefits, the heritage impacts are largely set aside, save for the key point recognised in Planning Practice Guidance that public benefits can include heritage benefits, such as sustaining or enhancing the significance of a heritage asset and the

contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

Set aside from the deterioration of the asset discussed elsewhere, this benefit can be considered to weigh in favour of the scheme, in so far that it enables the optimum viable re-use of the building. The vacancy was not as a direct result of the significant fire damage; the building has been vacant ever since the ceasing of its use as a school. On that basis it is reasonable to regard re-use as a benefit, rather than the benefit resulting from its reconstruction as a result of fire damage.

Potential sites for a C2 development of this size within Sefton are very limited. In addition to the constraints imposed by the Green Belt, a site of reasonable proportion within reasonable reach of a range of facilities and services is required and these are difficult to find in the built up area, the more so given the need for Sefton to continue to deliver residential development and other associated services through the adopted Local Plan. As such, it is important that when a suitable site comes forward the opportunity should be taken.

The need for additional housing for older people is recognised as critical in the Local Plan. As confirmed by Paragraph 8.25 of the Local Plan, 'it (was) estimated that, in 2014, 35.6% of the population in Sefton were aged 55 or over, compared with 29.6% in the North West and 28.8% for the whole of England.' The Local Plan also confirms that the population of Formby and Southport is generally older, with trends suggesting an increase in over 55 population by 14% over 2011-2021, with a 40% increase in over 85s over the same period. Alongside this, it is reasonable to conclude that there would be an increased likelihood of long-term illness or disability.

The Extra Care accommodation would assist in addressing some of these pressures, freeing up houses that are under occupied elsewhere, releasing them for family occupation and thus making more efficient use of the existing housing stock. The provision of 147 units in the C2 use class (combining supported and assisted living) when there is a lack of suitable alternative sites is regarded as a significant public benefit of the proposal.

The proposal would also bring various social benefits, most notably an alternative option for older people with on-site support in an attractive location adjacent to the Sefton Coast. It would bring significant health and quality of life advantages for its residents and a corresponding reduction in the overall pressure on public health and social services.

With regard to economic benefits, the scheme would represent a significant investment within the borough, in respect of construction, bringing a substantial boost to local employment, and once operational, would give rise to 31 full time and 17 part time jobs which would amount to 43 full-time equivalents, considering the varied hours of the part time jobs. Residents would also generate significant expenditure in local shops and services. The annual expenditure generated by 147 units can be regarded as substantial. Though Birkdale can be regarded as an affluent location irrespective, there are clear economic benefits.

Individually and in combination, these public benefits are substantial and weigh significantly in favour of the proposal. In the specific circumstances of this case they outweigh the 'less than substantial' harm identified to the listed building and its setting, and the West Birkdale Conservation Area.

The public benefits provided by the scheme give rise to a clear and convincing justification for it going ahead, subject to compliance with other policies of the Local Plan and the relevant parts of the Framework. The proposal therefore meets the test set in paragraph 196 of the Framework and would comply with Policies NH9 and NH11 of the Local Plan, policies which are regarded as consistent with those contained within the Framework.

Phasing of Development

It is essential that should permission and listed building consent be forthcoming that the listed building is addressed at the earliest stage possible. It is also in the applicant's interest regardless, given they will need to ensure the early delivery of communal facilities, all of which are within the listed building. It is therefore intended to secure the following sequencing through the Section 106 Legal Agreement:

- Not to Occupy any part of the Development until both external and internal works to the Listed Building are Substantially Complete and the Listed Building is ready for Occupation at least in part
- To carry out construction of the Development in accordance with the following phasing:
- Commencement of works to the Listed Building, including enabling works and demolitions, and fit out with Commencement of Blocks E and F.
- Blocks A-D and their associated access shall not be Commenced until Substantial Completion of the external shells of Blocks E & F and the external shell of the Listed Building".

Subject to the above phasing plan, it is considered that the listed building will be restored in timely fashion once work commences.

Conclusion on heritage matters

The proposals give rise to a certain level of 'less than substantial' harm, as envisaged by Paragraph 202 of the Framework. However, the public benefits are considered to outweigh the identified harm, and significantly, are sustainable even without reasonable regard to the advantages of bringing a listed building back into positive use.

The assessment above therefore addresses the statutory requirements of Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act by balancing the harm to heritage and concluding that the proposals are acceptable when taking all heritage policies at national and local level into account.

AFFORDABLE HOUSING AND VIABILITY

Local Plan Policy HC1 'Affordable and Special Needs Housing' requires that schemes of 15 homes or more in Southport must provide 30% of the scheme as affordable housing, which should be split 67:33 between affordable/social rent and affordable ownership homes. As the development is for 147 units, it would be expected that 45 units in total would be available on this basis. This was not an issue for the 2018 planning application as at that point there was no affordable housing requirement due to case law.

In response to the requirement of HC1(9), the applicant has submitted a viability report which suggested that the development could not proceed with a reasonable return to the developer if this was made a requirement of the scheme.

In December 2021, this report was reviewed in detail by the Council's retained viability consultant, CP Viability. This was carried out in accordance with the RICS document 'Assessing viability in planning under the National Planning Policy Framework 2019 for England (Guidance Note 1st Edition, March 2021)', and the Planning Practice Guidance on Viability published in 2018 and since updated. The report's findings remain valid for a six month period (i.e. until June 2022).

Assessing the viability of this development is an extremely complex exercise, not least as it is providing for a form of development that has few local comparators, a premium can be attached to the units in respect of their location and profile. Additionally the costs associated with restoring the listed building require an extensive, unique form of analysis when it is required to inform the possibility of delivering affordable housing. In this respect, the applicants have employed specialist advisors, and in turn, and with the agreement of the Council, CP Viability instructed Sutcliffe's (specialist heritage cost consultants) to independently review restoration costs to help inform their report on viability.

The report of CP Viability has concluded that, assuming a nil land value, if 30% affordable housing were to be achieved within the development it would give rise to a negative residual land value. If no affordable housing is delivered, the profit margin for the developer would amount to 14.03%, which is less than the 15-20% normally expected within viability guidance, and below the 18% deemed to be at a viable level for a scheme such as this. As such the scheme is not viable and therefore not capable of providing any affordable housing based on these reports.

As part of the viability process, and for completeness, the applicant also undertook an assessment relating to Vacant Building Credit (VBC). For VBC purposes, the floorspace figures

are measured on the basis of Gross Internal Area (GIA) which is considered to be the best practice and widely accepted by the Planning Inspectorate. These figures are therefore not necessarily the same as planning application floorspace figures, which are measured externally.

Where the floorspace is eligible, Planning Practice Guidance on viability allows for this to be used to offset affordable housing requirements, but in practice, the total measured floorspace on site amounts to 3,587 sqm, which includes the part of the building required to be reinstated owing to fire damage. The building has also been measured by Council Building Control officers and is verified to truly reflect the available on-site floorspace.

The formula for assessing Vacant Building Credit is as follows:

- (i) Difference between the proposed and existing floorspace: $a - b = c$
- (ii) Divided by proposed floorspace : $c/a = d$
- (iii) Multiplied by the affordable housing policy requirement : d multiplied by 30%

Assumptions

- Existing gross floor area: 3,587 sq. m
- Proposed gross floor area: 16,593.82 sq. m
- Affordable Housing Requirement 30%

Calculation

Difference between the proposed and existing floorspace : $16,593.82 (a) - 3,587 (b) = 13,006.82 (c)$

Divided by the proposed floorspace : $13,006.82 (c) / 16,593.82 (a) = 0.783851868 (d)$

Multiplied by the affordable housing policy requirement : $0.783851868 (d)$ multiplied by 30%
= 23.51%

Therefore the affordable housing policy requirement after the application of VBC is 23.51% rather than 30%. In short, the application of VBC 'saves' 6.49% affordable housing (i.e. 30% - 23.51%).

The eligible VBC which is relevant to the determination of the current planning application (or any application) is the amount of eligible floorspace at the date of determination of the application and not that at the time the application is submitted (because either additions or reductions to the eligible VBC floorspace could take place in the intervening period). Accordingly, it will be necessary to check with the applicants' agent whether the eligible VBC floorspace has changed between the date of measurement and the date of the determining the planning application.

In this regard, assurances of 'no change' (or if there has been change, what change has taken place as it could lead to a reassessment of eligible VBC and any consequent affordable housing obligation) will be sought from the applicants' agents as close to the date of the determining Planning Committee as is possible and this will be reported to Members, either by late representation, or verbally at Planning Committee.

It should be borne in mind that the fire damage occurring in 2010 took place at a point when the building was known not to have been insured. This is confirmed by the Proof of Evidence supplied by the Council's then retained viability consultant to the 2015 Public Inquiry, who stated that the insurance ceased as of June 2009 and is reconfirmed now by the applicant. Clearly had insurance been in place, it would have enabled much if not all the damage to have been restored, and in turn given rise to a lesser cost than that now contained in the various reports.

This risk is that the failure to insure the building effectively means that the redress for the fire damage that occurred is being subsidised because of the Council's acceptance of no affordable housing provision within this present application, but there is also an extant permission for 113 units that gives rise to no affordable housing.

