

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2021/01929](#)
[1-3 Crosby Road South Waterloo Liverpool L22 1RG](#)

Proposal: Change of use from offices (E) to 14 flats (C3), including a two storey rear extension and alterations to roof to include two replacement dormers to the front elevation and two new dormers to the rear elevation.

Applicant: Mr Tom Muir **Agent:** Ms Linda Wright
Accelerate Property Group PLANiTWRiGHT Limited

Ward: Church Ward **Type:** Full application - major

Reason for Committee Determination: Petition endorsed by Councillor Webster and called in by Councillor Webster

Summary

This application seeks planning permission to convert and extend an office building within the Christ Church Conservation Area into 14 one bed flats.

The main issues to consider are the principle of the development, its visual impact and impacts on heritage assets, living conditions, highway safety, trees and ecology.

It is concluded that the application complies with adopted local plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions and a Section 106 legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement.

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=QWV0JENWLDD00>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 20/06/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The site occupies a prominent position on the corner of Crosby Road South and Sandringham Road and is currently vacant but last in use as accountants' offices. There are residential properties to the side and rear of the site whilst the Northern Line railway extends along its northern boundary.

The site lies within the Christ Church Conservation Area.

History

DC/2020/01221 Change of Use / refurbishment of existing (B1) Business Use to residential C2 / C3 use; and erection of new C2/C3 residential block. Refused 8 June 2021

DC/2016/02009 (Option 2 of 2) Outline planning permission including details of access, appearance, layout and scale, for refurbishment of existing premises and change of use from B1 offices to C3 residential apartments to create 32 dwellings, including the erection of four storey extensions to the side and rear (including basement) and two storey detached unit to the rear, together with associated landscaping, access and parking arrangements. Refused 17 January 2018. Appeal dismissed 1 October 2018

DC/2016/02008 (Option 1 of 2) Outline planning permission including details of access, appearance, layout and scale, for refurbishment and extension of existing premises and change of use from B1 offices to C3 residential apartments to create 30 dwellings, including the erection of a two storey rear extension together with associated landscaping, access and parking arrangements. Refused 17 January 2018. Appeal dismissed 1 October 2018

Consultations

Local Plans

No objection subject to conditions and financial contribution towards recreational pressure mitigation

Conservation Manager

No objection subject to conditions

Highways Manager

No objection subject to conditions

Environmental Health Manager

Noise

No objection subject to conditions

Air Quality

No objection subject to conditions

Housing Standards Manager

No objection

Tree Officer

No objection subject to conditions

Merseyside Environmental Advisory Service

No objection subject to conditions and financial contribution towards recreational pressure mitigation

Natural England

No objection subject to appropriate mitigation

Flooding & Drainage Manager

No comment

Network Rail

No objection in principle

Neighbour Representations

This application has been called-in by Councillor Webster to be determined by Planning Committee on the grounds that the proposal is contrary to planning policy, harmful to residential amenity, of poor design quality and in respect of its impact on the quality of life for future occupants.

The following comments have been received since the scheme was amended in March 2022.

A petition to speak at committee against the proposal has been signed by 37 residents of Sandringham Road and Sandringham Avenue and is endorsed by Councillor Webster.

Whilst residents agree to the proposed change of use from offices to residential they are opposed to the roof alterations and rear extension. Other concerns raised by residents are:

- One bedroom flats do not take account of the demographic of the local area and contrary to NHS focus on healthier communities
- Noise and potential for anti-social behaviour
- Lack of parking
- Traffic generation will have a sizeable impact on the local highway network
- Loss of light and overlooking from the extension
- Overbearing nature of the rear extension

- Light pollution
- Imposing nature of the building will be increased
- Adverse impact on residents with long term mental health and learning disability needs
- Extensions and alterations are out of character with the conservation area and with the building
- Noise and disturbance during construction
- No provision for bike storage or for charging low emission vehicles
- No adapted flat for disabled people
- No family homes

An individual written comment has been received from an adjoining resident concerned about the location of the bin store.

Policy Context

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

Assessment of the Proposal

The main issues to consider are the principle of the development, its visual impact and impacts on heritage assets, living conditions, highway safety, trees and ecology.

Principle

The site lies within a 'primarily residential area' in the adopted Sefton Local Plan where residential development is acceptable in principle under policy HC3 subject to compliance with other policies in the plan.

Local Plan policy HC4 permits the conversion of buildings to flats where it will not cause significant harm to the character of the area or the living conditions for occupiers of the property or neighbouring properties. The conversion to residential is in character with the area and impacts on living conditions are considered below.

