

Report to: PLANNING COMMITTEE **Date of Meeting:** 13th April 2022

Subject: [DC/2021/02499](#)
[326 Liverpool Road South, Maghull, Liverpool L31 7DJ](#)

Proposal: Erection of Retirement Living Housing of 44 residential units (Category II type accommodation) with associated communal facilities, landscaping and car parking following the demolition of the existing building (alternative to DC/2020/00418, refused 15/04/2021).

Applicant: McCarthy & Stone **Agent:** Mr Chris Butt
Retirement Lifestyles Ltd The Planning Bureau Ltd

Ward: Park Ward **Type:** Full Application

Reason for Committee Determination: Major application with five or more objections

Summary

This application seeks planning permission to construct a retirement living scheme of 44 residential units following demolition of the existing club building.

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

The proposal complies with adopted local plan policy and, in the absence of any other material considerations, the application has the following recommendation:

Recommendation: Approve with conditions subject to the following:

(a) The completion of a Section 106 Legal Agreement securing the following:

- A financial contribution towards off-site affordable housing;
- A financial contribution towards mitigating recreational pressure on the Sefton coast; and
- A fee to monitor compliance with the legal agreement.

(b) The submission of bat surveys to enable the local planning authority to assess the proposals against the three tests (Habitats Regulations).

(c) The submission of additional information to enable the local planning authority to complete a Habitats Regulations Assessment which considers impacts of recreational pressure on the Sefton coast.

(d) The agreement of Natural England to the findings of the completed Habitats Regulations Assessment.

(e) Delegated authority to impose planning conditions and/or Section 106 requirements recommended by Merseyside Environmental Advisory Service and/or Natural England on the additional information.

Case Officer Diane Humphreys

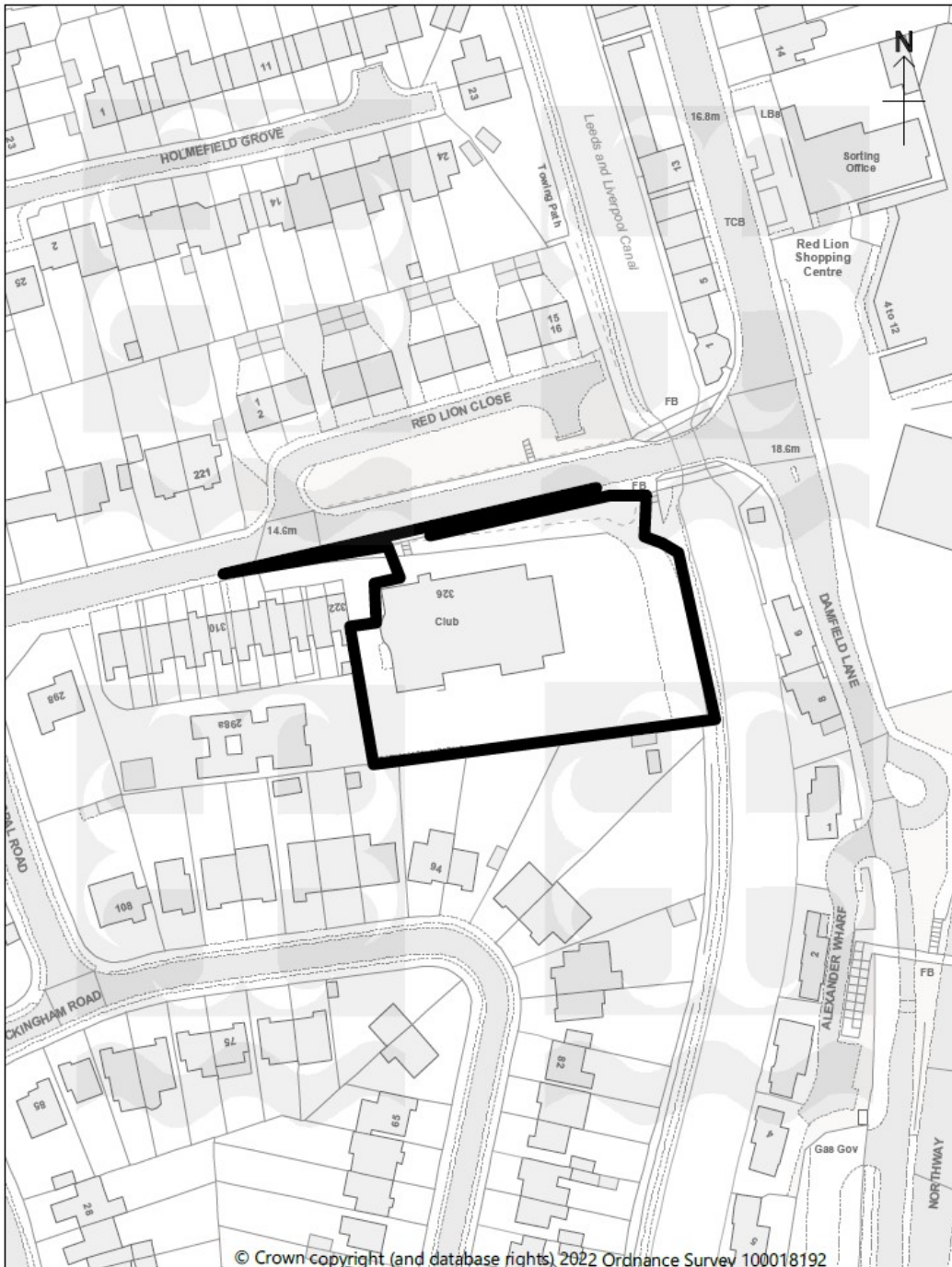
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R1C1VFNWMR900>