It should be noted that the applicant only acquired the site in July 2021 and cannot be held to account for earlier matters. Since their acquisition, they have put considerable resource into further security, reporting on and stripping asbestos out of the building, clearing detritus from within the building, making the building safe and internal scaffolding of the stairwell and clock tower, and commissioning surveys, such as the current timber survey and structural surveys of the fire damaged area, including clearance and palleting of materials.

The applicant has supplied a letter from the current insurers which explains the difficulties associated with insuring vacant buildings where there is no ongoing construction work. The current insurance is from construction insurers and if the current work stops for more than 30 days, they have the right to cancel the policy. As such, it is important for contractors to remain on site in order for insurance cover to be retained.

Whilst these circumstances are most unfortunate, the site has a new owner, it is accepted that such insurance can prove difficult to secure, it is not a strict legal requirement, and it is all too apparent given the length of vacancy that a viable development will simply not come forward if there is insistence on affordable housing.

In summary, the applicants have demonstrated that the development would not be able to proceed at all if the full policy requirement of 45 units on site is met. If the development does not proceed, a variety of other benefits that weigh in favour of the development would not materialise. As such the development does not conflict with Sefton Local Plan Policy HC1 and Paragraph 63 of the NPPF and this is afforded significant weight in the planning balance.

DESIGN, LAYOUT AND LANDSCAPING

The applicant has produced a comprehensive Design and Access Statement alongside the planning application, which explains in significant detail how the proposals have been conceived. The document has been revised in conjunction with the amended plans and is considered to be of the highest quality; hence much of the commentary in relation to design and layout draws direct reference from it.

Central to the design requirement and having regard to the above assessment of heritage considerations, was that of maintaining key views of the listed building from the surrounding areas. These views have been identified through the heritage analyses and were supported by the Inspector at the 2015 appeal, when looking from Lancaster Road in a north westerly direction across the fields.

It is also crucial that the new development is sufficiently separated from the listed building not to compete with it or detract from its setting through an unsuitable choice of materials, or by the unfortunate blocking of key views. The sweeping roads identified through the Conservation Area Appraisal are also influential in creating the crescent against which the new build villas sit on the open space, and also assists in drawing the eye towards the listed building.

Blocks A-D, freestanding, on open space to rear of properties fronting Granville Road

The blocks are of rectangular form but take a different shape to the 2018 permission, whilst maintaining the curvature layout, the buildings extend further backwards towards Granville Road with the longer parts of their respective elevations being inward facing (i.e. block A's longer elevation faces Block B, and so on.)

The design of the blocks seeks to complement rather than emulate the character of the Conservation Area. The material palette reflects the internal and external decorative features of the Listed Building and succeeds in complementing it. The blocks are three storeys in height and comprise a buff brick material in town house scale, and strong vertical emphases to reflect the gable features of the listed building, with there being a reduced impression of built form when viewed from Lancaster Road to that resulting from the 2018 permission.

The blocks decrease in size moving in north easterly direction, and in total accommodate 56 of the 147 units (the 2018 permission accommodated 44 within these same blocks). The buildings are set out so that there is a modicum of parking to the frontages, but in contrast to the 2018 permission, the balance of car parking is mostly accommodated between the longer elevation blocks, as opposed to being set directly behind the buildings.

The buff brick is similar to that envisaged by the 2018 permission, and balconies are provided for residents who would have their own private useable space within the buildings.

Block E, freestanding, end elevation to Lancaster Road

Block E is broadly in the position of the later free standing fire damaged blocks which have been removed since the 2018 permission, but it has been re-positioned to better frame the listed building, running at 90 degrees to the main elevation of the former school facing the former playing field. It also allows for maintained views of the listed building from key viewpoints along Lancaster Road.

The material palette is consistent with the other proposed new buildings on site, to reinforce the perception of the current scheme as a consistent and easily understood modern intervention.

The buildings are positioned further from 38 Lancaster Road than the 2018 permission, and windows are offset from the elevation to that property, allowing for further landscaping and planting to this area. The building will house 20 units within three storeys accessed from a centralized corridor.

The building projects slightly forward of no. 38 Lancaster Road but does so to a lesser degree than the block on the 2018 permission and the change in orientation reduces the extent of the elevation directly facing Lancaster Road.

Block F, adjoining listed building, fronting Granville Road

This block would sit alongside the existing building, in lieu of some very unsympathetic previous extensions, and would be joined to the listed building through the provision of a new glass link to allow the separation of historical and new build structures. The glazed link provides an access to the communal facilities contained within the listed building.

The building sinks into the landscape to maintain important views of the listed building from Granville Road, from where its height will be seen as single storey due to the level differences both existing and intended. The treatment of Block F again follows the material palette of the other new blocks.

Block F is screened by vegetation to the Granville Road frontage, and by the existing level change. When added to the further level change proposed, the building is perceived to cause relatively little impact when viewed from Granville Road and from the hard standing area to the northern side of Birkdale School. There is also a critical and dramatic view of the listed building from Granville Road looking in a north-easterly direction but the building is positioned such that this is maintained.

The glazed connection to the Listed Building provides access to all apartments and services such as post boxes, the lift, and bin storage room. A secondary escape stair is provided and discharges to the rear elevation, to the garden and pedestrian access from Granville Road is reliant on the pedestrian connections to the car park. The glazed connection to the listed

building is considered to ensure an appropriate balance between the functional requirements of the use and the need to ensure that the listed building does not become overwhelmed by the new development around it.

Listed building – rebuilding and restoration

The rear of the listed building would be completely revamped by removing previous inappropriate extensions. A new main entrance will be created to the building, accessed from Granville Road. This will offer significant enhancement to the street scene. Though the formal entrance to the south elevation will remain, it will be for residents only and it prevents vehicular movement across the front of the listed building.

The new entrance as proposed will be a contemporary, lightweight design. As per the free standing new blocks, it reads as a marked contrast to the historic fabric. The new entrance foyer sits within an existing lightwell, and a vista through the building is created to enable the south facing terrace and landscape beyond to be visible from the foyer. This will promote circulation throughout the building with minimal intervention to the building's historic fabric.

As referred to above, the original northern elevation of Birkdale School is essentially restored and alongside more modern, and sympathetic additions, it allows for the original elevational make up to be much better understood, with a legible and pragmatic approach now taken to re-introducing a building into the wider public domain that is not only functional for its users but is clear and easily understood by others.

Energy Efficiency and Low Carbon design

The applicant's design and access statement sets out various measures to commit to energy efficiency within the new build components of the scheme, as follows:

- Metered electricity and power factor correction equipment to ensure efficient delivery of power.
- LED lighting and improved lighting controls, such as implementation of daylight sensing technology to allow lights to dim or switch off when occupancy is low or ambient levels are high.
- Enhanced space heating controls to supplement high levels of thermal insulation equipped with ultra-high performance electric panel heaters or air source heat pumps controlled by a thermostat.
- Increased hot water generating efficiencies such as domestic hot water systems using direct electric immersion or air source heat pump technology to take advantage of renewable energy.
- Heat recovery ventilation to supply fresh clean air to the living rooms and bedrooms and recover waste heat from extract systems serving kitchens and bathrooms.

- Natural ventilation using opening windows in each residential space to provide purge ventilation and summer temperature relief and ensure good air quality and low energy consumption.

The above measures can be incorporated into planning conditions and the proposals are anticipated to adhere to Building Regulations in relation to the conservation of fuel and power, climate change and sustainable construction. A condition is also attached which requires electric vehicle charging points in line with policy requirements and as a result the development would be compliant with Sefton Local Plan Policy EQ7.

Security and safety considerations

The site's long standing dereliction and overall lack of stewardship has, over time, resulted in a considerable degradation of the heritage asset, augmented by the fire of May 2010. Repeated instances of access to the land and buildings have been a source of continued complaint from local residents. This informs a variety of considerations applicable both for neighbouring occupiers and end users.

The applicant confirms that the site will be managed by the operator through an on-site presence 24 hours a day, 7 days a week, by a team with substantial experience of managing safety for end users. Access to the site will be monitored by CCTV and end users would have a facility for direct contact with duty staff on an urgent basis where a security concern arises.

The applicant intends that the surrounding boundary walls are fully brought to order, with gaps filled where necessary, and realigned to the vertical where required. Though secure site boundaries have been suggested, the applicant does not intend to fence off large parts of the site, indeed, the public will not be dissuaded from what has been a longstanding permissive and informal use of the land, but the presence of additional buildings, natural surveillance and specific security measures within the building will assist in ensuring there is an improved level of formal security and passive surveillance once development is complete.

Additionally, all lighting for the development is covered by a planning condition, and the future landscape management plan also required by condition would enable ornamental hedging to be kept to a low level in the interest of maintaining appropriate surveillance.

As per the 2018 permission, the proposal also removes many of the rear boundaries of properties on Granville Road out of the wider public view, which is seen as another marginal benefit.

Within the development itself, units will be fitted with new intercom, lockable windows will be provided, and louvered doors to plant rooms. It is also proposed to have external lighting to entrance areas to ensure safe access for end users.

Trees and Landscaping

The concept of the landscaping is to refresh the site visually, to provide a suitable backdrop and external environment for new buildings to sit, whilst being positioned carefully to draw the eye to key views. It has also been devised to allow for maximum tree retention, notably to the Granville Road frontage and, more selectively, to Lancaster Road, whilst also retaining the woodland to the western portion of the site adjacent to the public footpath beyond which sit the sand hills and Royal Birkdale golf links.