Visual Impact

The proposal involves the conversion and extension of a prominent building located on the corner of Crosby Road South and Sandringham Road. The proposed two storey rear extension is set in from the building's side elevations and will not form a prominent feature within the street scene. Whilst the roof alterations will result in a taller building, the increase is relatively small (approximately 0.7 metres) and, as the design details and proportions of the building will be maintained, the increase is minimal and acceptable in the wider context.

A car parking area is to be located to the side of the converted building alongside the railway line and also close to the Crosby Road South frontage. The visual impact of the proposal, including the car park, will be softened by new landscaping and reinstatement of the front boundary wall which can be secured by condition.

Heritage

The building is a prominent building within the Christ Church conservation area and considered to be a non-designated heritage asset (NDHA). It has been poorly maintained resulting in a dilapidated appearance and is currently vacant. Bringing the building back into use and reinstating features such as the front boundary wall and the building's repair and improvement in appearance are considered to be a public benefit.

The alterations to the roof have been scaled down since the initial submission and are more in keeping with the building. The rear extension cannot be seen from the front of the building but it can be seen from the side elevations more prominently on Sandringham Road. The extensions have been deemed to be the minimum necessary to bring the building back into use and the design of the conversion has been thought out to minimise harm to the Conservation Area and NDHA.

Any harm caused would be viewed as 'less than substantial' and there appears to be great public benefits that would outweigh any perceived harm. On this basis the Conservation Manager raises no objection to the proposals which would be in accordance with National Policy and Local Plan policies NH9, NH12 and NH15.

Conditions are recommended to secure reinstatement of the front boundary wall, hard and soft landscaping, window and door details and matching materials.

Living Conditions

The impacts on residents' living conditions need to be considered both for existing residents surrounding the site and for future occupiers of the property.

Existing Residents

The existing building has been in office use and its conversion and extension to form 14 flats is considered acceptable in principle in respect of its impacts on neighbours.

The closest property, Cornaa on Sandringham Road, is located approximately 12 metres from the existing building. The proposal's relationship with this property is considered acceptable due to the orientation of the proposed two storey rear extension (to the north-west of the rear of Cornaa) and the fact that it is sited on an angle and does not directly face Cornaa's rear elevation. A condition is recommended to secure obscure glazing in a first floor window proposed in the side elevation of the extension to ensure it does not overlook the neighbouring property. The window serves the living

area to Flat 7 but there is a second larger window serving this open plan kitchen/living space which will allow a reasonable outlook and prospect for this habitable space.

The proposals will not cause any direct overlooking of other nearby properties and there is a distance of over 40 metres between the rear of the extension and the houses on Sandringham Avenue which back onto the site. The extensions are not considered to have an overbearing impact on adjacent properties.

The proposed bin store for the flats has been moved to the opposite side of the building to minimise its impact on the neighbouring property.

The Environmental Health Manager recommends that a condition to control any piling works should be secured so that impacts are minimised during construction.

Following a review of the applicant's air quality assessment, the Environmental Health Manager is satisfied with the proposal's impacts on air quality subject to conditions to control dust from construction activities and to secure electric vehicle charging points. This latter point is now covered by the Building Regulations so there is no longer a requirement to secure a planning condition for electric vehicle charging points.

Proposed Residents

The size and nature of the proposed flats and the amount of outdoor amenity space have been assessed against the standards set out in the 'Flats and Houses in Multiple Occupation' Supplementary Planning Document (SPD).

The 14 flats are all one bedroom and each has a floor area exceeding the minimum size of 37 sqm and a bedroom of 8.5 sqm or more. Each habitable room has at least one window with a reasonable outlook and prospect in line with the SPD guidance.

A large area of communal outdoor amenity space is provided at the rear of the building. This measures over 900 sqm in area and will be a private space with a line of existing retained trees extending along the boundary with the railway line. The SPD guidance is for a minimum of 20 sqm per flat which for 14 flats would require at least 280 sqm. The proposal meets the SPD guidance.

The Environmental Health Manager has reviewed the submitted noise report which concludes that noise mitigation measures, in the form of acoustic glazing and acoustically treated ventilation, will be required and these measures can be secured by condition.

A comment has been made by the Housing Standards Manager that the majority of the flats will have 'inner rooms' where escape from a bedroom in the event of a fire would need to be through an area of higher fire risk. This matter would be dealt with as part of the Building Regulations process and compliance with the Building Regulations is not a material consideration for this planning application. However, it is understood that inner room situations can be acceptable in certain

circumstances and, if this was to affect the external appearance of the building through the provision of escape windows, an application for these changes could be made.

Highway Safety

A Transport Statement (TS) has been submitted in support of the application and this includes details of the expected trip generation, the proposed parking facilities, the site access arrangements and a review of the accessibility of the site.