Site Location Plan



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Sefton Council



Reference: Map reference
Date: 05/04/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

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

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

History

DC/2020/00418 Erection of Retirement Living Housing of 44 residential units (Category II type accommodation) with associated communal facilities, landscaping and car parking following the demolition of the existing building. Refused 15 April 2021. Appeal in Progress.

Consultations

Local Plans Manager

No objection subject to conditions

Maghull Town Council

The Town Council supports this application and recommends approval.

The Council considers that the changes to the design to create a more sympathetic frontage together with the slight reduction in height of the building whilst reducing the shadowing effect to neighbours meets the requirements of an acceptable design within the Neighbourhood Plan policies and guidance.

Should a Section 106 agreement be required for the site, the Town Council would wish to raise the S123 list which is contained within the Neighbourhood Plan. The Council considers that there is no further requirement for the Canal & Rivers Trust to be able to access further S106 funds for the Canal path by the development given the large sums which have already been granted via developments in other parts of the town. The Council has suggested to the developers that they contact the CRT regarding the access to the towpath which needs to be level given the age of the new residents to the building and needs to be made a public access to see if the CRT can assist.

Conservation Manager

No objection

Environmental Health Manager

Noise

No objection subject to conditions

Contaminated Land

No objection subject to conditions

Highways Manager

No objection subject to conditions

Tree Officer

No objection subject to conditions

Merseyside Environmental Advisory Service

Two bat surveys are required prior to determination to enable the Council to robustly assess potential impacts on bats which are a protected species. The timing for the surveys is May to August/September inclusive. If bats are found to be present, the local planning authority must assess the proposals against the three tests (Habitats Regulations) and determine whether a licence is likely to be granted. Ecology conditions are also recommended.

An updated Habitats Regulations Assessment is also required prior to determination to ensure the impacts of recreational pressure are considered in accordance with the updated Information Note.

Natural England

Further information required to determine impacts on designated sites

Flooding & Drainage

No objection subject to a condition

United Utilities

No objection subject to conditions

Canal And River Trust

No objection subject to conditions

Fire and Rescue Service

No objection

Neighbour Representations

Written representations have been received from six local residents raising the following points:

Design

- Design of the building won't fit in with its surroundings
- Building is too high and imposing

Highway Safety

- Concerned about dangerous location of the proposed access
- Concerned about construction traffic
- Traffic survey conducted at a quiet time
- Could aggravate current parking problems

Living Conditions

- Four storey building will be too high, imposing and overbearing
- Loss of privacy
- Loss of light
- Concerned about possible security lights and cameras
- Access to the canal raises security issues

Other Issues

- Lack of consultation with local residents by the developer

The Merseyside and West Lancashire Bat Group point out that further bat survey work is required before the application can be determined.

