

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

**Subject:** [DC/2021/00417](#)  
[Land Off Holgate, Thornton](#)

**Proposal:** Proposed development of 206 dwellings, including access from Park View, car parking, landscaping and public open space, following the demolition of Orchard Farm and outbuildings.

**Applicant:** Mr Mark Wright  
Forth Homes Construction  
LTD & Castle Green LTD

**Ward:** Manor Ward      **Type:** Full application - Major

**Reason for Committee Determination:** To resolve matters relating to Habitats Regulations Assessment (HRA)

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## Summary

The proposal is for the erection of 206 dwellings on land allocated for housing between Holgate, Brooms Cross Road and Park View. The application was originally considered by Planning Committee in November 2021 and it was resolved that planning permission be granted subject to completion of a Section 106 Legal Agreement and the agreement of Natural England to a final Habitats Regulations Assessment. Following the Committee meeting, it emerged that land currently within the Council's ownership, in close proximity to the site, would be capable of achieving the required mitigation in order to ensure that land adjacent to the site is capable of being made available for use.

The main issues considered are the environmental impacts, matters relating to transportation and highway safety, design and amenity and matters relating to housing mix and developer contributions.

The application is subject to over 400 objections with the overriding concern relating to increased traffic in light of current network issues. The Highways Manager has reviewed in great detail various surveys and modelling conducted by the applicant's consultants and is satisfied that although there will be a significant increase in traffic locally with or without the development, there would no severe or cumulatively unacceptable impact on the local network associated with the development or new signalled junction, subject to the provision of mitigation in the form of off-site improvement works between Edge Lane and Brooms Cross Road.

The application has been subject to Habitats Regulations Assessment where it has been concluded

that it is unlikely there would be significant effects on designated European sites, subject to appropriate mitigation. In regard to design and character, the proposal makes efficient use of land and incorporates a wide range of well-designed house types. There would be 62 affordable dwellings while the proposal also complies with the Council's housing mix requirements in relation to two- and three-bedroom houses. The proposal provides a good standard of living for future occupiers while not causing undue harm to the living conditions of existing neighbours.

The development provides an extensive area of Public Open Space encompassing an existing bridleway and incorporating new foot and cycle paths along with hundreds of new trees. Although the proposal would result in the loss of Orchard Farm which is deemed a Non-Designated Heritage Asset, a scheme of investigation can be secured in order to ensure this is appropriately recorded. In any event this and other minor conflicts with the Council's policies and guidelines as identified within the following report, such as separation distances between dwellings, are not considered to amount to significant harm as to outweigh the benefits of the development.

The proposal would make a significant contribution to housing supply and delivery one of the Local Plan's largest housing allocations. The development would secure net biodiversity gain, new public open space and around half a million pounds in financial contributions towards primary education and the A565 Route Management Strategy. Overall and on balance the proposal is deemed acceptable and is recommended for approval.

## **Recommendation: Approve with conditions subject to the following:**

### **(1) The Completion of a S106 Legal Agreement Securing the Following:**

- 62 affordable dwellings (including two thirds social/ affordable rented and one third discount market)
- 20% of market dwellings to qualify as 'accessible and adaptable' under Building Regulations
- £459,380 in contributions towards primary education in the Thornton/ Crosby area
- Supplementary feed for bird species on an adjacent field to be agreed by the Chief Planning Officer in consultation with Merseyside Environmental Advisory Service and Natural England in perpetuity (£2,500 per year for purchase of supplementary feed and labour for spreading, with the sum to rise by inflation on an annual basis;
- £118,939 sinking fund, equivalent to a further £2,500 (interest index linked), available to the landowner to secure the ongoing mitigation of the site – thus allowing the provision of additional finance in the event that the site should need additional security or to deal with any other unexpected future events and a £60,000 monitoring fee,
- £61,594 (recreational pressure fee, as determined via the Sefton Information Note core zone as 299(£) x 206 (dwellings))
- The management of public open space and sustainable drainage systems
- Contributions towards the A565 Route Management Strategy
- £6,658 to monitor compliance with the Agreement

### **(2) Agreement of Natural England to the findings of completed Habitats Regulations Assessment securing the required mitigation.**

**Case Officer** Steven Faulkner

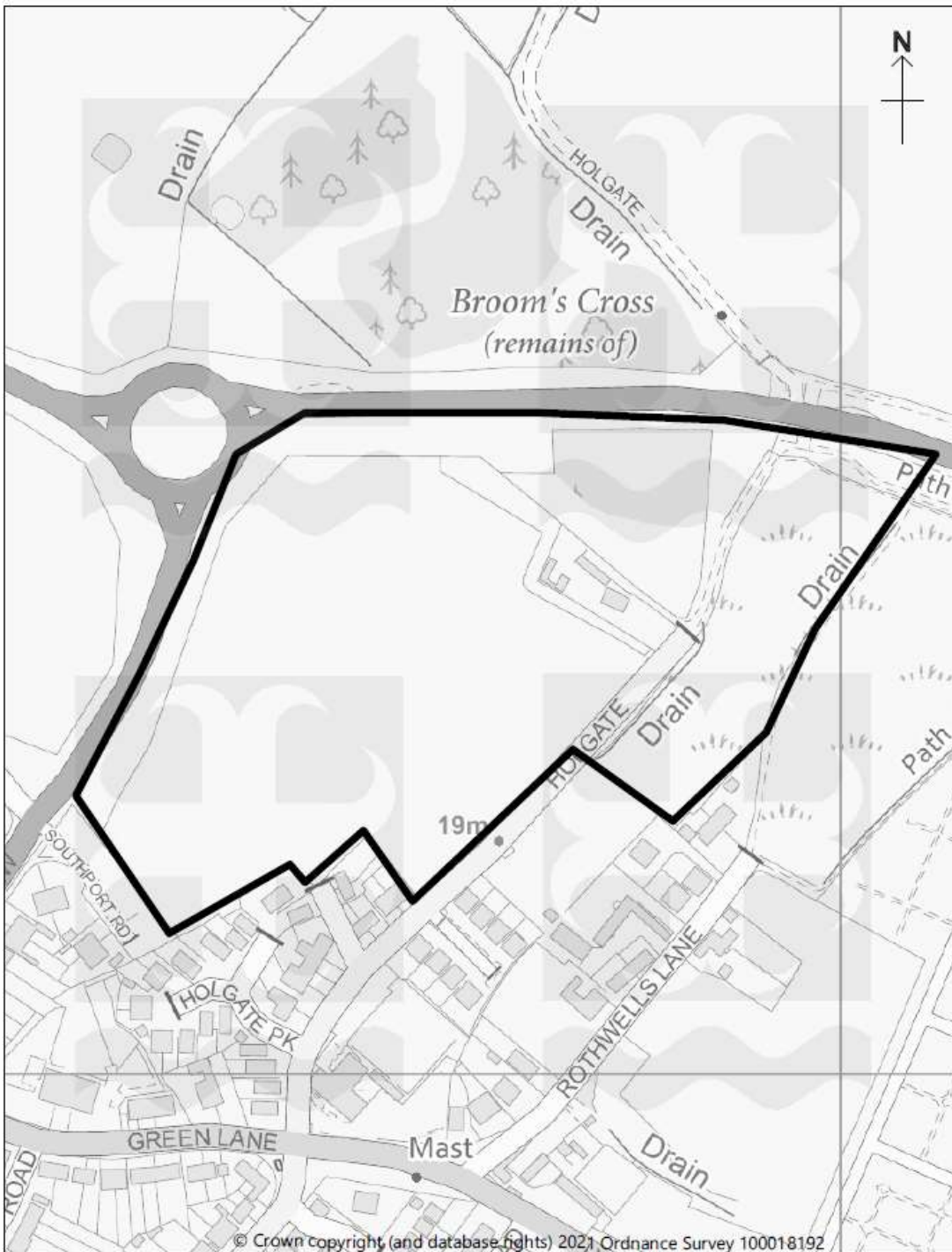
**Email** [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone** 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOFB72NWHN500>