Additional native tree planting is provided to enhance visual amenity whilst contributing to the enhancement of ecological diversity and wildlife.

The applicant has produced a tree and vegetation survey to identify the distribution, condition and visual distinctiveness of existing trees and vegetation groups to the recommendations of British Standards. A tree constraints plan identifies constraints in relation to existing retained trees.

The survey identified trees of moderate to low condition, mainly towards the outer edges and boundaries of the site with a large number of self-set trees developing in and around the unmanaged environment of the previous school buildings.

The woodland to the western boundary is largely unmanaged and crowded with some leaning trees. This provides visual enclosure and screening from longer distance views on this part of the site and associates with the wider treescape across the adjacent Birkdale Golf Course. This gives a sense of maturity to the character of land. Trees of better quality will be retained to boundaries of the site where possible. The remainder of the site is intermittently maintained grassland, i.e. the former playing fields. All retained vegetation will be protected during the construction phase to avoid damage to both canopy and rooting zones.

The existing tall evergreen hedge at the junction with Sandringham Road will be removed and replaced with more appropriate species, which will contribute to providing a bespoke setting for the new building. The landscaping along Lancaster Road will also be reconsidered to ensure clear views of the listed building.

There is an existing laurel hedge to the rear of properties on Granville Road, which is annotated on the landscape masterplan, and it is anticipated that this will be retained as it offers value both for existing residents and will serve as an instant landscaped buffer for future occupiers.

Individual standard trees are provided, along with extension of the existing woodland to strengthen this feature for improved biodiversity. It is expected that native planting will be provided with grassland areas over seeded with a "mown" path through the centre of the greenspace.

It is also anticipated that the long-term management of the landscaping, associated open areas and conservation planting will be secured through the scheme and delivered by a management company acting on behalf of the end user. It is proposed that a 30 year Management Plan will be put forward to formulate the management objectives and this could also ensure ecological management over that longer term.

The information supplied with the application is more than sufficient for the ultimate intention to be understood.

Bins and refuse

Bin stores are designed into the scheme throughout, and the strategy for waste management would involve a total of 36 across the whole application site – 11 more than the 2018 permission. The stores are provided within the respective car parks for each of the new build blocks. It is anticipated that refuse is collected from the individual apartments and stored centrally.

The plans demonstrate that larger refuse vehicles can get into the site from both the Lancaster Road and Granville Road entrances but the collections from Block E would take place from Lancaster Road.

Parking and access

There are three main points of vehicular access to the development:

- At the south eastern end of Lancaster Road, adjacent to the public footpath linking with Granville Road and Selworthy Road, this would be a new entrance serving Blocks A-D,
- The existing historic access to the north eastern end of Lancaster Road, serving two newly created parking courts for occupiers, and
- The existing access to Granville Road, broadly opposite no. 4, which would accommodate a smaller parking layout but serve as the main communal entrance to the facility for all occupiers.

Pedestrian access is already achievable from the first and last of these three accesses but could not be achieved at the historic access without widening and causing heritage harm. As such a separate opening is provided adjacent to the point where the end elevation of Block E sits nearest to Lancaster Road, which is effective in separating pedestrian and vehicular traffic.

All of the parking as proposed would be positioned such that, save for a handful of spaces to the front of Blocks A-D off the new access point from Lancaster Road, there would be no interference with the key vista from the south west of Lancaster Road looking towards the southern elevation of the listed building. Parking is generally positioned appropriately to ensure it is discreet from key public viewpoints.

A new court of 16 spaces is proposed to the rear of 38 Lancaster Road which is also largely out of public view on hitherto undeveloped land, and this is commented on separately having regard to impact on neighbouring properties.

Conclusions on design, layout and landscaping

The proposed conversion of the listed building is accepted to strike a suitable balance between restoring to its former condition and ensuring that it can be put to a beneficial long term use. The conversion is supported by Historic England. The new blocks complement rather than compete with the listed building, for all the reasons described above, and the open space is expected to bring combined benefits in relation to informal recreation, retention of important views, and sustaining of ecological value.

The framework for landscaping of the site is in place, and hardstanding is kept to the minimum with parking requirements well considered and consistent with the requirements of the use proposed and presented consistently throughout the scheme in small courts interspersed with either new or retained landscaping. The applicant is also committed to energy efficiency measures and sustainable construction techniques. Taken together, the proposals therefore comply with Local Plan Policies EQ1 (Healthy Sefton), EQ2 (Design), EQ3 (Accessibility), EQ7 (Energy efficient and low carbon design), and EQ9 (Provision of public open space, strategic paths and trees).

LIVING CONDITIONS OF ADJACENT OCCUPIERS

The proposal has been subject to some amendment during its processing, in response to a variety of concerns relating to the impact of development on adjoining occupiers. A number of adjoining neighbours were visited by the case officer during the processing of the application, and the applicants were also invited to reconsider their proposals following meetings on site.

No. 21 Granville Road

No. 21 is the nearest residential dwelling adjacent to Block F which links to the western elevation of the listed building. The drawing shows the relationship of this block as proposed (Figure 1):

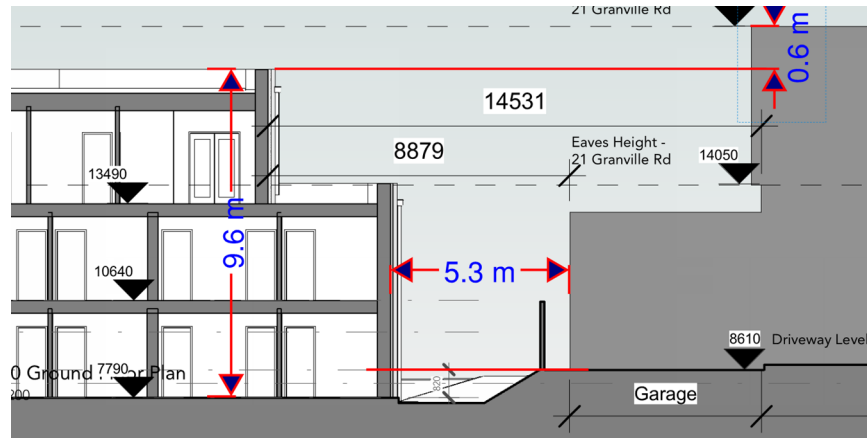


FIGURE 1

As can be discerned from the elevations above, which outlines the garage and left hand side of no. 21, Block F is set below the ridge of that neighbouring property, and the height of the block is now set 820mm below the floor level of the garage to no. 21 (indicating the land would be built up by around 1 metre from the 2018 permission, but with the building set 0.3 metres further from the side garage elevation of that dwelling when compared with the 2018 permission (Figure 2).

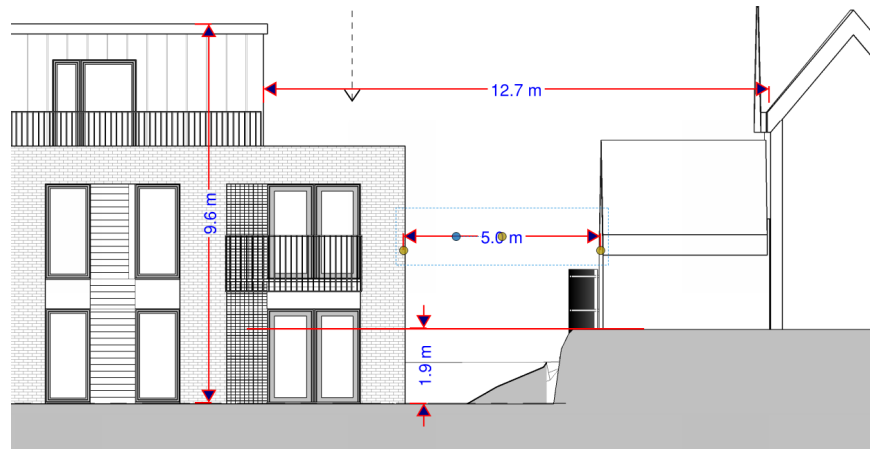


FIGURE 2

Though the building projects beyond the rear elevation of no. 21, the rear windows to that dwelling are set further away from the boundary due to the presence of the garage and with it being set low as shown on the elevations, there will be no adverse impact.

There would be no external outdoor terraces that give rise to any adverse privacy impacts, due to their reduced elevation and their positioning away from the end of the block.

The block also no longer relies on window openings facing no. 21, which would have been obscured previously, but the upper two floors do have openings serving the end of the circulation corridors which can be obscure glazed.