Policy Context

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

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

Assessment of the Proposal

Background

This application is an alternative scheme to that submitted under application DC/2020/00418. The latter application had a recommendation to approve, subject to conditions and a Section 106 legal agreement, when it was considered by Planning Committee on 14 April 2021. Planning Committee resolved that the application be refused for the following reason:

- 1) The proposed building is not a high quality design and is out of character with the local area due to its excessive height and incongruous design. The proposed development is therefore contrary to Sefton Local Plan policy EQ2 'Design', Maghull Neighbourhood Plan policy MAG 4 'Residential Character Areas' and the requirements of the National Planning Policy Framework in particular Chapter 12 'Achieving well-designed places'.*

The refused application DC/2020/00418 is subject to an appeal which is currently being progressed by the Planning Inspectorate.

The application DC/2021/02499 now under consideration seeks to overcome the previous reason for refusal.

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

Issues

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

Principle

The development plan for the application site comprises the Sefton Local Plan and the Maghull Neighbourhood Plan.

Local Plan

The site lies within an area designated as 'primarily residential' in the adopted Sefton Local Plan

and the proposal for retirement flats is acceptable in principle under policy HC3. In addition, there is an identified need for this type of accommodation in Maghull. The proposal will also contribute to the Council's overall housing delivery requirements.

Neighbourhood Plan

The Maghull Neighbourhood Plan was made (i.e. adopted) on 24 January 2019. One of the main objectives of the Neighbourhood Plan is to support housing development which meets identified needs where such housing is appropriate to its environment with good design features and usable public green space for the benefit of all residents.

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

Conclusion on Principle

There is an identified need for retirement flats in Maghull and the site's location within a 'primarily residential area' makes it suitable for the proposed development. The development is therefore acceptable in principle.

Design

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

The previous application was refused on the basis of its poor design being out of character with the local area with an excessive height and incongruous design. The proposed development was therefore contrary to Sefton Local Plan policy EQ2 'Design', Maghull Neighbourhood Plan policy MAG 4 'Residential Character Areas' and the requirements of the National Planning Policy Framework in particular Chapter 12 'Achieving well-designed places'.

The building now proposed is broadly similar to the building in the refused scheme in terms of its scale, general height and siting but its design has been changed to overcome the reason for refusal. The current proposal includes a more traditional building style constructed principally of red brick with stone detailing and grey tiled pitched roofs.

The applicant's Design and Access Statement (DAS) provides a detailed evaluation of the proposed building's design and explains that, in terms of height, the top storey of the building will be housed in the roof space with dormer windows, the pitched roof design of varying heights and punctuated

with gables reduces the mass of the building, and its position up to approximately 3 metres below road level minimises its impact further.

The building is designed to resemble a canal wharf building with its scale reduced by introducing various setbacks to the façade but reflecting its nodal location next to the Red Lion bridge.

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

This proposal is within the Parkhaven Character Area. Many houses within the Character Area are traditional 1930s villas with tree lined roads as well as considerable tree planting in the gardens. The roads are narrow and do not allow parking on both sides. Whilst this proposal is different in character than most of the housing in the area, it is at the eastern edge of the area and is close to modern buildings on the opposite site of the canal, some of which are larger than two storey dwellings. The site is also close to the town centre, which would support a scheme of higher density.

The analysis within the DAS explains in detail how the proposed building design has been developed to respect the Parkhaven Character Area which, despite the predominance of two storey development, does contain similar prominent buildings at other nodal points.

Maghull Town Council had expressed concern on the refused application about its consistency with the Parkhaven Character Area. The Town Council supports this current application and considers the design to be more sympathetic to the area.

The Canal and River Trust welcomes the positive interaction of the building with the canal corridor.

Overall, the design of the proposed development is considered appropriate for its setting within the Parkhaven Character Area, adjacent to the canal and close to the town centre. The current design is considered to satisfy Maghull Neighbourhood Plan policy MAG4 'Residential Character Areas', Local Plan policy EQ2 'Design' and Chapter 12 'Achieving well-designed places' of the National Planning Policy Framework.

Affordable Housing

In accordance with Local Plan policy HC1 'Affordable and Special Needs Housing', new developments in Maghull that create 15 or more residential units should provide 30% of the scheme as affordable housing. This is subject to economic viability.