## Site Location Plan



## The Site

The application site comprises 7.2 ha of former agricultural land including the existing Orchard Farm complex. It is bounded by Brooms Cross Road to the north, Park View/ Southport Road to the west, Holgate to the east and residential properties to the south.

## History

The Council provided an Environmental Impact Assessment Screening Opinion in December 2020 concluding that the development of up to 221 dwellings on site would be unlikely to have 'significant effects on the environment' thus not warranting the preparation of an Environmental Statement (DC/2020/02451).

Planning permission was granted on appeal in August 2019 for the erection of 14 dwellings towards the northern perimeter of the site adjacent to Orchard Farm (reference DC/2018/01568).

## Consultations

### **Clinical Commissioning Group**

No objection.

### **Conservation Officer**

Object to the loss of Orchard House.

### **Environment Agency**

No comment received.

### **Environmental Health Manager**

#### Air Quality

No objection subject to conditions.

#### Contaminated Land

No objection subject to conditions.

#### Noise

No objection subject to conditions.

### **Flooding and Drainage Manager**

No objection subject to conditions.

### **Highways Manager**

No objection subject to conditions.

**Historic England**

No objection.

**Liverpool City Region Combined Authority**

No objection subject to conditions (comments based solely on transportation implications).

**Local Plan Manager**

No objection.

**Merseyside Environmental Advisory Service**

No objection subject to conditions.

**Natural England**

No objection subject to conditions.

**Tree Officer**

No objection.

**United Utilities**

No objection subject to conditions.

## Neighbour Representations

A 31-signature petition endorsed by Councillor John Joseph Kelly has been submitted objecting to the proposal due to an exacerbation of existing traffic issues, highway safety, air pollution and harm to the environment and ecology.

An ePetition containing 245 signatures has been submitted via the Council's website, objecting to the proposal due to increased traffic on to an already congested road, associated highway safety issues and increase in air pollution. Other objections include harm to the character of the area and setting of historic villages and Broom's Cross. Loss of green space, recreation opportunities, trees and impact on ecology of the area including protected species such as pink footed geese. Increased flood risk.

Objections received from multiple residents within 441 individual addresses and Thornton Parish Council on the following grounds: -

**Environmental Matters**

- Loss of Green Belt and open space reducing opportunities for recreation and damaging the natural environment
- Impact on trees, ecology/ protected species including skylarks and geese
- Environmental impacts during Climate Emergency and lack of public transport

- Increased risk of flooding with fields often covered with surface water
- The site constitutes Best and Most Versatile Agricultural Land
- Habitats Regulations Assessment is inadequate and does not meet the legal tests as compensation is proposed without carrying out the Integrity Test and derogations stage
- Environmental Impact Assessment should be required
- Increased air pollution

#### Transportation and Highway Safety

- Increase in traffic would exacerbate existing issues with regular congestion and network at capacity
- A new signalled junction would cause tailbacks of traffic
- Emergency services will not be able to make their way through traffic
- Other developments in the area contributing to traffic already
- Transport Assessment uses old data and survey information from lockdown
- Concerns over existing road layout, with streets used as rat runs and associated highway safety issues
- Removal of a car crash barrier on Park View
- Site is not accessible to public transportation

#### Design and Amenity

- Detrimental impacts on the character of the area and overdevelopment of the site
- Harm to heritage assets including Orchard House, scenery and rural landscape
- Overlooking and overshadowing of existing neighbours
- Increased noise and disturbance to existing residents and general detrimental impacts on health and wellbeing
- Two storey properties next to bungalows on Holgate Park is inappropriate
- Impacts on boundary treatments and existing hedges
- A bridleway through a residential estate is unsuitable
- Construction disturbance

#### Development Pressures and Other Matters

- No demand for houses with many empty properties not selling and Brownfield sites elsewhere
- Increased population will impact on services and local infrastructure, insufficient spaces in schools with closest schools oversubscribed and lack of availability in GP practices
- Lack of amenities within the area which is a small parish unsuitable for further development
- Strong opposition demonstrates the significant harm which would be caused to local amenity, proposal is simply for profit

## Policy Context

The application site lies within an area designated as residential (housing allocation reference MN2.25) in the Sefton Local Plan which was adopted by the Council in April 2017. There are a number of site-specific development requirements for the site set out under Appendix 1 of the Local Plan. These are as follows: -

- Ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment;
- Provide a proportional financial contribution towards the implementation of the A565 Route Management Strategy (Thornton to Crosby section);
- Take all vehicular access to the site from a new signal-controlled junction onto Park View, also serving site MN2.24; and
- Incorporate a pedestrian and cycle route through the site to connect with sites MN2.24, MN2.26, and MN2.27, and the path north of Thornton Cemetery.

## Assessment of the Proposal

### Principle of Development

The application site is allocated for housing within the Sefton Local Plan which establishes the principle of development.

Policy HC3 states that new residential development must achieve a minimum density of 30 dwellings per hectare of the net developable area, except where: (a) constraints within the site, or the provision of infrastructure within the site, make this impractical, or (b) a lower density can be justified having regard to the layout and character of the immediate surrounding area. The density achieved is 28.6 dwellings per hectare which is deemed acceptable given requirements for public open space and character of the area.

### Environmental Matters

#### Ecology, Protected Species and Sites

The application is accompanied by various ecological reports including an Extended Phase 1 Habitat Survey, Bat Survey, Wintering Bird Survey and Ecological Statement to inform Habitats Regulations Assessment and Pink-Footed Goose Mitigation Strategy. The application site comprises 7.2ha of agricultural land which has recently been utilised to grow potatoes and which hosts habitat to a number of Protected Species.