Other dwellings on Granville Road

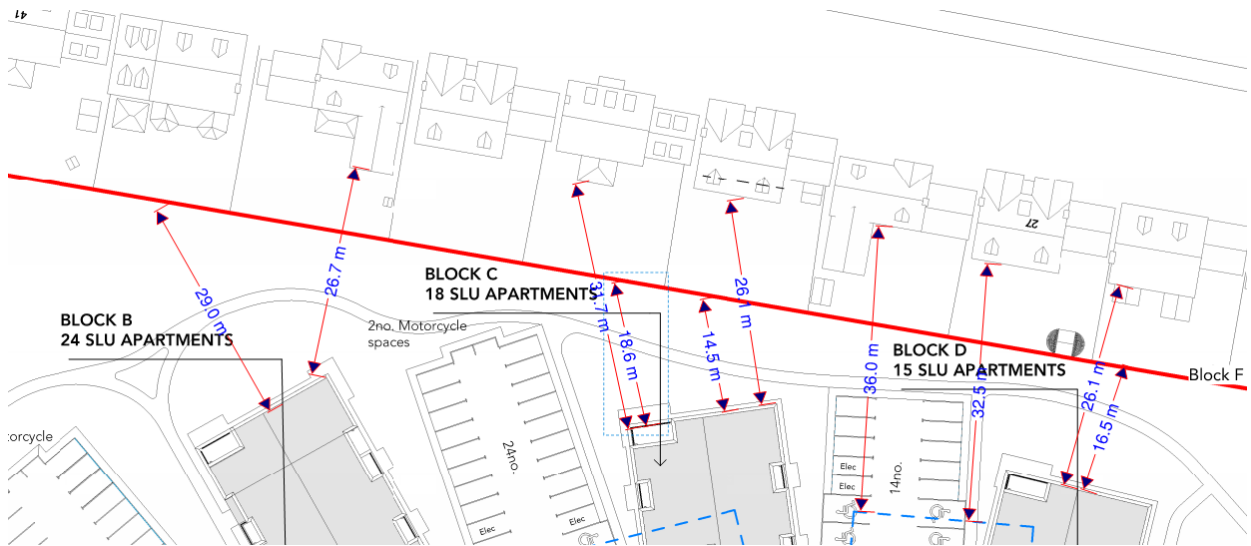


FIGURE 3

As Figure 3 demonstrates, a distance of 16.5 metres is achieved between Block D and the rear boundary to no. 25 Granville Road, and this distance increases further as the Blocks curve away from these boundaries. There are in excess of 26 metres between the end elevations and main windows to properties, and there is also acceptable separation between the rear of the dwellings and parking courts, which would in practice be subject to moderately low levels of use.

There are no issues of light, loss of outlook or privacy occurring. The plans have been amended to omit the balconies facing properties on Granville Road and reposition them to face inward over the parking courts and it is noted that within the 2018 permission Blocks A-D also included a series of roof terraces around the perimeter at first floor level.

For context, it should be noted that the 2015 Public Inquiry scheme proposed (in part) residential development (albeit 2 storey) much closer to the rear of Granville Road than is now proposed, with many more rear facing windows. This general relationship was found to be acceptable though the appeal was dismissed for different reasons. This relationship is set out by Figure 4 below.



FIGURE 4

38 Lancaster Road, The Garden Residence, The Villa

The Villa and The Garden Residence sit to the rear of no. 38 and are positioned to the north and east of the application site. These dwellings back onto the proposed 16 bay car park and no. 38 entirely comprises a side facing aspect towards the application site.

The main implications for these properties relate to the provision of freestanding Block E, the impact from parking and access to the development from Lancaster Road, and the reconstruction and extension of the demolished listed building.

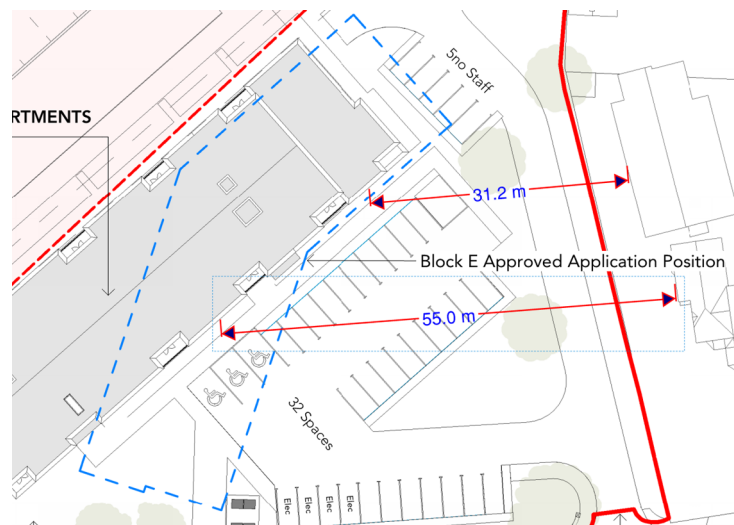


FIGURE 5

As Figure 5 demonstrates, Block E is now rotated to run at a right angle to the listed building with the 2018 permission in dotted line. The effect of this difference is to move the built form

even further from these properties than was previously found to be acceptable. As such there should be no harm to adjoining residents, either from the new block or from the listed building as extended, by way of the development being overbearing, or causing loss of light and privacy.

Block E in its revised position is over 50 metres from the side windows to 38 Lancaster Road, with windows are offset from that property.

The parking court to the rear of Block E is nearly 46 metres from The Villa, and over 22 metres from the Garden Residence, a property constructed to the rear following the subdivision of the original 38 Lancaster Road into two dwellings.

At these distances, it is considered reasonable to conclude that a proposed lighting scheme for the car park can not only be covered by condition, but also designed specifically to avoid overspill into those adjoining properties. Significantly, there should be no instance of car headlights glaring into these properties due to the established boundary treatments.

There are some second floor windows proposed to the eastern flank elevation of the listed building as envisaged to be reconstructed, but these are now reduced to two and the nearest of these is over 16 metres from the garden boundary, with an outbuilding to the rear of the garden residence intervening between the listed building and longer views of the rear elevation of that property. There is also extensive tree cover to the rear of the Garden Residence, which also filters the impact of any windows facing toward that property.

On a final point, concern has been raised over the impact of vehicles using both of the car parks. The car parks are intended solely to be for occupiers and not their visitors, but the access is longstanding and previously served a school building. The nature of movements associated with a school are likely to have been considerably greater albeit more contained toward pick up and drop off times. It is not considered that substantial harm would result to the nearest residents as a result of use of the parking areas or the access from Lancaster Road but as the rear car park and access to it directly abuts residential property, a condition is attached as per the 2018 permission for acoustic fencing.

As such it is considered that no unacceptable harm results to these adjoining properties.

2 Sandringham Road

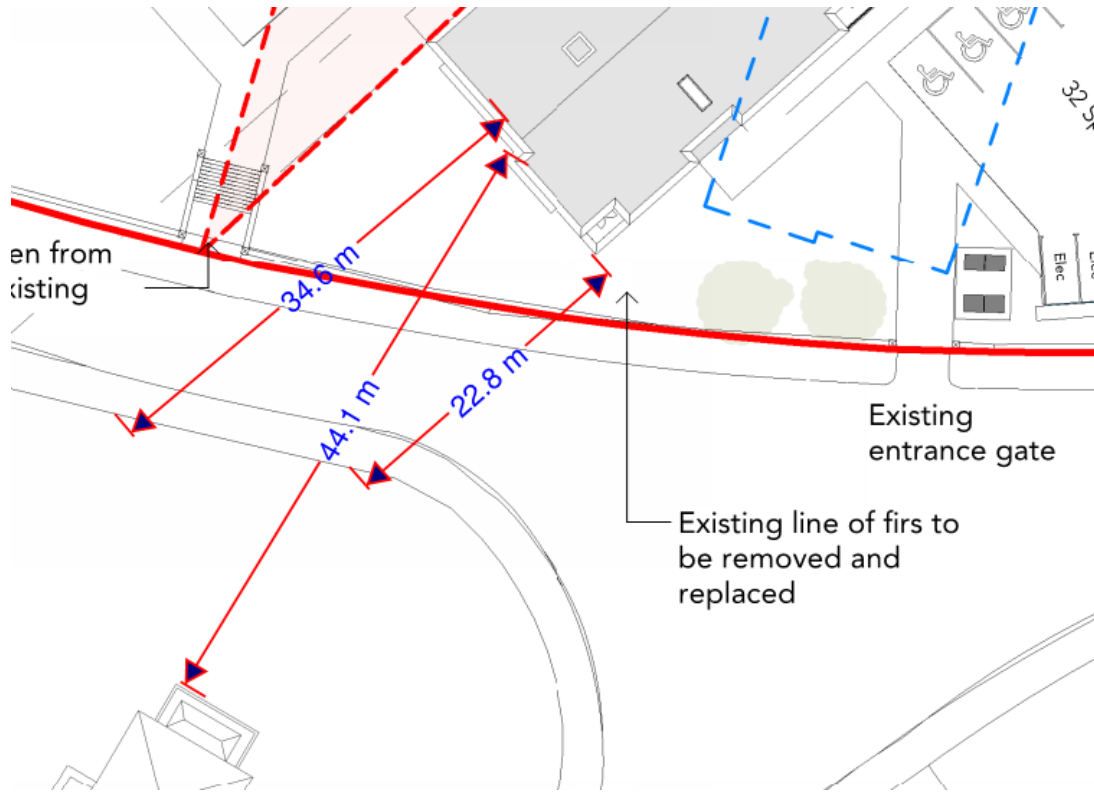


FIGURE 6

2 Sandringham Road is the nearest property to the south and east of Block E. The distances between the side elevation of Block E facing east, and the respective site boundary and side elevation to 2 Sandringham Road is nearly 35 metres, and the gap to the side of 2 Sandringham Road, measured from the small side projection is over 44 metres, with the end elevation of Block E which is slightly offset from the boundary to that property. As explained, the relationship is slightly different from the 2018 permission, with Block E being further to the west, as dotted, but the change does not bring about any more significant impact than was previously identified given the relative separation distances.