For the previous application, DC/2020/00418, the applicant made a viability argument and, after review by the Council's viability consultant, a compromise position of £150,000 towards off-site

affordable housing was agreed. This took account of an uncertainty around sales values and was based on the applicant's ability to charge ground rents. The application had been deferred by Planning Committee partly over concerns about viability and the off-site affordable housing contribution and the applicant increased their offer to £175,000 towards off-site affordable housing. This was still based on their ability to charge ground rents although it was acknowledged that legislation was being drawn up to stop this practice.

For the current application, DC/2021/02499, the applicant has submitted a viability appraisal concluding that no surplus would be available for off-site affordable housing contributions. The Council instructed its retained viability consultants, CP Viability, to undertake an independent review of the applicant's viability appraisal. This found that the scheme could support an off-site contribution totalling £251,500. The main reasons for the difference of opinion related to assumptions around market values, external build costs, contingency, professional fees and empty property costs.

The applicant submitted a rebuttal to the Council's consultant's report and in turn our consultant provided a response. This discussed the sales values, externals, professional fees, contingency, empty property costs and developer return. Following a review, our consultant concluded that an adjustment in our external costs to 10% was justifiable. All other assumptions were retained. This served to reduce the off-site commuted sum down from £251,500 to £131,500.

The applicants then provided comments on our consultant's latest findings and our consultant responded by discounting some of the comments but accepted there was an error in the calculation for Empty Property Costs. Once corrected, the commuted sum contribution was calculated at £80,000.

The applicant has agreed to this level of financial contribution and this is supported by the Council's viability consultant. The agreed £80,000 contribution towards off-site affordable housing reflects the inability of the applicant to charge ground rents.

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

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

In this case, the applicant's viability consultant advises "the development seeks an off-site contribution due to the specialist nature of the retirement development proposed. It is well established that affordable housing provision cannot be provided onsite within a single retirement block. The management regime and high service charges that are an associated cost of retirement schemes render it problematic to mix tenures (open market and affordable) in a block and generally deters interest from Registered Providers."

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

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

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

Living Conditions

Surrounding Residents

Local residents have raised concerns about overlooking and loss of light. The building has been designed so that these impacts are minimised and a drawing has been provided to show how the building casts a shadow on the canal at different times of the year. There is a distance of approximately 29 metres between the east elevation of the proposed building to the cottages on the opposite side of the canal at 6 and 8 Damfield Lane and approximately 40 metres between the building's south elevation and houses at the rear on Buckingham Road (90, 92 and 94). The blank gable wall of the adjacent house at 322 Liverpool Road South is over 20 metres away. These distances all exceed the minimum separation distances set out in the Council's 'New Housing' Supplementary Housing Document (SPD) which is 21 metres between habitable room windows and 12 metres between a blank wall and a habitable room window.

There are no windows proposed in the building's south elevation closest to the boundary with 90 Buckingham Road.

The Environmental Health Manager recommends that an acoustic barrier is installed along the western and southern boundaries of the site to minimise noise impacts on adjacent residents from the car park and this can be secured by condition.

A condition for piling works is also recommended to minimise impacts of construction works on local residents.

Occupiers of the Site

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

All habitable rooms should have a window with a reasonable outlook and prospect and the proposal complies with this guidance. The ground floor flats on the building's front elevation will be facing a grassed embankment sloping up to the road. Their habitable rooms are served by large areas of glazing including a glazed door which opens out onto a terraced area and this is considered acceptable.

The Environmental Health Manager has reviewed the submitted noise assessment report and recommends conditions to secure suitable schemes of glazing and acoustically treated ventilation for all habitable rooms and to minimise noise levels from any new fixed plant on the site.

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

The applicant has demonstrated that the proposal provides useable outdoor amenity space, including communal gardens, patios and paths for exercise, totalling 784 square metres. There are also 23 private balconies with a total floor area of approximately 140 square metres. In addition, landscaped areas to the north and east of the building provide an attractive outlook for residents and total some 597 square metres in area. The quality and quantity of outdoor amenity space provided for future occupiers of the site is considered acceptable and in accordance with the SPD standards.

Impacts on living conditions are therefore considered acceptable subject to conditions.