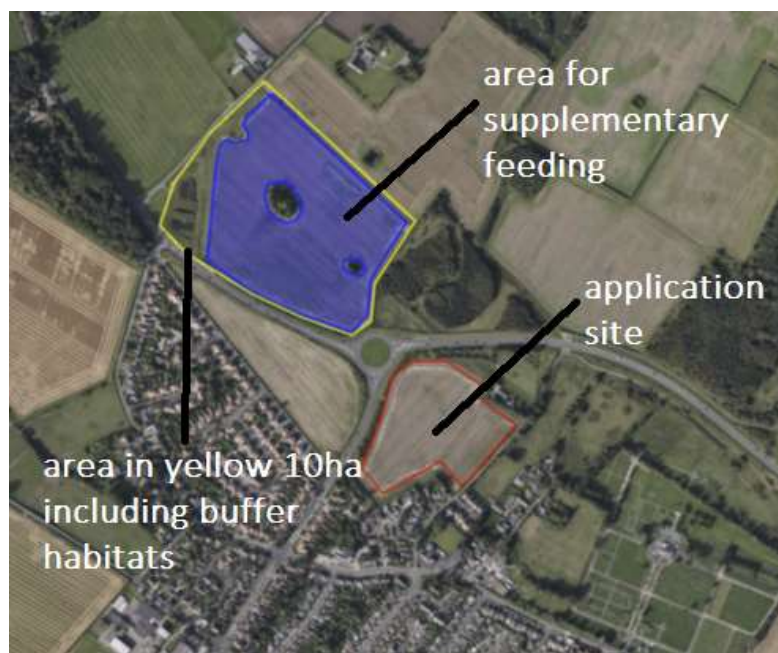
Firstly, given potential suitability for hedgehog the Council's environmental consultants Merseyside Environmental Advisory Service has requested that reasonable avoidance measures be implemented during the construction phase, it will also be necessary to check for all types of bird



during the breeding season should buildings be demolished, or vegetation cleared. This can be secured within a Construction Environmental Management Plan which also minimises noise and disturbance to species nearby off-site.

It is considered that there are 'pathways' between the application site and designated European sites for qualifying species (in this case Pink-footed Geese) which required Habitats Regulations Assessment (HRA) for likely significant effects. The applicant's wintering bird survey was not considered to be significantly robust in order to conclude whether the site provided functionally linked habitat for a significant number of geese. Given the season in which further survey work can be conducted has ended, it has been agreed by all parties including MEAS that the site ought to be classed as functionally linked habitat thus warranting the provision of mitigatory food sources.

Mitigation measures cover avoidance and reduction measures which may result in no adverse effect on site integrity. These are different to compensatory measures. Mitigation measures aim to reduce or avoid any potential adverse effects of new developments on European sites, whereas compensatory measures are considered where there is still a net residual adverse effect after the Appropriate Assessment and Integrity Decision steps (i.e. despite the consideration of additional mitigation measures), and the competent authority (in this situation Sefton Council) is minded to consent the development given there may be no alternative solutions.



To provide mitigation, the applicant has put forward proposals for the spreading of supplementary feed on 10 hectares of arable land to the north and east of the application site (outlined above) to ensure suitable feeding provision for pink footed geese. The mitigation would be secured in perpetuity. This site is recognised to form part of a wider network of functionally linked habitat for pink footed geese outside national site network boundaries. The land would be farmed based on

its current five-year crop cycle, and supplementary feed will also be left on site when a wintering crop is grown, in line with the crop energy values lost at the development site.

These measures are considered to be acceptable and are secured via Section 106 Legal Agreement, which will incorporate a sinking fund of £118,939, to enable the landowner to provide continued mitigation, and a contribution of £60,000 for monitoring of the wildlife mitigation strategy. Additionally, to ensure the robustness of assessment, it is important that the mitigation site is available before development of the application site takes place. As such a 'Grampian' condition is added to the recommendation. These conditions are negatively worded and are used in certain circumstances in order to prevent development commencing until other off-site works are completed, and must pass tests of necessity and merit. In this case the condition is justified as mitigation will not be achieved if development takes place without the strategy being implemented.

Another element of the Habitats Regulations is effectively indirect impacts on European Sites, namely the Sefton Coast and increased recreational pressure associated with population increase in the locality. Due to the provision of on-site recreational opportunities and nearby suitable alternative green spaces, MEAS have concluded within their assessment of 'likely effects' that there will be no significant effects on the coast. This is subject to mitigation in the form of house sales packs describing the importance of European sites. Natural England has reviewed the application and Habitats Regulations Assessment carried out by MEAS and has raised no objection, therefore Sefton has exercised its duty as a competent authority. The Assessment of Likely Significant Effects and Appropriate Assessment in both instances can be viewed on the Council's website via the link on the cover page of this item.

In terms of landscaping and biodiversity gain, the proposed development includes extensive tree planting. Woodland fringe would be retained along parts of the site boundary supplemented by native species, which have been amended to small-seed bearing species in order to favour Red Squirrel. In order to secure net biodiversity gains a condition can be attached requiring the installation of bird and bat boxes.

The submitted Habitat Survey identifies invasive species including Japanese knotweed and cotoneaster adjacent to the bridleway at Holgate. Given the potential for this to be spread across a wider area during the construction phase it is reasonable for a method statement to be provided to Planning Services in order to prevent ecological harm.

Overall and subject to the abovementioned mitigation measures it is considered that the proposal complies with the requirements of the Habitats Regulations and policy NH2 in relation to protected habitat and species and given that net biodiversity gain is achievable through the extensive landscaping scheme and bird and bat boxes.

### Sustainability and Low Carbon Design

Development should 'respond to the challenge of climate change' as set out in Sefton Local Plan policy SD2 (Principles of sustainable development). Local Plan policy EQ7 (Energy Efficient and Low

Carbon Design) states that major development should incorporate measures to reduce greenhouse gas emissions where practicable through one or more specified measures.

One of the suggested measures is to make the most of natural solar gain through the site and building layout. The submitted drawings indicate that the vast majority of dwellings would be angled so as to have either their front or rear elevations benefit from direct sunlight during most of the day (i.e. angled towards the south).

In regard to climate change and increased flood risk, the indicative drainage proposals are designed to store the volume of water associated with a 1 in 100-year rainfall event, plus an additional allowance to account for increased rainfall due to climate change which can be accommodated within 'swales' (i.e. wide shallow drainage areas) within the public open space.

