

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

**Subject:** **DC/2021/01317**  
**5 - 7 Burbo Bank Road South Blundellsands Liverpool L23 6SN**

**Proposal:** Erection of 8 dwellinghouses and associated infrastructure following demolition of existing dwellings.

**Applicant:** Mr John Lysaght      **Agent:** Mr Tony Diaz  
Blundellsands Investments Ltd      Diaz Associates

**Ward:** Blundellsands Ward      **Type:** Full Application

**Reason for Committee Determination:** Update to item previously presented to Planning Committee

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## Summary

This application was considered by Planning Committee on 17<sup>th</sup> November 2021 when it was resolved to grant planning permission subject to conditions and the completion of a Section 106 legal agreement towards education provision.

The legal agreement is still being prepared so the planning permission has not yet been issued. Meanwhile, the applicant has tried to satisfy proposed condition 3 of the planning permission but has not been successful. Condition 3 involves a scheme for the translocation of dune grassland.

The purpose of this report is to seek approval to delete condition 3 and replace it with a financial contribution to be incorporated into the Section 106 legal agreement.

**Recommendation: Approve with conditions subject to the completion of a Section 106 Legal Agreement to secure commuted sum payments towards education provision and biodiversity net gain.**

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QT94R9NW00600>

# Site Location Plan



## The Site

The application site comprises 5 to 7 Burbo Bank Road South in Blundellsands.

## History

Not relevant to this report

## Consultations

### **Merseyside Environmental Advisory Service**

No objection subject to commuted sum

## Neighbour Representations

Not relevant to this report

## Policy Context

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

## Assessment of the Proposal

This report concerns only the proposal to delete condition 3 and replace it with a financial contribution secured within the Section 106 legal agreement.

Proposed condition 3 for this application states:

- 3) *No development shall commence until a detailed scheme for the translocation of dune grassland has been submitted to and approved in writing by the Local Planning Authority.*

*This detailed scheme shall include:*

- *Provision of a detailed method statement to translocate the dune grassland from 5-7 Burbo Bank Road to the adjacent re-developed site (3 Burbo Bank Road.)*
- *Provision of a management and monitoring plan for the translocated dune grassland.*
- *Provision of a detailed method statement for the seeding (with seeds of plants of local provenance) for the proposed grassland area at 5-7 Burbo Bank Road.*

- *Provision of a management and monitoring plan for the seeding and subsequent lawn growth at 5-7 Burbo Bank Road.*

*The scheme shall be completed in accordance with the approved details and programme to the satisfaction of the Local Planning Authority and the management and monitoring arrangements shall be carried out in accordance with the approved details over the period specified.*

*Reason: The details are required prior to the commencement of development to safeguard conservation of species/habitats.*

It has not been possible to retain or translocate the required area of grassland and the applicant has been working with Merseyside Environmental Advisory Service (MEAS) to identify a suitable off-site location. A site at Crosby Coastal Park was identified but found to be undeliverable.

MEAS has confirmed that compensation, in the form of a commuted sum, is now required based on the biodiversity unit value of dune grassland loss on the application site. The commuted sum has been calculated at £11,400 and should be secured within the Section 106 legal agreement. It will contribute towards the implementation of a proposed scheme by GreenSefton known as the 'Hightown Meadows' project.

The 'Hightown Meadows' project site is owned by Sefton Council and forms part of Hightown Dunes, Meadow and Saltmarsh local wildlife site (LWS) and Ravenmeols and Altcar Foreshore Dunes local geological site (LGS). It is located to the south of the settlement of Hightown with the Liverpool to Southport railway line forming its eastern boundary and comprises three agriculturally unimproved 'fields' semi bisected by a strip of semi-mature trees. The project proposes to restore the LWS designation features, such as dune grassland, which is currently scrubbed over and unmanaged. The commuted sum will be used to part fund the management actions set out in the project and MEAS is confident that it will result in a significant biodiversity net gain for dune grassland and off-set the loss on the application site.

The recommendation below reflects that agreed at Planning Committee on 17<sup>th</sup> November 2021 with the removal of condition 3 and the addition of the commuted sum payment for biodiversity net gain within the Section 106 legal agreement.