Highway Safety

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

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

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

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

The parking provision is shown as 33 car parking spaces for the development which includes the provision of 2 disabled parking bays and 2 of the car parking bays will have electric vehicle charging points. There is also an additional bay for ambulance parking, an area for taxi drop off and mobility scooter parking will be provided.

The expected level of car parking provisions, as set out in the 'Sustainable Travel and Development' Supplementary Planning Document (SPD), for this type of development is one space for every two units plus one staff parking space per member of residential staff plus 1 visitor space per 5 units. Therefore, there should be an expectation for 31 parking spaces associated with the development if there are no residential staff. Within the TS the applicant has provided a first principles assessment of car parking provisions at other comparable McCarthy & Stone residential establishments. This assessment shows that on average the car parking demand is 0.55 spaces per apartment. On this basis the car parking demand for the proposed development would be 24 spaces.

The level and layout of the car parking provision proposed are considered acceptable in view of the assessments provided within the TS and comparison to the requirements of the 'Sustainable Travel and Development' SPD.

Four Sheffield stands are proposed for cycle parking, which will provide cycle parking in excess of that required by the SPD. The submission and subsequent implementation of a Residential Travel Plan can be secured by condition.

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

Landscaping

The proposal requires the loss of 6 individual trees and one stem from a group which the Council's Tree Officer does not object to on the basis that the trees are of low quality with one identified as dead. Mitigation tree planting on a one for one basis and a landscaping scheme are required in accordance with Local Plan policy EQ9 and a condition is recommended to secure this. The scheme should include tree planting along the Liverpool Road South frontage and adjacent to the canal.

The proposed landscaping provision accords with policy MAG 4 'Residential Character Areas' within the Maghull Neighbourhood Plan.

Ecology

Bats

The applicant has submitted a Preliminary Ecological Appraisal report which has been reviewed by Merseyside Environmental Advisory Service (MEAS) and the report is accepted. The report finds that the building has deteriorated and is now categorised as having moderate bat roosting suitability. Two bat surveys (emergence and/or re-entry) are required before the application can be determined as bats are protected species. Timing for the survey work is May to August/September inclusive.

If the surveys and report determine that bats are present, the Council must assess the proposals against the three tests (Habitats Regulations).

As the survey work cannot be started until May at the earliest, delegated authority is requested to seek MEAS's views on the completed bat survey work and to impose any such conditions recommended by MEAS and/or Natural England.

The applicant has submitted a lighting strategy in relation to bats which MEAS advise is acceptable.

Other Ecology Considerations

Conditions are recommended to protect breeding birds and terrestrial mammals and to manage/remove invasive species.

Recreational Pressure

In December 2021 the Council adopted an updated Information Note on mitigating the impact of recreational pressure on the Sefton coast. As the proposal is for 10 or more net residential units and will lead to increased visits to the Sefton coast, the applicant must demonstrate how increased recreational pressure will be avoided or mitigated to enable the Council to undertake a Habitats Regulations Assessment (HRA) before the application is determined.

The applicant can opt-in to the mitigation measures set out in the Information Note which are a commuted sum contribution of £63 per new home for this location and a leaflet to be provided to all first-time occupiers. Alternatively, they can provide a bespoke package of mitigation before the application is determined to enable the Council to complete an HRA.

The applicant has provided a statement setting out why mitigation should not be sought for this development based on the number of occupants and their age, the distance to the coast and the likelihood of residents requiring public transport for the journey for which there is no direct route.

MEAS has been consulted on this latest information but it should be noted that the applicant agrees to pay the commuted sum contribution for recreational pressure should the Council not

agree with the applicant's reasoning and is satisfied that the contribution meets the tests set out in the CIL regulations.

For the current application, the commuted sum towards mitigating recreational pressure on the Sefton coast would total $44 \times £63 = £2,772$.

Once the approach is confirmed, MEAS will be able to prepare the HRA with Natural England subsequently consulted on the findings of the HRA. Conditions and/or Section 106 contributions can be secured as required.

Drainage

The Flooding and Drainage Manager and United Utilities raise no objections to the proposal subject to conditions.

Section 106 Legal Agreement

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

In lieu of on-site provision, the applicant has agreed an £80,000 financial contribution towards affordable housing in the local area. This can be secured through a Section 106 legal agreement.