As can be discerned, there will be no adverse impact on the occupier of this property through overlooking or through the visual impact of the building. The diagram demonstrates that the end elevation, though containing habitable windows, is offset to a large degree from this property but in a different direction from previous, more away from the intersection of Lancaster Road and Sandringham Road.

HIGHWAY SAFETY AND ACCESSIBILITY

The Highways Manager has no objections to the proposal in principle as there are no highway safety implications.

Vehicular / Cycling/ Pedestrian Access

The submitted Transport Statement (TS) and Masterplan details that the site is to be accessed by vehicles at three locations, two off Lancaster Road and one from Granville Road. The southernmost access off Lancaster Road will be a new access and will consist of a 6 metre wide carriageway and 2 metre wide footways on both sides. This access will serve four blocks consisting of a total of 75 units. Dropped kerbs and tactile paving will be required across the proposed junction.

The northernmost access to the site on Lancaster Road is via an existing access with a width of 5 metres and separate pedestrian facilities and will serve 25 units. The Highways Manager accepts that whilst this would be used by 3 no. 'village' vehicles, given the historic use of this access, the impact of its widening including removal of existing gateposts and the relatively modest movements generated at this point, this is considered acceptable. The introduction of dropped kerbs and tactile paving at the access will however be required.

The third access is via an existing access on Granville Road - the masterplan details an improved access of approximately 8m wide with footway provisions leading into the site on either side. This access will also require alterations to the kerb line and radius to correspond with the access and the introduction of dropped kerbs and tactile paving.

The plans include two additional pedestrian accesses into the site from Lancaster Road that lead to segregated pedestrian facilities throughout the site and to and from the areas of car parking. These pedestrian accesses will be located where there are existing vehicle accesses into the site, which are served by footway crossings. Given that the accesses will be for pedestrians and no longer in use for vehicles and to ensure pedestrian safety, the redundant footway crossings must be reconstructed as footway.

Site Layout

The submitted layout plan 8921-BA-S-00-DR-A- (04)007, shows the proposed layout of the site and the details provided within the TS show that the access road within the site serving blocks A-D will be 6m wide with a 2m wide footway on the western side, which is acceptable.

Block E is shown to be served by a 5m wide access road and segregated pedestrian facilities, while Blocks F & the listed building will have a short access road of approximately 6.5m width that leads direct to two areas of car parking. There will be 2m wide footways on both sides of the access road that lead to both buildings.

A swept path analysis (tracking) has been carried as part of the TS for most part of the site and it shows that a large refuse vehicle can safely turn within the site. No details were provided for the Lancaster Road access as the developer has indicated that this access will not be used for service vehicles.

Parking

The proposed parking is spread across the site with car parking areas adjacent to each of the seven buildings. The total amount of car parking to be provided is detailed at 151 spaces plus 3 spaces for mini buses. There will be 5 motorcycle parking bays and 31 cycle parking bays.

The proposed level of car parking exceeds both the amount expected by the standards detailed in Sefton's 'Sustainable Travel and Development' SPD and the number of proposed units. The level of motorcycle spaces is in line with the SPD and the number of bicycle spaces exceeds the requirements.

10% of the total number of parking spaces will be accessible and the applicant has confirmed that the number of spaces with electric vehicle charging facilities will be in line with the SPD and therefore the proposed parking facilities are considered appropriate.

Accident Analysis

Accident data has been submitted by the applicant for the study area for the five year period up to September 2020. Six incidents of 'slight' classification were recorded in the vicinity of the development site on Grosvenor Road and Waterloo Road. The applicant has suggested that there are no existing notable accident patterns to indicate any specific safety issues and considering the likely impact of the additional traffic due to the development, there are no concerns about the potential for additional accidents.

It is accepted that from the details provided and information associated with the accidents, it does not indicate a particular highway safety issue in the area that would be exacerbated by the proposed development.

Accessibility

In addition to assessing the implications of the vehicular traffic, the TS also considered the level of accessibility for other modes of travel including walking, cycling and public transport.

The site is within 2 km of a local centre at Birkdale, with bus stops on Grosvenor Road and Waterloo Road. A Minimum Accessibility Standard Assessment has been submitted by the applicant that indicates the site is fairly accessible and that there are no significant barriers to sustainable modes of transport.

It is accepted that the site is reasonably accessible, however there are existing barriers to pedestrian movement and access to local amenities and bus stops. In order to improve the level of accessibility and accommodate the proposed development a package of works has been identified. The developer will be expected to wholly fund a scheme of highway works, which will include the following improvements:-

- new dropped kerbs and tactile paving at the junction of Lancaster Road and Grosvenor Road;
- new dropped kerbs and tactile paving at the junction of Granville Road and Grosvenor Road;
- new dropped kerbs and tactile paving on Lancaster Road close to its junction with Selworthy Road

Trip Generation and Impact on the Highway Network

The TS submitted with the application looked at the forecast impact on the local highway network of the proposed development. The TRICS database has been used to obtain the estimated trip rates for the proposed development, which is the industry standard and accepted method. Trip rates for previous lawful use of the site were also obtained in order to establish the extent of net traffic that is generated by the proposals, which is an accepted method.

A comparison of the existing site use and the proposed use of the site has been carried out for the proposed development on the basis of 147 extra care units and on 5,347m² for the lawful educational use. This shows that the proposed use will generate 151 fewer two way vehicle trips in the AM peak and 20 fewer two way vehicle trips in the PM peak hour, which indicates that there will be a positive impact on the surrounding network.

It is considered that the TRICS calculations represent the traffic flows from the proposed development and that there would be minimal impact on the highway network.

Travel Plan

A Framework Travel Plan (FTP) for the site has been submitted, which is generally acceptable.

The FTP includes a preliminary action plan, in order to promote sustainable modes of transport. The Plan has been provided for indicative purposes, and a more detailed Travel Plan with a full Action Plan must be provided and implemented. The Full Travel Plan must have detailed measures with clear targets aimed at reducing the reliance on vehicles and methods of assessing and monitoring the outcomes. Baseline surveys will need to be carried out to help inform the Travel Plan Co-ordinator and set suitable targets.

Welcome packs will be produced for all residents of the development to inform them about the sustainable transport modes available to them. There must also be details included with the packs, action plans and targets for the staff in order to reduce their reliance on cars.

A web-based approach is recommended as part of the Full Travel Plan, so potential residents and staff can view the information online before making any decisions. Moving forward this can be the platform for the travel plan – this makes it easier to update and available to all residents. This would complement paper versions of maps etc.

Construction Traffic Management Plan

A Construction Traffic Management Plan has been submitted as part of the application and provides details of how, where and when the site will be accessed. It also provides details of measures to tackle debris on the highway. The details within the plan are considered acceptable.

Conclusion on Highway Matters

The proposal does not give rise to any adverse impacts relating to highway safety, traffic flows or pedestrian accessibility. There are no conflicts with Local Plan policies IN2, EQ2 and EQ3, nor any conflict with the provisions of Framework paragraph 111, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

HABITATS REGULATIONS ASSESSMENT AND OTHER ECOLOGICAL/ENVIRONMENTAL MATTERS

Habitats Regulations Assessment

The development site is adjacent and near to the following national and international sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy NH2 applies:

- Sefton Coast SAC and SSSI (adjacent);
- Ribble and Alt Estuaries Ramsar (215m west); and
- Ribble and Alt Estuaries SPA (330m west).

Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. In line with the recent Court of Justice of the European Union judgement of 12 April 2018 (known as *People Over*

*Wind*¹), MEAS have undertaken an assessment of likely significant effects (Appendix 1) which is based upon the essential features and characteristics of the project only. This concludes that, without mitigation/preventative measures, that there will be likely significant effects on the following sites:

- Sefton Coast SAC and SSSI;
- Ribble and Alt Estuaries Ramsar; and
- Ribble and Alt Estuaries SPA.

An Appropriate Assessment has therefore been produced which is attached to the Committee report which concludes that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of the national site network and Ramsar sites. Natural England have been consulted on the outcome of the Appropriate Assessment and their views, together with the outcome of the Appropriate Assessment, will be incorporated into late representations.

The Appropriate Assessment concludes that additional mitigation is required to avoid adverse effects on the integrity of the national sites network and Ramsar sites. A Construction Environmental Management Plan (CEMP) condition is recommended in addition to an information leaflet for residents which is also to be secured by suitably worded planning condition.

Ecology/Landscape Management

The applicant has submitted an Updated Ecological Survey and Assessment report in accordance with Local Plan policy NH2 (ERAP Ltd (April 2020) Updated Ecological Survey and Assessment) which meets the relevant British Standards and is accepted. Following review of the updated report (2020) habitats remain largely unchanged and MEAS advise that previous recommendations for breeding birds, red squirrel, barn owl, reptile, invasive species and bats remain valid. Habitat on site is also suitable for hedgehog therefore Reasonable Avoidance Measures (RAMs) are required.

To reduce the number of planning conditions, the following ecological mitigation is recommended for addition to the CEMP condition:

- Breeding bird RAMs;
- Barn owl method statement (section 9) of the Updated Ecological Survey and Assessment report;
- Reptile RAMs
- Hedgehog RAMs;

¹ PINS Note 05/2018 Consideration of avoidance and reduction measures in Habitats Regulations Assessment: *People over Wind, Peter Sweetman v Coillte Teoranta*

- Demarcation, grubbing up and disposal of wall cotoneaster to avoid spread of invasive species; and
- A sensitive lighting strategy avoiding retained habitats e.g. mature trees.