**Recommendation: Approve with conditions subject to the completion of a Section 106 Legal Agreement to secure commuted sum payments towards education provision and biodiversity net gain.**

### 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. 682-01-A Site and Location Plan  
Drawing No. 682-02 Plot 8 and 9  
Drawing No. 682-03 Plot 10  
Drawing No. 682-04 Plot 11 and 12  
Drawing No. 682-05 Plot 13  
Drawing No. 682-06 Plot 14  
Drawing No. 682-07 Plot 15  
Drawing No. 682-08 Street Views  
Drawing No. 682-11 Landscape and Boundary Treatment Plan  
Drawing No. 10680-S-DR-XX-00-6001-P2 Drainage Layout

Reason: For the avoidance of doubt.

### During Building Works

- 3) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the dwellings 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.

- 4) No tree, shrub or hedgerow felling, or any vegetation management and/ or cutting operations shall take place during the period 1st March to 31st August inclusive unless 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 and the approved measures shall be implemented in full for the duration of the works.

Reason: To protect birds during their breeding season.

## Before the Development is Occupied

- 5) Prior to occupation of the first dwelling full details of an information leaflet to be included in the sales packs informing residents of the presence and importance of the designated nature sites and how residents can help protect them, including a responsible user code and a list of alternative green spaces, shall be submitted to and approved in writing by the Local Planning Authority. The approved information leaflet shall be provided on first occupation of each dwelling.

Reason: In order to comply with the conclusions of the Appropriate Assessment and mitigate increased recreational pressure on national and international sites.

- 6) 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.

- 7) a) Before the development is occupied a detailed scheme of highway improvement works together with a programme for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Alterations to the existing access road at its junction with Burbo Bank Road South to provide improved radii and footway
  - Removal of the existing footway crossing serving no.5 Burbo Bank Road South and its reconstruction as footway
  - Introduction of dropped kerbs and tactile paving across the junction of the access road and Burbo Bank Road South
  - Reconstruction of the footway on the south west side of Burbo Bank Road South across the full frontage of the site; and

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

Reason: In the interests of highway safety.

- 8) The development shall not be occupied until details of electric vehicle charging points (minimum one per dwelling) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the electric vehicle charging point(s)

for that dwelling has been installed and is operational in accordance with the approved details. The approved infrastructure shall be permanently retained thereafter.

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

- 9) No dwelling hereby approved shall 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.

- 10) The approved hard and soft landscaping scheme shall be carried out prior to first occupation of any part of the development hereby permitted or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants within a period of five years after planting, that 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.

- 11) Before the development hereby permitted is first brought into use or occupied, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details and shall thereafter be retained at all times.

Reason: To ensure a satisfactory visual appearance and to safeguard the living conditions of nearby occupiers.

- 12) The scheme shall be implemented in accordance with the approved drainage layout drawing no. 10680-S-DR-XX-00-6001-P2 before the development hereby permitted is first brought into use and retained thereafter in perpetuity.

Reason: In order to promote sustainable development, in order to secure proper drainage and to manage risk of flooding and pollution.

## Ongoing Conditions

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no garages, outbuildings, dormer windows, balconies or other extensions to a dwelling shall be erected unless expressly authorised by this permission.

Reason: In order to protect the character of the area/ residential amenities of nearby occupants.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no gates shall be erected on the access road on the south-east side of the site.

Reason: To encourage social inclusion and cohesive communities.

- 15) There shall be no access along the rear (south-west) boundary of the site through to the adjacent Coastal Park.

Reason: To safeguard the integrity of the site of nature conservation importance.

## Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4569 or E-Mail [snn@sefton.gov.uk](mailto:snn@sefton.gov.uk) to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk) for further information.
- 3) If the proposed development is to incorporate piling in the foundation detail, the developer is advised to consult with Sefton Council Pollution Control (email [ETSContact@sefton.gov.uk](mailto:ETSContact@sefton.gov.uk)). This will reduce the chance of enforcement action which could occur if an unsuitable method of piling is chosen without appropriate consultation and which subsequently causes nuisance by way of noise and/or vibration.
- 4) The applicant, their advisers and contractors should be made aware that if any European or UK protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
- 5) This permission is subject to a Section 106 legal agreement.