The Section 106 legal agreement can also secure a financial contribution towards mitigating recreational pressure on the Sefton coast following the completion of a Habitats Regulations Assessment.

The legal agreement would also secure a commuted sum to monitor compliance with the agreement, equivalent to 15% of the planning application fee or £700, whichever is the greater. For this application, the monitoring fee would be £3,049.20 based on the fee for the original planning application DC/2020/00418.

Maghull Town Council has requested that, should a Section 106 agreement be required for the site, they would wish to raise the Section 123 list contained within the Neighbourhood Plan.

Section 106 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; they are directly related to the development; and fairly and reasonably related in scale and kind to the development.

No evidence has been put forward that any of the infrastructure projects identified in Maghull's neighbourhood plan would be needed to mitigate the impact of this proposal or that they would meet the tests above. As such no contribution can be sought from this proposal to those projects.

Maghull Town Council considers there is no requirement for the Canal and River Trust to have further Section 106 funds for the canal path given the large sums which have already been granted via developments in other parts of the town. The current proposal does not involve a financial contribution towards the canal.

Other Issues

Conservation

Any impact on the significance of nearby non-designated heritage assets or on the Damfield Lane Conservation Area, which lies on the opposite side of the A59 (to the east), is considered to be minimal and the Conservation team have raised no objections.

Contaminated Land

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

Invasive Species

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

Waste

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

Canal

The Canal and River Trust recommends conditions to protect the integrity of the canal.

Broadband

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

Planning Balance and Conclusion

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

The scheme is considered appropriate in visual terms for its canalside setting and location close to the town centre in line with Local Plan and Neighbourhood Plan policies on design.

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

The proposal complies with development plan policy and, in the absence of any other material considerations, the application has the following recommendation.

Recommendation: Approve with conditions subject to the following:

(a) The completion of a Section 106 Legal Agreement securing the following:

- **A financial contribution towards off-site affordable housing;**
- **A financial contribution towards mitigating recreational pressure on the Sefton coast; and**
- **A fee to monitor compliance with the legal agreement.**

(b) The submission of bat surveys to enable the local planning authority to assess the proposals against the three tests (Habitats Regulations).

(c) The submission of additional information to enable the local planning authority to complete a Habitats Regulations Assessment which considers impacts of recreational pressure on the Sefton coast.

(d) The agreement of Natural England to the findings of the completed Habitats Regulations Assessment.

(e) Delegated authority to impose planning conditions and/or Section 106 requirements recommended by Merseyside Environmental Advisory Service and/or Natural England on the additional information.

Conditions

Time Limit for Commencement

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

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

Approved Plans

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

Drawing No. 0001	Site Location Plan
Drawing No. 0002 rev B	Site and Roof Plan
Drawing No. 0003 rev B	Site and Ground Floor Plan
Drawing No. 0004 rev B	Boundary Treatments
Drawing No. 0005 rev A	Site Amenity Area Plan
Drawing No. 1001	Plans
Drawing No. 2001 rev A	Proposed Elevations
Drawing No. 2002	Elevations sheet 1 of 2
Drawing No. 2003	Elevations sheet 2 of 2
Drawing No. 2004 rev B	Site Elevations
Drawing No. SK-01	Ecological Receptor Location Plan
Drawing No. SK-02	Assessed Scheme of Lighting
Drawing No. TPP01 rev C	Tree Protection Plan
Tree Survey and Impact Assessment dated December 2021	
Ecological Lighting Assessment dated March 2022	

Reason: For the avoidance of doubt.

Before the Development is Commenced

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

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

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

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

- 5) Should the development incorporate piled foundations, a scheme of piling methodology, which provides justification for the method chosen and details noise and vibration suppression methods proposed, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented throughout the development.

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

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

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

- 7) No development shall commence until a method statement showing the extent of Japanese knotweed and a scheme for its eradication from the site has been submitted to and approved in writing by the local planning authority. The method statement shall include:-
- i. A plan showing the extent of the invasive species,
 - ii. what methods of eradication will be used to prevent the plant spreading further, including demarcation,
 - iii. what methods of eradication will be used,
 - iv. a timetable for its implementation; and,
 - v. details of ongoing monitoring.