The applicant has used the TRICS database to obtain estimated trip rates for the proposals which is an accepted method. This has estimated that the apartments will generate 4 two way vehicle trips in the AM peak (8am to 9am) and 5 two way vehicle trips during the PM peak period (5pm to 6pm). This equates to less than one vehicle every 20 minutes in the peak hours, which can be readily accommodated on the network. The applicant has also calculated the expected trip rates associated with the current use of the building as offices. This demonstrated that there would be 17 two way vehicle trips in the AM peak (8am to 9am) and 16 two way vehicle trips during the PM peak period (5pm to 6pm). This shows that the proposals represent an overall reduction in vehicle trips associated with the site and that it would therefore not have a negative impact on the highway network.

Vehicles will access and egress the site using the existing access from Sandringham Road. This will need altering to provide a 5.5 metre wide access to safely enable two way traffic. An access road within the site will lead to an area of car parking to the front and side of the building. There will be a pedestrian access from Crosby Road South and the existing Crosby Road South vehicle access will become redundant.

A review of the accessibility of the site within the TS shows that there are sustainable modes of transport close to the site and that it is close to the Waterloo District Centre with its amenities and places of employment. There are also bus stops fronting the site on Crosby Road South and Waterloo Train Station is within walking and cycling distance, making the site accessible to non-vehicular modes of transport.

The scheme proposes 21 car parking spaces, 2 of which will be disabled bays which will not be allocated to specific apartments. This is slightly greater than that requested by the Council's 'Sustainable Travel and Development' Supplementary Planning Document (SPD) and the provision of car parking is considered acceptable in this location.

In accordance with the 'Sustainable Travel and Development' SPD, there should be a minimum of 14 secure cycle parking spaces. A cycle store is proposed at the side of the building which is acceptable provided it can accommodate at least 14 bicycles.

Based on the above, the Highways Manager raises no objections on highway safety grounds subject to conditions.

Trees

An Arboricultural Impact Assessment has been submitted as part of the application. This confirms that the development will necessitate the loss of one low quality group (G1) of trees close to the boundary with the neighbouring property Cornaa with the majority of existing tree cover on the site shown for retention. Due to the location and quality of the group of trees shown for removal the Council's Tree Officer has no objections to the loss providing it is successfully mitigated. This can be secured by condition.

A further condition is recommended to secure an arboricultural method statement detailing how existing trees will be protected in the construction of the car park.

Ecology

Habitats Regulations

The application site is close to designated sites of nature importance and, as it involves the creation of 10 or more residential units, will lead to increased visits (recreational pressure) on the Sefton coast and may result in significant effects on habitats and species for which these sites have been designated.

To ensure that the effects of recreational pressure are mitigated, Merseyside Environmental Advisory Service (MEAS) advises that the applicant can opt-in to mitigation measures comprising a commuted sum contribution for each new home and the provision of a leaflet for new householders. These details are explained in Sefton Council's Information Note on managing and mitigating the impact of recreation pressure on the Sefton coast. For the current application the commuted sum would be $14 \times \text{£}314 = \text{£}4396$ and can be secured by a Section 106 legal agreement. The applicant has confirmed agreement to this approach.

MEAS has undertaken an Appropriate Assessment in accordance with Regulation 63 (Habitats Regulations 2017) and this forms Appendix 1 of this report.

Natural England has been consulted on the Appropriate Assessment and raised no objections subject to the appropriate mitigation being secured. Natural England's comments form Appendix 2 to this report.

Ecology

Based on previous bat reports for this application site, MEAS advise that the Council does not need to consider the proposals against the three tests (Habitats Regulations) as no evidence of bat use or presence was found.

As nesting barn owl was found in the building during the bat survey, information is required in the form of a barn owl mitigation strategy covering potential impacts during the construction and operational periods. This can be covered by condition.

Section 106 Requirements

As outlined in the ecology section above, a commuted sum of £4396 is required to mitigate recreational pressure on the Sefton coast and this can be secured via a Section 106 legal agreement.

A Section 106 monitoring fee of £970.20 is also required.

The proposal to provide 14 flats does not trigger the affordable housing policy. Similarly, a developer contribution towards education does not apply as the proposal only includes one-bedroom flats.

Other Issues

Local Plan Policy IN1 'Infrastructure' requires the properties to be fitted with full fibre broadband.

Planning Balance and Conclusion

The proposal is acceptable in principle and provides public benefits in terms of bringing a prominent building within a conservation area back to beneficial use with improvements to its appearance. The visual impact and impacts on living conditions, highway safety, ecology and trees are considered acceptable subject to conditions. A contribution towards mitigating recreational pressure will be secured via a legal agreement.