Various aspects of the proposed development encourage sustainable modes of transportation. Firstly, every property within the development would be required to provide an electric vehicle charging point. The proposal also includes a footway/ cycle network within a linear park which connects the development to an existing bridleway and the main site entrance at Park View. This improves accessibility, encourages residents to use local areas for recreation and provides benefit by way of increased tree planting.

Finally, given the scale of the development it is deemed pertinent to secure a Waste Management Plan within a Construction Environmental Management Plan in order to minimise construction waste and encourage recycling of material.

### Air Quality

A detailed Air Quality Assessment (AQA) has been submitted in support of the application which has been reviewed to the satisfaction of the Environmental Health Manager. The assessment has, through dispersion modelling, determined the future air quality impact emissions from traffic going to and from the proposed development, will have on existing residents. The impact of existing air pollution sources on future occupiers of the development has also been determined. The AQA concludes that the development will have a negligible impact on air quality.

It has however been recommended that a scheme of dust control during the construction phase be secured by condition. This can be contained within a Construction Environmental Management Plan.

### Ground Conditions

#### *Agriculture*

The site has most recently been used to farm potatoes and concerns have been raised over the loss of 'Best and Most Versatile Land'. The Council's Agricultural Land Study (2012) found that the reduction to food production and economic output by virtue of developing (allocated sites) little

over 2% of Sefton's agricultural land would be small in a regional context. The principle of developing the site is established as it is a housing allocation in the Sefton Local Plan.

### *Contamination*

The application is accompanied by a Phase 1 Geoenvironmental Site Assessment which indicates the potential for Made Ground and ground gases associated with the Orchard Farm complex. It is not expected that there would be any widespread contamination across the main agricultural field, nevertheless the Environmental Health Manager has recommended a scheme of investigation to advise any necessary remediation. This can be secured by condition.

### *Archaeology*

The application is accompanied by a Historic Environment Desk-Based Assessment which has been reviewed to the satisfaction of the Council's archaeological advisor. Orchard House is understood to date from the late 18<sup>th</sup> century, with the possibility of earlier settlement occupying the farmhouse site. Orchard House is considered to be a non-designated heritage asset. In order to mitigate the loss of the building a programme of archaeological and building investigation is recommended which can be secured by condition.

Aside from this given the wider agricultural field has not been developed throughout the Post-Medieval and Modern periods there is yet unidentified archaeological potential. It is recommended that a geophysical survey and trial trenching be secured by condition in order to ensure appropriate recording of further potential non-designated heritage and archaeology.

### *Minerals*

The site lies within a Mineral Safeguarding Area. An assessment has been submitted that shows that it is not economically or environmentally practicable to extract the silica sand from under the site. It is considered that the proposal complies with parts 1 (b) and (e) of policy NH8 as the applicant has demonstrated that the mineral concerned is not of potential value, while there is an overriding need to develop the site in order to deliver a major housing allocation.

### *Levels*

A topographical survey has been submitted of the application site which shows a steady drop in levels from the south to the north. The highest ground levels are adjacent to properties on Holgate and Holgate Park which exceed 19m above sea level, whereas the northern corner measures just under 17m above sea level before a more obvious drop to Brooms Cross Road. The difference in level across the site of around 2m is largely indistinguishable when viewed from any public vantage point given its size and the gradual slope.

An 'engineering' drawing has been submitted which indicated the finished floor levels of dwellings. Adjacent to Holgate and Holgate Park finished floor levels are around 200-300mm higher than

existing ground levels indicating no impact on existing properties. Towards the centre of the site there is greater variation of up to 800mm above existing levels however in the overall scheme of the development it is not considered that there are any instances where levels would jar with those adjacent to their closest neighbours. A validation report can be secured by condition to ensure the development is carried out in accordance with these levels.

### **Transportation, Access and Highway Safety**

Appendix 1 of the Sefton Local Plan contains a number of site-specific requirements relating to transportation and the development of this site including that vehicular access be taken from a new signal-controlled junction onto Park View, that a pedestrian and cycle route connects the site to adjacent housing allocations and that a financial contribution be made towards the implementation of the A565 Route Management Strategy.

The application is accompanied by a Transport Assessment and various Technical Notes which consider the impacts of the proposed scheme along with other developments in the vicinity. In terms of access into the site the design of the new signalled junction is considered acceptable. Part of this including creating an arm to the adjacent housing allocation would be outside of the applicant's ownership and so would be funded by money secured within a section 106 legal agreement. The junction provides access for pedestrians and cyclists as well as vehicles. There is also a separate footway/cycle path which runs through the public open space connecting the site to the existing bridleway at Holgate. The layout within the site is acceptable with regard to road widths, turning areas, visibility and off-street parking provision. Cycle parking and electric vehicle charging points can be secured by condition in order to encourage sustainable means of transport.

A Minimum Accessibility Standard Assessment (MASA) has been submitted with the application - this was amended at the request of the Highways Manager given initial inaccuracies. The MASA clarifies that the site achieves the minimum expected scores for all categories in terms of accessibility by non-car means of transport. The new signalled junction would provide pedestrian and cycle links into Thornton and Crosby, while there are regular bus services also. The Highways Manager has recommended that a Travel Plan be secured by condition which makes prospective purchasers aware of certain accessibility constraints and in order to encourage sustainable transport during the lifetime of the development.

With regard to the impact of the proposal on the local network, the applicant's highways consultants have carried out various models which accord with industry standards, including modelling of the new junction and existing junctions/ roundabout at Southport Road and Brooms Cross Road, Park View and Green Lane, and Moor Lane and Edge Lane. It has been estimated that the development would generate 123 two-way vehicle trips in the AM peak and 127 two-way vehicle trips in the PM peak hour. This equates to approximately 2 additional vehicle trips per minute in the peak hours.

The applicant's reports as originally submitted indicated that even without the proposed development there will be capacity issues with the majority of the junctions in 2026, and in some

cases the junctions will exceed their design capacity during the peak hours. In order to fully understand the potential impact of the development on the local highway network, as well as reviewing the modelling internally, the Highways Manager procured the services of an independent consultant to review the junction modelling undertaken by the applicant.

Following minor corrections which were requested to the modelling and another method of modelling being prepared, all parties are of the view that there will be a clear increase in traffic in the future which will result in increased delays and congestion at existing junctions. The proposed new signalled-junction and traffic associated with the proposed development would further increase the volume of traffic and delays. Whilst there are significant highway concerns over the proposed development and the impact it will have on the local and wider network, it is accepted that future traffic growth will have a greater impact. It is also accepted that the signal control junction required under the Local Plan will have a significant impact on the network; however this is not considered to be severe in magnitude. Further to this, mitigation is proposed which will assist in alleviating traffic including alterations to signal phases and road markings along Edge Lane and improvements to signage. These measures would be funded by the applicant and be secured within a section 106 legal agreement. The Highways Manager notes that an accident analysis of the local area indicates there are no specific issues which would be exacerbated by the proposed development.