Section 5 of Landscape Management Plan sets out native tree, orchard and wildflower grassland planting as well as bat and bird box installation as compensation, mitigation and enhancement measures. Habitat creation is shown on the landscape masterplan (TEP, 23/09/2021) and is accepted.

Given the scale of the proposal, it is recommended that a Landscape and Ecological Management Plan (LEMP) is required to implement and maintain areas of habitat creation and landscaping on site. The production of a full and detailed LEMP, which covers management of the site for at least 30 years is required and can be secured by planning condition. The Plan should include detail of creation and management of the compensation, mitigation and enhancement measures set out in section 5 of the report.

Taking the above into account and having regard to the precise wording of appropriate planning conditions, and the required response of Natural England to the HRA, there are no outstanding concerns that would point to a refusal of planning permission and no conflicts with Sefton Local Plan Policies NH2 or NH3.

APPLICATION FOR LISTED BUILDING CONSENT (DC/2021/02487)

The alterations enable the conversion of the listed building into 28 assisted living units, with most of the ground floor given over to communal facilities. From review of a series of amended plans, the building will be restored in a manner sympathetic to the existing fabric and at the same time practical for an operator.

All main ground floor rooms will maintain their original functions. Though some works are proposed to these areas, these are largely minimal, and broadly comprise the following:

- Installation of new floor coverings;
- Any required maintenance works to feature panelling and ceilings;
- Upgrades to existing mechanical and electrical services;
- Appropriate re-decoration;
- Upgrading where possible of existing doors for re-use; and
- New timber windows throughout, replacing long-standing uPVC installations.

Careful demolition work is proposed to the rear of the building, removing the invasive accretions and lean-to's added over time to reveal the original main body of the building. A two-storey block, set at a half-level difference and situated to the rear of the vaulted hall at ground floor, is to be removed to reveal the existing large arched internal window to the hall, which will become a new window allowing light into that space.

The existing hall will be recovered and will be afforded a direct connection to outside, as noted and could be used for a variety of purposes, including a community hall, dining room overflow or a flexible space for events.

The pool hall will be converted to two duplex apartments, using the double height, the room trusses and volume to full effect. The existing courtyard overlooking the hall, which was destroyed in the 2010 fire, would be recovered to serve as sheltered communal outdoor space.

The upper floors have been reorganized and at this point the level of demolition required is minimal, as is the further internal partitioning. The proposal seeks to enhance value to the existing terrace through the integration of soft landscaping and formal terraced gardens on the slope that defines its southern edge.

The proposals for the Listed Building are not significantly different from the previous 2018 proposals which received approval. The proposals have been designed to minimise harm and have been carried out to the less important and prominent elevations that have already been significantly damaged either through inappropriate development or fire damage.

Indeed, the proposals seek to retain the remaining original features of note and reinstate the listed building. The listed building would be reinstated to its previous design and re-introduce a number of original features. These include the removal of Upvc windows, reinstatement of timber sliding sash windows and architectural detail such as decorated gable bargeboard design. The proposals also seek to enhance its formal setting with improved landscape design fronting the building.

Whilst there are changes to the rear elevation and some internal spaces, these would be at the least sensitive ends of the scale. However harm is inevitably caused but this harm would be categorised as 'less than substantial' and it should be weighed against the public benefits of the proposals.

A condition is also attached to ensure the timely repair of the clock tower. In essence, this largely what was accepted by the 2018 consent. It is considered that there is no conflict with Local Plan Policy NH11 insofar as it relates to the impact on the listed building.

OTHER MATTERS

Contaminated Land

The contaminated land conditions placed on the 2018 permission have been agreed, and the latest set of reports do not identify any risks to sensitive receptors and no further remediation works are required.

Flooding and Drainage

The previous proposals gave rise to no substantive flooding and drainage issues have been raised following consultation with the Lead Local Flood Authority (LLFA), following submission of a comprehensive Flood Risk Assessment and Drainage Management Strategy. This would ensure that the scheme complies with Policy EQ8 of the Local Plan. A similar strategy is presented with this proposal and comments are awaited on the final set of proposals, which will be reported by late representation.

Environmental Health

Comments were made in relation to the possibility of disturbance resulting from the car parks relative to the occupants of the properties on Granville Road. It was noted that the rear of the residential properties will benefit from very low background noise levels at present, making car movements, engine start-ups and door/boot closing very noticeable.

Whilst this point is noted, the applicant has provided evidence of a relatively low practical use of the parking, and it is not considered that the acoustic fencing of the parking spaces would offer a practical or visually amenable solution, the more so given that vehicle parking and turning in the individual courts is likely to be little different in nature or substance from that which may be anticipated in any conventional residential setting. Comments are provided in relation to the need for a Construction Environment Management Plan and this is addressed by planning condition.

Pre-consultation with community

There has been some criticism of the pre-consultation process. The engagement process has not been helped by the ongoing pandemic, and it has been expressed by one resident that in combination, the consultation leaflet referred to 2020 rather than 2021, and a submission date of May, some five months prior to the actual submission. The leaflet does also give rise to the impression of grey brick in some of the new build elevations.

They have also commented that a press release in November has given rise to a misleading impression of the development. It has been noted that the picture accompanying the release, which appeared on the front page of the Southport Champion, offered a visual of the 2018 scheme rather than the current scheme.

It is clearly not helpful that such issues arise, as it can give rise to a combination of anxiety and confusion, in addition to forceful objection, but the applicant has indicated that he did accept the error in the dates and apologised for this, and in practice, the statutory requirements of the local planning authority to notify those properties of the application have been fully followed. As the report demonstrates the local community and ward members have commented extensively on the proposals.

As such, it is concluded that whilst some of the pre-consultation has not been helpful, it has drawn local attention to the general thrust of what has been proposed, and the applicant has openly commented in their planning submission that adverse representations did emerge.

Response to representations where not addressed elsewhere

The report fully explains how most issues are addressed, but some specific points and queries have been raised.

It has been suggested that two storey blocks in a more central location be provided, but this would likely impact on key views of the listed building, with consequent effects on the wider layout, parking etc. It is also likely that two storey blocks would require increased footprints to secure the quantum of development required for a viable scheme (as set out by the viability report).

The proposals for new build using traditional red brick and traditional windows would be considered to overly detract from and compete with the listed building; the choice of buff bricks and a contemporary approach is critical to ensuring the listed building remains the key prominent building on the site and the blocks as proposed will ensure that the eye is repeatedly drawn to the listed building.

A representation suggests that Block E was a two storey building on the 2018 permission, but this is not correct. Additionally, the extra units are generally resulting from the enlargements of Blocks A, B and C respectively, with a marginal increase in the assisted living units provided within the listed building.

It is correct to comment that the plans depict an increase in the height of the blocks from those previously approved. However, this is due to a misunderstanding over the parapet roof to the current proposals. The accompanying statements do not refer to such an increase, but the height difference amounts to less than 300mm, and is not felt to be material in respect of consequent impacts.

It has been understood that the existing hedgerow to the rear of properties on Granville Road would be maintained, and it is a point that will be confirmed by late representation. It is also accepted that in the event of the hedgerow being maintained it will be brought within the eventual long-term Landscape Management Plan to allow for its keeping at an appropriate height.

As care is provided onsite for end users, and is paid for as per the above, it is not considered that the proposals would give rise to unacceptable impacts on current medical and health care

facilities. If anything, it is more likely that the development will offer the opportunity for end users to secure their needs without further burdens on the wider public.

The progress of the development at 'Sunshine House', 2 Oxford Road, is not a relevant material planning consideration. The progress or otherwise of other independent developments is not of relevance to this proposal. The phasing of the development would set out the sequence of works, which prioritise the safeguarding of the listed building above the new build components.

The representations also suggest that the Conservation Officer's comments do not have appropriate regard to impacts on the West Birkdale Conservation Area. This is incorrect and the report clearly sets out the relevant impacts arising from the proposals.

An objection has raised concern over the process and regard to Article 6 of the European Convention on Human Rights Act 1998. This relates to the right to a fair hearing and as the relevant publicity has been conducted prior to this report (with renotification of amended plans), there is no evidence that the process has prevented such rights occurring. The same objection refers to Article 8, which deals with the right to respect for privacy and family life. The report explains in detail that acceptable separation distances are achieved to neighbouring properties and no such harm arises in planning policy terms. It is not therefore considered there is any breach of this Convention.

PLANNING BALANCE AND CONCLUSION

The scheme is acceptable when looking at all statutory tests, national and local plan policies, and all other material planning considerations. The proposals do not strictly comply with certain policies contained within the Local Plan, and on the basis of the heritage related policies of the Framework, the proposal will give rise to 'less than substantial harm'. However, this harm is outweighed by the public benefits brought by the proposal.

If no development of the grounds can be agreed, or a lesser amount, it reduces and possibly even eliminates the landowner's incentive to proactively secure the heritage asset in the longer term.

Given the Council have successfully defended a previously far more intrusive attempt to develop a larger part of the site for residential purposes at appeal, it potentially results in the Council being adversely positioned to secure the future of the asset, unless it reverts to regulatory pressures of Urgent Works, Repairs Notices or Compulsory Purchase Orders, which have even since the previous appeal represented potential scenarios for Birkdale School.