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

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

- 8) No development shall commence until the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report

shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. Remediation shall proceed in accordance with the approved details.

Reason: The details are required prior to development or site clearance commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9) No development shall commence until a remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, has been submitted to and approved in writing by the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development. The remediation strategy must be carried out in accordance with the approved details at all times.

Reason: The details are required prior to development or site clearance commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10) No development shall commence until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the local planning authority. The details shall:
- i. Demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure;
 - ii. Provide detailed cross sections showing the distance from the canal to the proposed retaining wall and proposed buildings and relative levels;
 - iii. Include the design, depth and means of construction of the foundations of the retaining wall, method for monitoring of vibrations of any piling, together with any other proposed earthmoving and excavation works required in connection with demolition or construction of the retaining wall and building;
 - iv. Include details of the drainage layout to be provided as part of the retaining wall to deal with surface water run-off and current or future leaks/seepage from the canal;
 - v. Specify how the canal will be protected during the works and include any proposed protective fencing to be erected to safeguard the waterway infrastructure during construction; and

- vi. Specify the method for how the trees on the boundary with the canal would be removed whilst safeguarding the stability of the canal infrastructure.

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

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

During Building Works

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

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

- 12) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by condition 29.

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

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

Reason: To protect birds during their breeding season.

- 14) The following reasonable avoidance measures shall be put in place to ensure no adverse effects on hedgehog:
 - a pre-commencement check for hedgehog mammals;
 - all trenches and excavations should have a means of escape eg a ramp;

- any exposed open pipe systems should be capped to prevent mammals gaining access; and
- appropriate storage of materials to ensure mammals do not use them.

Reason: To safeguard conservation of species/habitats.

- 15) The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Foul and Surface Water Drainage Strategy outlined in the Drainage Impact Assessment Ref P91864/DIA/DJC, Issue 03 prepared by GGP Consult. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, foul and surface water shall drain separately and surface water must drain to the dedicated surface water sewer at the restricted rate of 5 l/s. No surface water will be permitted to drain directly or indirectly into the public foul or combined sewer. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Before the Development is Occupied

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

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

- 17) Before the development is occupied, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:

- i) Existing and proposed levels or contours
- ii) Proposed and existing services above and below ground
- iii) Details of boundary treatments and hard surfaces
- iv) The location, size and species of all trees to be planted
- v) The location, size, species and density of all shrub and ground cover planting
- vi) A schedule of implementation.

Reason: In the interests of visual amenity.

- 18) Within the first planting/seeding season following completion of the development, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out; and any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 19) Notwithstanding the details shown on Drawing no. 0004 rev B Boundary Treatments, prior to the occupation of the development hereby approved full details of an acoustic barrier to be erected along the southern and western boundaries of the proposed car park shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved before the development is occupied and retained as such thereafter.

Reason: To ensure an acceptable visual appearance to the development and to safeguard the living conditions of neighbouring/adjacent occupiers.

- 20) A scheme of acoustic glazing and acoustically treated ventilation to all habitable rooms shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the dwellings hereby approved are first occupied and retained as such thereafter.

Reason: To safeguard the living conditions of future occupants.

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

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

- 26) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 28) The development shall not be occupied or brought into use until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

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

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

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

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

Reason: To safeguard conservation of species/habitats.

Ongoing Conditions

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

Reason: To accord with affordable housing policy.

Informatives

- 1) This permission is subject to a Section 106 legal agreement.
- 2) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 3) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.
- 4) Bats may be present in your building. Bats are protected species. If you discover bats you must cease work immediately.

- 5) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 and 9 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 12 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.
- 6) In relation to condition 5, there are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy.
- Pressed-in methods, e.g. Hydraulic jacking
 - Auger / bored piling
 - Diaphragm Walling
 - Vibratory piling or vibro-replacement
 - Driven piling or dynamic consolidation

Should the contractor propose to use a method which is not the preferred lower impact option, then satisfactory justification will need to be provided to demonstrate the piling method that is utilised meets Best Practicable Means (BPM). Please note vibration monitoring will be required for all piling projects. For further advice on what to include in your piling methodology scheme and current standards please contact Sefton's Pollution Control Team.