There are some concerns relating to a projected increase in traffic locally, and the additional impact of the proposed development and new signalled junction. However, overall it is not considered that these would result in 'an unacceptable impact on highway safety' nor that 'the residual cumulative impacts on the road network would be severe' which are the relevant policy tests as set out under paragraph 111 of the National Planning Policy Framework.

Local Plan policy EQ3 requires that new development be located and designed to encourage walking and cycling within, to and from the site. It is considered that the development achieves this. It has been concluded that the site meets targets in terms of accessibility to public transportation and local amenities. Furthermore, there are no highway safety concerns associated with the development which ensures safety for pedestrians and road users within and to and from the site

### **Flooding and Drainage**

The application site is located within Flood Zone 1 indicating a low risk of fluvial, tidal or reservoir flooding. It is also classed as being at low risk of surface water flooding by the Environment Agency. The applicant has submitted a detailed Flood Risk Assessment and Drainage Pro-Forma which has been reviewed to the satisfaction of the Flooding and Drainage Manager.

Outline proposals see surface water attenuated on site before connecting to existing surface water drains. More sustainable methods of drainage such as infiltration and connecting to a watercourse have been ruled out as being impractical (i.e. ground conditions comprising clay and soil not suitable for soakaways and the distance from a watercourse). Full details of a final surface water

drainage scheme can be secured by condition in order to comply with the requirements of policy EQ8 (Flood Risk and Surface Water) of the Sefton Local Plan.

## **Design and Character**

### Built Form

Local Plan policy EQ2 requires that new development responds positively to the character, local distinctiveness and form of its surroundings. While the site is currently an open field it has strong boundary features including Brooms Cross Road and Southport Road/ Park View. This was a key factor in de-designating the site from the Green Belt with the Inspector concluding that there is 'an obvious logic to redrawing the Green Belt boundary along the A5758'. Nevertheless, given there is currently no development to the west and the open Green Belt to the north, the proposed layout provides a landscaped buffer along the entire perimeter of the site which is discussed further below.

In terms of built form, the adjacent urban area largely comprises either semi-detached two storey properties or detached single storey/ dormer bungalows. The majority of surrounding development post-dates World War II and is characterised by the use of red brick with rosemary tiles and grey roof slate used interchangeably. There is a strong grid layout to the south of Edge Lane along Moor Lane, however closer to the application site development is more organic in character.

The proposed development would be accessed from a single point on Park View. The access road follows a clear route towards the furthest dwellings in the north east corner, but there is no clear hierarchy of roads given all are tree-lined and of the same width. This is acceptable given the nature of the development (i.e. wholly residential). The density and grain are consistent with what would be expected of a suburban development.

The dwellings proposed would comprise a mix of detached, semi-detached and terrace, all of which are two storey in height. The dwellings are of a traditional style which complements the prevailing style of dwellings on Southport Road to the west. The level of detail on each house type varies which contributes to a sense of interest within the street scene, and many feature decorative porches, bay windows and gables. Facing materials include a mix of brickwork (red) and render with interchanging red and grey roof tiles.

Overall it is considered that the proposal responds positively to the character and form of its surroundings in terms of its layout, density and the style, height and form of dwellings. The proposal therefore complies with policy EQ2 (Design) of the Sefton Local Plan.

### Trees and Landscaping

The site contains 20 individual trees, 30 groups and eight hedges with the majority along the perimeter of the site although some more established trees surround the Orchard Farm complex.

It is proposed to remove around half of the trees on site in order to facilitate the development. The Council's Tree Officer has raised no objection as the majority are considered to be of poor quality. The loss of these trees will be compensated for by the proposed extensive tree planting throughout the development (some 100 tall/ heavy standard trees plus an additional 800 Hawthorns which are technically classed as trees). Some trees adjacent to the bridleway on Holgate are to be retained within the future area of open space as is a linear band of trees to the northern site perimeter onto Brooms Cross Road along with hedgerow to the boundaries of properties on Holgate and Holgate Park. The submitted Method Statement outlines measures to protect all retained vegetation - this is acceptable and can be secured by condition.

In terms of new landscaping, given the size of the development Local Plan policy EQ9 (Provision of Public Open Space, Strategic Paths and Trees) requires that on-site public open space be provided on the basis of 40sqm per dwelling (0.82ha in total). The proposal incorporates a main park of around 6,400sqm which encompasses the retained bridleway and a Local Equipped Area for Play (LEAP).

The applicant first sought to incorporate a linear landscaped buffer to the perimeter onto Brooms Cross Road which was deemed unusable given its width and lack of infrastructure for recreation. Following further discussions, it has been agreed in principle that land just outside of the boundary and owned by the Council be incorporated within the open space and be managed and maintained by the developer thereafter. A cycle/footway is included within the additional area of open space along with enhanced landscaping to improve the frontage onto Brooms Cross Road and Park View. This area measures around 3,400sqm which in total provides public open space on site of almost a hectare which exceeds what the policy requires. The management of open space would be secured within a section 106 legal agreement.

Overall it is considered that the proposal is of high-quality design with respect to landscaping, tree protection and replacement and that the proposal complies with policy EQ9.

### Heritage Impacts

The application is accompanied by a Historic Environment Desk-Based Assessment which identifies the 18<sup>th</sup> century Orchard House as a Non-Designated Heritage Asset. The Conservation Officer has objected to its loss as contrary to Local Plan policy NH15. The outright loss of the building does conflict with this policy, however the overall benefits of the proposal must be considered in the planning balance. The Council's archaeological advisor has also raised no objection subject to appropriate recording of the building, as explained under the 'Archaeology' section of this report.

The application site is located nearby to a Scheduled Monument, Brooms Cross. The Conservation Officer has stated that by virtue of further encroachment towards the monument within its historical rural setting a degree of harm would be caused. Nevertheless, this would be deemed minimal, given the presence of Brooms Cross Road which has already urbanised its setting. The impact on Brooms Cross is less than substantial, and in accordance with paragraph 202 of the



National Planning Policy Framework the benefit of bringing forward a major housing allocation is considered to provide a public benefit which clearly outweighs this harm.

Paragraph 203 states 'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. Thus on balance while Orchard Farm would be lost entirely, its significance is limited and is deemed to be outweighed by the abovementioned benefits of the development.

## **Residential Amenity**

### Living Conditions of Future Occupiers

The application is subject to Local Plan policy HC3 and the accompanying guidance within the 'New Housing' Supplementary Planning Document, which provides standards and recommendations for suitable living conditions for future occupiers. The Council's guidance recommends a distance of 21m between windows serving habitable rooms and 12m between non-habitable rooms or habitable rooms and blank walls.