This doesn't mean any form of development is acceptable. It also does not endorse the deleterious condition of the asset, nor does it aim to reward lack of site and building management. The landowner's long-standing inactivity and lack of attention to the asset will

doubtless result in his realising a lesser receipt than may have been the case had this scheme been considered within the context of a properly looked after listed building.

The Council's previous criticisms of poor stewardship, design and layout of other schemes have already been supported on appeal. However, the use proposed is ideal for the site, given its former institutional use and the space surrounding the buildings, and can exist with a relatively minimal degree of harm to the amenity of adjoining occupiers, many of whom will recall certain impacts associated with an on-going school use.

The great weight to be given to the long-term future of the heritage asset is critical, and members will note that Historic England have offered full support. The site layout presented achieves the right balance in securing this whilst bringing a high standard of design which will be seen to enhance the setting of the West Birkdale Conservation Area and affording deserved and long needed prominence to the listed building, despite the acknowledged 'less than substantial' harm.

The scheme is therefore considered acceptable when regard is had to Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, the Local Plan and the material considerations brought by the heritage paragraphs contained within the Framework.

It is therefore recommended that subject to the conditions and the completion of a Section 106 Legal Agreement that planning permission and listed building consent be granted.

RECOMMENDATION:

DC/2021/02486 - Approve with conditions subject to:

- a) completion of a Section 106 Legal Agreement, and**
- b) agreement of Natural England to the final Habitats Regulations Assessment**

DC/2021/02487 – Grant listed building consent with conditions.

Members are advised that the following schedule of conditions may, following completion of late representations, be subject to some reordering or minor editorial change, but the substance of the requests is anticipated to largely remain unaltered.

CONDITIONS

- 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 hereby granted shall be carried out strictly in accordance with the details and plans contained within the Appendix to this decision notice.

Reason: To ensure a satisfactory development.

- 3) The provisions of the approved Construction Traffic Management Plan shall be followed throughout the course of the development. This shall include on-site measures for the prevention of mud spreading onto the public highway.

Reason: In the interests of highway safety.

- 4) A 1 metre high fence or other barrier as approved in writing by 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 prior to the commencement of development of Blocks A-E inclusive. The barrier/fencing as approved 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.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity.

- 5) No development shall take place above slab level until samples of all materials to be used in the external construction of this development have been placed on site for inspection, with written details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be used in the external construction.

Reason: To ensure a satisfactory appearance to the development.

- 6) Notwithstanding the submitted landscaping details, no development shall take place above slab level until 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 all boundary treatments and hard surfaces,
- iv) the location, size and species of all trees to be planted,
- v) A scheme for the retention and removal of tree cover to Lancaster Road,
- vii) The location, size, species and density of all shrub and ground cover planting, including box hedging to the car parking for Blocks A-D and the retention of laurel hedge to the rear of Lancaster Road, and;
- viii) A timetable for implementation.

Reason: In the interests of visual appearance and in recognition of the heritage asset and identified species / habitats.

- 7) No construction shall take place above slab level in relation to Blocks A-F until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation, including arrangements to secure funding and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Reason: To ensure satisfactory drainage facilities are provided to serve the site.

- 8) No construction shall take place in relation to blocks A-F until a method statement, including details of all works within Root Protection Areas or crown spread [whichever is greater], of any retained tree, and details of all foundation construction incorporating measures to protect tree roots, that seeks to ensure the protection and retention of those roots within the Root Protection Areas has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details.

Reason: To prevent damage to the trees in the interests of visual amenity.

- 9) No development other than works associated with the principal listed building shall take place until a detailed survey of existing and proposed ground levels, sections across the site and details of the finished slab level for each of Blocks A to F has been submitted to and approved in writing by the Local Planning Authority. The ground levels across the site and finished slab levels for each property shall be as per the approved details.

Reason: To safeguard the living conditions of nearby residents.

- 10) No development other than works associated with the principal listed building shall take place until a detailed survey of existing and proposed ground levels (referred to as Ordnance Datum), sections across the site and details of the finished slab level for

each of Blocks A to F has been submitted to and approved in writing by the Local Planning Authority. The ground levels across the site and finished slab levels for each property shall be as per the approved details with the specific requirement that the finished floor level (FFL) of Block F is set at 0.81 metres below that of the FFL to 21 Granville Road.

Reason: To ensure a satisfactory development and to safeguard the living conditions of nearby residents.

- 11) Prior to the construction of all external elevations above finished floor level (FFL) of Blocks A-F, the finished levels shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority. The results of these surveys shall confirm that the FFL of those plots are constructed to the levels agreed by condition 9 and no further construction above FFL of external elevations of dwellings on those plots shall take place until approval is given as required above. In the event that the submitted surveys fail to confirm the FFL correspond to the levels as approved, or are not within 100mm of those levels, a new planning application(s) shall be submitted for those buildings to which the variation relates.

Reason: This matter is fundamental in order to safeguard the living conditions of nearby occupiers, to safeguard the character and appearance of the area and ensure satisfactory drainage.

- 12) Prior to the first occupation of Blocks A-F, or in accordance with a timetable to be submitted to and agreed in writing with the Local Planning Authority, the levels of all external areas and adjacent highways shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority. The results of these surveys shall confirm that the levels of those plots and adjacent areas are constructed to the levels approved under condition 9. In the event that the submitted surveys fail to confirm the levels correspond to the levels as approved, or are not within 100mm of those levels, a new planning application(s) shall be submitted for those plots to which the variation relates.

Reason: This matter is fundamental in order to safeguard the living conditions of nearby occupiers, to safeguard the character and appearance of the area and ensure satisfactory drainage.

- 13) A scheme of works for each of the proposed vehicular and/or pedestrian accesses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the following highway improvement measures:
- alterations to the existing access on Granville Road to provide a carriageway width of no less than 8m, footways of 2m and to the kerblines and radius, including dropped kerbs and tactile paving at the site access,

- provision of a pedestrian refuge on Lancaster Road at the junction of Lancaster Road, Sandringham Road, including flush kerbs and tactile paving;
- reconstruction of the footway along north west side of Lancaster Road at the two redundant vehicle accesses;
- new dropped kerbs and tactile paving at the junction of Lancaster Road and Grosvenor Road;
- new dropped kerbs and tactile paving at the junction of Granville Road and Grosvenor Road;
- new dropped kerbs and tactile paving on Lancaster Road close to its junction with Selworthy Road, and
- removal of existing School Keep Clear road markings along Granville Road.

No part of the development to which each access relates shall be occupied until a means of vehicular and/or pedestrian access to the site/development has been constructed in accordance with the approved details.

Reason: In the interests of highway safety and to allow for the final finish of the tactile paving to be considered having regard to the setting of heritage assets.

- 14) All areas detailed on the approved plans for vehicle parking, turning and manoeuvring shall be laid out, demarcated, levelled, surfaced and drained prior to any part of development to which the area relates being occupied or brought into use and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 15) Cycle parking shall be provided in accordance with the approved plans prior to any part of the development to which the cycle parking relates being occupied or brought into use and these facilities shall be retained thereafter for cycle parking.

Reason: In the interests of highway safety.

- 16) The hard and soft landscaping scheme shall be carried out in accordance with the timetable in condition 6 (viii) above. 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.

Reason: In the interests of visual amenity.

- 17) Prior to first occupation of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, to cover a minimum period of 30 years. The landscape management plan shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and conservation.

- 18) The agreed Framework Travel Plan shall be implemented in full in accordance with a timetable to be submitted to and agreed in writing with the Local Planning Authority. The approved Travel Plan shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety.

- 19) All reasonable avoidance measures (RAMs) and mitigation measures as identified by sections 5.3, 5.4, 5.5, 5.6 and 9.1 of the Ecological Survey and Assessment dated April 2020 (ref: 2020-106) shall be implemented in full during the construction period and the mitigation measures identified in that paragraph retained thereafter within the completed development.

Reason: To safeguard the conservation of species/habitats whilst ensuring that the development accommodates breeding birds, barn owls, red squirrels and foraging / commuting bats and ensuring the removal of invasive species.

- 20) Prior to the occupation of the first unit full details of an information pack to be provided informing residents of the presence and importance of the designated nature sites, and how residents can help protect them shall be submitted to and approved in writing by the Local Planning Authority. The pack shall include a responsible user code and a list of alternative greenspaces. The agreed information must be supplied to occupiers on first occupation of each dwelling.

Reason: To mitigate recreational pressure on the designated coast.

- 21) No development shall take place in respect of Blocks A-F, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall be carried out as approved and adhered to throughout the construction period. The CEMP shall provide for:
- i) Measures to control the emission of dust and dirt during demolition, construction and any piling works.
 - ii) Measures to control light pollution during construction and any piling works.
 - iii) A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - iv) Noise reduction measures;
 - v) A scheme of piling methodology, which provides justification for the method chosen and details the noise and vibration suppression methods proposed
 - vi) Dust suppression measures;
 - vii) Demarcation, grubbing up and disposal of wall cotoneaster to avoid spread of invasive species (cotoneaster plant); and

- viii) Measures to contain construction materials and avoid pollution transfer i.e. a buffer zone to the Sefton Coast SAC boundary.