The proposed development is well laid out so as to achieve an acceptable distance between dwellings on the whole. The majority of rear to rear separation distances exceed 21m with all exceeding 19m which is acceptable. Within a limited number of pinch points throughout the development, the separation between the front of houses measures just over 17m. Given this is across a public highway this would not affect privacy unduly. In terms of garden depths, which the Council's guidance recommends as 10.5m, the majority meet and exceed this requirement with all exceeding 9m in depth. On balance this is deemed acceptable.

In terms of garden sizes, the Council's guidance recommends 50sqm be provided for two-bedroom properties and 60sqm for those of three bedrooms or more. Following amendments, it is considered that an acceptable standard of living is provided to all of the proposed dwellings with all exceeding the respective standard. Overall it is considered that the proposal provides a good standard of living for future occupiers in terms of levels of light, outlook, privacy and outdoor amenity space.

A detailed Noise Impact Assessment has been submitted to accompany the application. The Environmental Health Manager has reviewed the report and agreed that acoustic glazing will be required to certain dwellings to mitigate traffic noise associated with Brooms Cross Road and Park View. This ought to be accompanied by ventilation such as mechanically assisted or trickle vents so that windows can routinely remain closed. Aside from this, plots fronting these roads will be required to provide acoustic fencing, the closest of which are the gardens of plots 127-131 which back on to Brooms Cross Road. Acoustic fencing of 2.5m in height is considered acceptable from a visual perspective and in order to mitigate noise to a reasonable degree. Full details of the mitigation measures can be secured by condition.

### Impact on Existing Residents

The application site adjoins 11 existing properties on Holgate, Holgate Park and Rothwells Lane. The proposed dwellings adjacent to these properties would benefit from gardens of 10.5m deep or more so as not to cause unacceptable overlooking. The recommended 21m window to window separation distance is also achieved.

There are two situations where the layout does not achieve the Council's standard separation distances between existing properties, however these are deemed acceptable as significant harm does not result. Firstly, the blank side elevation of plot 198 would be positioned 11.5m from the rear conservatory of 16 Holgate Park. The half a meter shortfall is limited and given the orientation of both properties there would be only limited overshadowing.

There is a side extension to 23 Holgate which is understood to contain a full-length kitchen with windows to all sides. The proposed dwelling on plot 183 features an attached garage which runs close to the boundary at a distance of 5m. Given existing hedgerow restricts outlook and light and there is an unaffected front-facing window it is not considered that significant harm would result. In order to control rear extensions to this plot impacting on rear windows of number 23 it is deemed necessary to restrict permitted development rights.

Concerns have been raised over impacts on boundary treatments. The applicant has agreed to retain the existing hedgerow and protect it during the construction phase and also supplement with fencing behind the hedgerow which is deemed acceptable.

### **Housing Provision**

The proposal is to provide 206 dwellings of varying tenures and sizes. The applicant proposes 62 affordable dwellings which meets the 30% requirement of Local Plan policy HC1. 42 of the dwellings would be social or affordable rented and 20 affordable home ownership which accords with the recommendations of the Council's most recent Strategic Housing Market Assessment. The affordable dwellings would be 'tenure blind' as they are of the similar design and appearance to various open market dwellings within the proposed development. They are also adequately 'pepper-potted' (i.e. dispersed) throughout the site. Affordable housing is to be secured by a section 106 legal agreement.

The remaining 144 dwellings would be available on the open market. Local Plan policy HC2 requires 25% to comprise either one or two bedroom to meet local need and a minimum of 40% to comprise three bedrooms. The development includes 36 two-bedroom market dwellings which represents 25%, whereas 57 would be three bedroom representing 40%. The same policy requires developments of this size to provide 20% of market dwellings to be designed to meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings'. This is to be secured within a section 106 legal agreement.

The Council is currently in a position where it can demonstrate in excess of 5 years' worth of housing supply. The delivery of the application site as a major housing allocation is essential in order to ensure continuity in housing provision within South Sefton.

### **Infrastructure and Developer Contributions**

Local Plan policy IN1 states that developer contributions may be sought to provide or enhance infrastructure to support new development, this means physical buildings as opposed to additional employment. Concerns have been raised over the likely impact of the proposal on local school and doctor provision in particular.

In terms of schools, the Council is currently seeking financial contributions to facilitate alterations and extensions of existing primary schools in order to accommodate an anticipated increase in pupil numbers. This is calculated at £2,230 per dwelling in Crosby/Thornton and therefore amounts to £459,380 for the proposed development. This can be secured within a section 106 legal agreement.

The Director of Place for South Sefton and Southport & Formby Clinical Commissioning Groups have commented on the application confirming that the existing GP facilities within the Thornton area are sufficient to accommodate any growth if needed in the future, although reviews will take place as and when necessary.

Regarding impacts on services and infrastructure, United Utilities has not indicated any concerns in relation to the proposed surface and foul water drainage systems. There is also no evidence to suggest that electricity supplies, for example, are under pressure locally.

### **Planning Balance and Conclusion**

The proposed development is acceptable in principle given the site's allocation for housing in the Local Plan. The density, design and general layout are acceptable with regard to the prevailing character of the local area. The loss of a non-designated heritage asset causes a degree of harm in planning terms.

In terms of amenity, future occupiers would be afforded a good standard of living internally and externally. The proposal would provide over 60 affordable dwellings, while the remaining market dwellings accord with the Council's policy on housing mix. 20% of these would meet Part M of the Building Regulations – Accessible and Adaptable Dwellings. The applicant would also be required to provide almost half a million pounds to go towards primary education in the local area.

The site is considered to be accessible to non-car-based modes of transport and would include an extensive area of Public Open Space on site along with tree planting to a level which far outweighs the limited loss of existing vegetation. The application has been accompanied by a significant number of transportation reports, it has been concluded that there will be a significant increase in traffic over the next 5-year period and that the proposed development will undoubtedly create its

own further impact. Nevertheless, the Highways Manager is satisfied that the impacts would not be severe as to warrant refusal and has recommended that a scheme of off-site improvement works be secured for the existing road network.

In the absence of full wintering bird surveys during the appropriate season, it has been concluded on a precautionary basis that the site is functional habitat for pink footed geese. In order to provide mitigatory habitat/ food sources in accordance with the Habitats Regulations the applicant has sought the agreement of a nearby landowner to spread seed on their field for a minimum 30-year period. There are no other significant environmental impacts which have been identified and overall it is considered that the development would provide net biodiversity gain. Nonetheless conditions are necessary such as a Construction Environmental Management Plan in order to mitigate impacts during the construction of the development.

Overall there are clear benefits to the proposal in contributing significantly to the Council's housing supply on a major large-scale allocation, along with a wide range of developer contributions which the applicant has committed to in full. The main areas of harm identified include increased traffic and risk of congestion, along with the loss of a non-designated heritage asset. However, neither of these are deemed so harmful as to outweigh the benefits of developing the site. Overall and on balance it is considered that the proposal complies with adopted local and national policy and guidance, and it is therefore recommended for approval.

## **Recommendation: Approve with conditions subject to the following:**

### **(1) The Completion of a S106 Legal Agreement Securing the Following:**

- 62 affordable dwellings (including two thirds social/ affordable rented and one third discount market)
- 20% of market dwellings to qualify as 'accessible and adaptable' under Building Regulations
- £459,380 in contributions towards primary education in the Thornton/ Crosby area
- Supplementary feed for bird species on an adjacent field to be agreed by the Chief Planning Officer in consultation with Merseyside Environmental Advisory Service and Natural England in perpetuity (£2,500 per year for purchase of supplementary feed and labour for spreading, with the sum to rise by inflation on an annual basis;
- £118,939 sinking fund, equivalent to a further £2,500 (interest index linked), available to the landowner to secure the ongoing mitigation of the site – thus allowing the provision of additional finance in the event that the site should need additional security or to deal with any other unexpected future events and a £60,000 monitoring fee,
- £61,594 (recreational pressure fee, as determined via the Sefton Information Note core zone as 299(£) x 206 (dwellings))
- The management of public open space and sustainable drainage systems
- Contributions towards the A565 Route Management Strategy
- £6,658 to monitor compliance with the Agreement

### **(2) Agreement of Natural England to the findings of completed Habitats Regulations Assessment securing the required mitigation.**

#### **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:
  - Location Plan (SEFT-LP.01)

- Site Layout (SEFT-SP.01 M)
- Landscape Masterplan (D181.0o1 B)
- Landscape General Arrangement (D181.002 A, 003 A and 004 A)
- Planting Plan (D181.005 A, 006 B and 007 B)
- Planting Schedule (D181.008 B)
- Boundary Treatments (D181.009 B)
- Boundary Treatments Location Plan (D181.010)
- Engineering Planning Layout (41-01-01 P1 and 02 P1)
- Ashton Semi Plans and Elevations (SEFT.ASH.HP01 and HP02)
- Highfield-Oakley-Highfield Plans and Elevations (SEFT.HIGHOAK3.HP01 and HP02)
- Highfield-Oakley-Oakley Plans and Elevations (SEFT.HIGHOAKOAK3.HP01 and HP02)
- Highfield-Oakley-Oakley Plans and Elevations (SEFT.HIGHOAKOAK4.HP01, HP02 and HP03)
- Highfield-Oakley-Oakley-Oakley-Highfield Plans and Elevations (SEFT.HGHOAK5.HP01, HP02, HP03 and HP04)
- Oakley-Oakley-Highfield Plans and Elevations (SEFT.OAKOAKHIGH3.HP01 and HP02)
- Ashton Three Block Plans and Elevations (SEFT.ASH3.HP01, HP02 and HP03)
- Conwy-Alyn-Alyn-Conwy Plans and Elevations (SEFT.CONALYN4.HP01, HP02, HP03, HP04, HP05 and HP06)
- Conwy-Alyn-Alyn-Alyn-Conwy Plans and Elevations (SEFT.CONALYN5.HP01, HP02, HP03, HP04, HP05 and HP06)
- Henley Plans and Elevations (SEFT.HEN.HP01 and HP02)
- Evesham Plans and Elevations (SEFT.EVE.HP01, HP02 and HP03)
- Ashbury Plans and Elevations (SEFT.ASH.HP01, HP02 and HP03)
- Edinburgh Plans and Elevations (SEFT.EDI.HP01, HP02 and HP03)
- Canterbury Plans and Elevations (SEFT.CANT.HP01, HP02 and HP03)
- Heatherington Plans and Elevations (HEA - 00 and 01)
- Alderton Plans and Elevations (SEFT.ALD.HP01, HP02 and HP03)
- Salisbury Plans and Elevations (SEFT.SALS.HP01, HP02 and HP03)
- Wiltshire Plans and Elevations (SEFT.WILT.HP01, HP02 and HP03)
- Sandringham Plans and Elevations (SEFT.SAND.HP01, HP02 and HP03)
- Ecological Statement for Habitats Regulations Assessment & Pink-Footed Goose Mitigation Strategy at Holgate, Thornton, Merseyside for Proposed development (DC/2021/00417) – Rev. E, Rachel Hacking Ecology, 02/03/2022.

Reason: For the avoidance of doubt.

### Prior to Commencement of Development

- 3) No development shall take place until the land identified on Figure 2, Page 4 of the Ecological Statement for Habitats Regulations Assessment & Pink Footed Goose Mitigation Strategy has been made fully and freely available for the implementation of works set out within the remainder of that document.

Reason: This is required prior to commencement of development to ensure the findings of the Habitats Regulations Assessment are sound and to guarantee that the required mitigation is secured in perpetuity.

- 4) No development shall commence until a Construction Environmental 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 and shall include the following:

- Pollution, noise and dust control measures including timing of activities in order to prevent disturbance to qualifying species;
- Details of piling methodology should this be necessary;
- Measures in order to minimise construction waste;
- Reasonable Avoidance Measures in relation to terrestrial mammals;
- Protective measures to be applied during bird breeding season

Reason: To protect the amenity of adjacent land users and ecological interest of the area, prevent air, ground and water pollution and minimise waste.

- 5) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must include a programme of works, days and hours of working, a site layout during the construction phase, relevant contact details, routes to be taken by delivery vehicles, methods for traffic management including directional signage and full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance. The provisions of the approved Construction Traffic Management Plan shall be implemented in full during the period of construction.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the construction phase of the development.

- 6) No development shall take place until a written scheme of archaeological and historic building investigation has been submitted to and approved in writing by the Local Planning Authority. The work shall then be carried out strictly in accordance with the approved scheme(s).

Reason: In order to ensure appropriate recording or archaeology and non-designated heritage assets.

- 7) No development shall commence until a preliminary ground contamination investigation report has been submitted to and approved in writing with the Local Planning Authority. The report must include:

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

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

Reason: The details are required prior to development commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

- 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 commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

- 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 commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

- 10) Notwithstanding the equipment required to carry out any remedial works, no equipment, machinery or materials shall be brought onto the site for the purposes of the development until all protective fencing to retained trees and hedgerow within and adjacent to the site has been installed in accordance with the submitted Method Statement (LTM0086.MS.03 Rev K). The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area,



and the ground levels within those areas shall not be altered, nor shall any excavation be made at any time.

Reason: These details are necessary prior to the commencement of development to safeguard all existing trees on site.