The agreed measures shall be retained thereafter during the construction period.

Reason: This is required prior to the commencement of development to safeguard the living conditions of neighbouring/adjacent occupiers and land users during both the demolition and construction phase of the development.

- 22) Prior to first occupation of the development, or the use of any external car park, a scheme to include any and all sources of external illumination through the site, including car parking areas, must be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented and maintained as such thereafter. The lighting scheme shall make provision for a maximum level of 20 lux when measured at any nearby property boundary unless a reduced requirement is deemed necessary to protect foraging/commuting bat population.

Reason: To protect the living conditions of nearby residents whilst also safeguard conservation of species/ habitats.

- 23) No tree felling, scrub clearance or hedgerow removal shall take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then trees, scrub, and hedgerow are to be checked first 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 prior to works continuing.

Reason: To protect birds during their breeding season.

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

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

- 25) A minimum of 17 no. electric vehicle charging points shall be provided in accordance with a scheme to be approved in writing by the local planning authority, with a minimum of 9 no. to Blocks A-D, 4 no. to Block E, and 4 no. to Block F and the listed building. The charging points shall be installed and made fully operational prior to first occupation of the development, and the equipment shall be retained in working order thereafter.

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

- 26) A scheme of acoustic treatment for the protection of residents at 38 Lancaster Road from noise from the parking area to the rear of the property shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the car parking area first being brought into use and thereafter retained.

Reason: To safeguard the living conditions of nearby residents.

INFORMATIVES

Breeding Birds

- 1) Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

Addresses

- 2) 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 a new street name/property number.

Highway Works

- 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 Control Team on 0151 934 4175 for further information.

Highway Agreements

- 4) The applicant/developer is advised that agreements under Section 38 (if necessary) and Section 278 of the Highways Act 1980 will be required and to contact the Highways Development Control Team on 0151 934 4175 in this regard.

Piling Works

- 5) The developer is advised to contact Sefton Council's Pollution Control Team for suitable guidance if piling works are proposed.

CONDITIONS FOR LISTED BUILDING APPLICATION DC/2021/02487:

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The clock shall be repaired and brought back into use prior to the first occupation of any apartment and shall utilise the original mechanism in the clock tower unless the Local Planning Authority gives its consent to any variation.

Reason: In order to preserve the special architectural or historic interest of the building.

- 3) The clock tower shall be preserved in situ at all times during the period of works hereby permitted.

Reason: In order to preserve the special architectural or historic interest of the building.

- 4) Details of the proposed cast iron spiral staircase to the clock tower shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: In order to preserve the special architectural or historic interest of the building.

- 5) All windows in the reconstructed part of the building shall be recessed by a bricks width in order to accord with existing windows.

Reason: In order to preserve the special architectural or historic interest of the building.

- 6) All covings, roses, picture rails, dado and skirting boards shall be kept, reinstated where lost, or if required to be replaced shall be thus replaced in accordance with details to be submitted to and agreed in writing with the Local Planning Authority

Reason: In order to preserve the special architectural or historic interest of the building.

- 7) Ornate fascias and verge boards shall be accurately repaired/renewed to the original form both in material and section.

Reason: In order to preserve the special architectural or historic interest of the building.

- 8) Notwithstanding the details shown on the approved plans and heritage statements, detailed plans showing sectional details of proposed windows and doors at scale 1:5 including both vertical and horizontal sections shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: In order to preserve the special architectural or historic interest of the building.

- 9) Gutters must be accurately repaired/renewed to the original form both in material and section. All new rainwater pipes must be cast iron.

Reason: In order to preserve the special architectural or historic interest of the building.

- 10) After any works granted under this consent are completed any damage caused to the building by the works shall be made good.

Reason: In order to preserve the special architectural or historic interest of the building.

- 11) In the event of amendment being required as a result of the need for Building Regulations revised plans of the interior shall be submitted to and agreed in writing with the Local Planning Authority and works shall proceed only on the basis of the revisions.

Reason: In order to preserve the special architectural or historic interest of the building.

- 12) Reasonable facilities for internal investigation of the building during the period of works shall be given to the Local Planning Authority including rights to access to a person or persons authorised by that Authority during the course of all works to the interior.

Reason: In order to preserve the special architectural or historic interest of the building.

- 13) Within three months of the date of this consent, a detailed timetable for the completion and restoration of all decorative features, including barge boarding, stonework and all other works barring external brick, roof tiles and window details, shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason: In order to preserve the special architectural or historic interest of the building.

LIST OF APPROVED DETAILS FOR PLANNING APPLICATION DC/2021/02486

8921	(01)001	Existing Site Plan	A
8921	(01)002	Post Fire Demolition Plan	A
8921	(01)003	Site Location Plan	-
8921	(04)002	Proposed Site Plan	-
8921	(04)005	Proposed Site Master Plan (Colour)	-
8921	(04)006	Existing Consented Scheme Overlay	-
8921	(04)007	Refuse & Access - Proposed Site Masterplan	A
8921	(04)008	Proposed Masterplan - Boundary Treatments	A
8921	(04)009	Block E to 38 Lancaster Road	A
8921	(04)010	Block F to 21 Granville Road	A
8921	(04)101	(BLOCK A) - Proposed GF & 1F Plan	C
8921	(04)102	(BLOCK A) - Proposed 2F & Roof Plan	C
8921	(04)201	(BLOCK B) - Proposed GF and 1F Plan	E
8921	(04)202	(BLOCK B) - Proposed 2F and Roof Plan	E
8921	(04)301	(BLOCK C) - Proposed GF & 1F Plan	D
8921	(04)302	(BLOCK C) - Proposed 2F & Roof Plan	D
8921	(04)401	(BLOCK D) - Proposed GF & 1F Plans	D
8921	(04)402	(BLOCK D) - Proposed 2F & 3F Plans	D
8921	(04)501	(BLOCK E) - Proposed GF & 1F Plan	B
8921	(04)502	(BLOCK E) - Proposed 2F & 3F Plan	B
8921	(04)701	(BLOCK F) - Proposed Plans	D
8921	(05)001	1.500 Site Elevations	-
8921	(05)002	1.200 Site Elevations	-
8921	(05)100	(BLOCK A) - Proposed Elevations	B
8921	(05)200	(BLOCK B) - Proposed Elevations	B
8921	(05)300	(BLOCK C) - Proposed Elevations	C
8921	(05)400	(BLOCK D) - Proposed Elevations	B
8921	(05)500	(BLOCK E) - Proposed Elevations	A
8921	(05)701	(BLOCK F) - Proposed Elevations	A
8921	(06)100	(BLOCK A) - Proposed Sections	A
8921	(06)200	(BLOCK B) - Proposed Sections	-
8921	(06)300	(BLOCK C) - Proposed Sections	A
8921	(06)400	(BLOCK D) - Proposed Sections	-
8921	(06)500	(BLOCK E) - Proposed Sections	A
8921	(06)701	(BLOCK F) - Proposed Sections	B
	8921DAS	Design and Access Statement	1
	D9023.001	Landscape Masterplan	A
	D9023.002	Tree Survey Impact Study	1
	D9023.006	Boundary Treatment Plan	A
	V3	Construction Traffic Management Plan	-

LIST OF APPROVED DRAWINGS FOR DC/2021/02487 – LISTED BUILDING CONSENT

8921	(01)600	(LB) Pre Fire Plans	A
8921	(01)601	(LB) Post Fire Plans	C
8921	(02)600	(LB) Pre Fire Elevations	A
8921	(02)601	(LB) Post Fire Elevations	A
8921	(03)600	(LB) Pre Fire Sections	A
8921	(03)601	(LB) Post Fire Sections	A
8921	(04)601	(LB) Proposed GF Plan	F
8921	(04)602	(LB) Proposed 1F Plan	E
8921	(04)603	(LB) Proposed 2F Plan	F
8921	(04)604	(LB) Proposed Roof Plan	C
8921	(05)600	(LB) Prop Elevations North & East	A
8921	(05)601	(LB) Prop Elevations South & West	B
8921	(06)600	(LB) Proposed Sections A&B	A
8921	(06)601	(LB) Proposed Section C	A
8921	(06)602	(LB) Proposed Sections D&E	A
8921	(06)603	(LB) Proposed Section F	A
8921	(10)600	LB Conservation Strategy 00 Plan	A
8921	(10)601	LB Conservation Strategy 01 Plan	A
8921	(10)602	LB Conservation Strategy 02-03 Plan	A
8921	(20)600	LB Demolition 00 Plan	B
8921	(20)601	LB Demolition 01 Plan	B
8921	(20)602	LB Demolition 02 & 03 Plan	B
8921	(20)603	LB Demolition RF Plan	B
8921	(20)610	LB Demo Elevations - North & East	A
8921	(20)611	LB Demo Elevations - South & West	A
8921	(20)612	LB Demo Elevations - East & West Inner	A
8921	(20)620	LB Fabric Repairs RF Plan	A
8921	(20)621	LB Fabric Repair Elevations North & East	A
8921	(20)622	LB Fabric Repair Elevations South & West	A
8921	(20)623	LB Fabric Repair Elevations - East & West Inner	A
8921	(30)600	Typical Details	-
8921	(31)601	LB Typical Window Elevations	A
8921	(32)600	LB Typical Door Elevations	A
	8921CS	Conservation Strategy	3