- 11) Prior to commencement of development, including that associated with remediation of land a Method Statement detailing the measures to prevent the spread of invasive species on site, how the plants will be disposed of following removal or treatment and ongoing monitoring shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to at all times.

Reason: In order to prevent the spread of invasive species through the development site.

### During Building Works

- 12) Prior to construction of access roads commencing above slab level a detailed scheme of traffic calming designed to maintain vehicle speeds at 20mph or less on the proposed access roads within the development site shall be submitted to and approved in writing by the Local Planning Authority. No part of the respective phase of development (as indicated on the submitted Build Phase Plan, SEFT-BUILD-SP.01) shall be occupied until the approved scheme has been implemented in full.

Reason: In the interests of highway safety.

- 13) Prior to construction of access roads commencing above slab level a detailed scheme of street lighting on the proposed access roads within the development site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the respective phase of development being brought into use (as indicated on the submitted Build Phase Plan, SEFT-BUILD-SP.01).

Reason: In the interests of highway safety.

- 14) No development shall commence above slab level 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:
- Construction of a new four arm signal-controlled junction with integrated pedestrian/cyclist (Toucan facilities) at the site access,
  - 2 metre wide pedestrian footways along both sides of the A565 from the proposed junction in a southerly direction to Southport Road and the private access road that serves 71 & 73 Southport Road,

- Construction of a minimum 3 metre wide shared use path running along the perimeter of the site from the proposed signal controlled junction to the existing Pegasus crossing on Broom's Cross Road.

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: These details are required prior to commencement to ensure that acceptable access to the development is achieved and to ensure the safety of highway users.

- 15) Samples of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: In the interest of visual amenity.

- 16) Before the construction of the following plots above slab level: 8-10, 75-79, 127-131, 181-183, 195-198, 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 Finished Floor Levels (FFL) of each plot to the levels shown on approved Engineering Planning Layout; 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 200mm of those levels, new planning application(s) shall be submitted for those plots to which the variation relates.

Reason: To safeguard the living conditions of nearby occupiers and the character and appearance of the area whilst ensuring satisfactory drainage.

- 17) Prior to construction commencing above slab level of any dwelling highlighted on figure 5 of the submitted Noise Impact Assessment (50-213-R1-4) a scheme of acoustic glazing and ventilation to all habitable room windows must be submitted to and approved in writing by the Local Planning Authority. The dwellings shall be constructed in accordance with the approved details with the acoustic protection measures maintained thereafter.

Reason: In order to protect the living conditions of future residents from unacceptable levels of traffic noise.

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

- 18) 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:

- Removal of the existing field access from Southport Road and reinstatement of grassed verges,
- The widening of the existing footway along Park View to at least 2 metres wide from the private access road that serves 71 & 73 Southport Road running south along the frontage of 22 & 24 Park View,
- Introduction of dropped kerbs and tactile paving across the junction of the private access road that serves 71 & 73 Southport Road and Park View,
- Introduction of dropped kerbs and tactile paving across the junction of Southport Road/Park View,
- The relocation of existing street furniture in the vicinity of the proposed junction, including street lighting columns, vehicle actuated speed signs and Thornton Parish Council sign,
- Removal of the existing Armco style safety barrier fronting 22 & 24 Park View,
- Yellow box road markings at the proposed signal-controlled junction.
- Relocation of the existing grasscrete Police mobile camera monitoring position.

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: These details are required prior to commencement to ensure that acceptable access to the development is achieved and to ensure the safety of highway users.

- 19) 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.

- 20) No dwelling shall be occupied until space has been laid out within the curtilage of that specific dwelling for car(s) to be parked and that space shall thereafter be kept available for the parking of vehicles in perpetuity.

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

- 21) No dwellinghouse shall be occupied unless and until an electric vehicle charging point for that residential unit has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be permanently retained thereafter.

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

- 22) No dwelling shall be occupied until facilities for the secure storage of cycles for that residential unit have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved storage shall be permanently retained thereafter.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

- 23) Prior to the first occupation of any dwelling visibility splays of 2 metres by 25 metres at the new junctions within the respective phase of development (as indicated on the submitted Build Phase Plan, SEFT-BUILD-SP.01) shall be provided clear of obstruction to visibility at or above a height of 0.9 metres above the carriageway level of the new development. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety

- 24) Prior to the first occupation of any dwelling visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 0.9 metres above the footway level of the new development. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

- 25) No part of the development shall be occupied until a Traffic Regulation Order (TRO) to introduce waiting restrictions on Road 1 of the development to prohibit parking at all times has been implemented in full in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 26) No part of the respective phase of development (as indicated on the submitted Build Phase Plan, SEFT-BUILD-SP.01) shall be occupied until a Traffic Regulation Order (TRO) for a 20mph speed limit on the proposed access roads within the development site has been implemented in full in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 27) Before any part of the development hereby permitted is occupied 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.

- 28) 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 26.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

- 29) The development hereby permitted, including all components of the sustainable drainage system shall be constructed in accordance with the approved Engineering Planning Layout Sheets 1 and 2 (41-01-01 Rev P1 and 02 P1) prior to occupation of each respective phase of the development (as indicated on the submitted Build Phase Plan, SEFT-BUILD-SP.01).

Reason: To ensure satisfactory drainage facilities are provided to serve the site and in order not to increase flood risk elsewhere.

- 30) Prior to occupation of development full details of the acoustic screening to gardens of plots facing Brooms Cross Road which exceed 50dB as outlined within the submitted Noise Impact Assessment (50-213-R1-4) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected prior to occupation of the dwelling they would serve and be maintained thereafter.

Reason: In order to protect the living conditions of future residents from unacceptable levels of traffic noise.

- 31) No dwellinghouse 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 or apartment in accordance with the approved details.

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

- 32) Prior to the occupation of the first dwelling 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 agreed information must be provided on first occupation of each dwelling.

Reason: In order to comply with the Habitats Regulations Assessment Regulations and mitigate increased recreational pressure on European sites.

- 33) No dwelling shall be occupied until a scheme for the provision of bat and bird boxes including the phasing and timing for their implementation has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with those details and maintained thereafter.

Reason: To secure biodiversity enhancement.

- 34) No dwelling shall be occupied until a gap of 13cm by 13cm has been provided within the base of each of length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehog. The gap shall be maintained free of obstruction at all times.

Reason: To secure biodiversity enhancement.

### Ongoing Conditions

- 35) Within the first planting/seeding season following practical completion of the final dwelling within each phase (as indicated on the submitted Build Phase Plan, SEFT-BUILD-SP.01), 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.

- 36) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no extension shall be erected to the dwelling on plot 183 as indicated on the approved site plan.

Reason: In order to protect the living conditions of existing neighbours.