Overall and on balance the proposal is considered to comply with adopted local and national policy and guidance therefore approval is recommended.

Recommendation - Approve with conditions subject to the completion of a Section 106 legal agreement.

Time Limit for Commencement

1) The development hereby permitted shall be commenced before the expiration of three 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. 04 rev F Proposed Ground Floor Plan
Drawing No. 05 rev F Proposed First Floor Plan
Drawing No. 06 rev G Proposed Second Floor Plan
Drawing No. 08 rev E Proposed Elevations
Drawing No. 11 rev D Proposed Site Plan
Drawing No. 12 Location Plan
Arboricultural Impact Assessment ref: 1619.22 dated March 2022

Reason: For the avoidance of doubt.

Before the Development is Commenced

3) 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 then be implemented throughout the development.

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

4) A written scheme to control dust from construction activities shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented in full during all construction activities.

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

5) No development shall commence until an arboricultural method statement in accordance with section 6.2 of the approved Arboricultural Impact Assessment ref: 1619.22 dated March 2022 has been submitted to and approved in writing by the local planning authority. Development shall thereafter take place in accordance with the approved details.

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

6) No development shall commence until a barn owl mitigation strategy has been submitted to and approved in writing by the local planning authority. The mitigation strategy shall include:

i) The estimated timing of works;

- ii) Potential exclusion measures of the open soffit entrance during the construction period;
- iii) Whether the development is likely to prevent nesting access; and
- iv) Whether alternative nesting provision will be required as a result of the existing nest being lost to development.

The barn owl mitigation strategy shall then be implemented in accordance with the details approved by the local planning authority.

Reason: The details are required prior to the commencement of development to safeguard conservation of barn owl.

During Building Works

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

8) No development shall commence above slab level until details of the external timber doors and windows are submitted to and approved in writing by the local planning authority. Windows shall be timber sliding sash to the ground and first floor and casements to the second floor. window details shall include vertical and horizontal sectional details at a scale of 1:5. 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.

Before the Development is Occupied

9) No part of the development shall be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i) the location, size and species of all trees to be planted as mitigation for the loss of existing trees;
- ii) details of the front boundary wall to be raised and reinstated to its traditional design and height, including sandstone gate piers at entrance points, matching similar boundary walls along Crosby Road South;
- iii) an established privet hedge to be positioned behind the front boundary wall;
- iv) details of the materials to be used for the hard landscaping and marking for cars.

The hard landscaping details shall be completed in accordance with the approved details before the development hereby approved is first occupied.

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

10) Before the development hereby permitted is first occupied, the window to Flat 7 in the south facing side elevation of the rear extension at first floor level shall be fitted with obscured glazing, and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

11) Prior to the occupation of the development hereby permitted a scheme of acoustic glazing shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the dwellings are occupied and thereafter retained in perpetuity.

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

12) Prior to the occupation of the development hereby permitted a scheme of acoustically treated ventilation shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the dwellings are occupied and thereafter retained in perpetuity.

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

13) 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 the reconstruction of the redundant vehicle access as pedestrian footway on the east side of Crosby Road South fronting the development site.

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 the safety of highway users.

14) No dwelling shall be occupied until space has been laid out within the site for cars 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.

15) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

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

16) No dwelling shall be occupied until the access road shown on the Proposed Site Plan drawing no. 11 rev D has been constructed to the base course level to enable access to the dwellings.

Reason: To ensure that acceptable access is achieved to the development and to safeguard other highway users at all times.

17) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development have 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.

18) A colour copy of the leaflet entitled 'Respecting Nature in Sefton: A voluntary code for responsible recreation' produced by Sefton Council shall be provided to all first-time occupiers of the homes.

Reason: To mitigate the impacts of recreational pressure on the Sefton Coast.

19) No part of the development shall be brought into use until visibility splays of 2 metres by 25 metres at the site access shall be provided clear of obstruction to visibility at or above a height of 1.0 metre above the access road 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: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

20) No part of the development shall be brought into use until 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 1.0 metres above the footway level of Sandringham Road.

Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

Ongoing Conditions

21) 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.

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 4195 or E-Mail 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 for further information.

3) 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.

Appendix 1 Appropriate Assessment

Appropriate Assessment

Introduction

37. Appropriate Assessment determines if the proposals will have an adverse effect on the integrity of European sites. A clear distinction has been made between embedded mitigation measures, which are essential features and characteristics of the proposals and additional avoidance and mitigation measures that are solely designed to avoid significant effects on European sites.

Assessment of Effects carried through to Appropriate Assessment-

Operational phase - noise and visual disturbance effects

38. Habitat degradation, noise and visual disturbance through increased recreational pressure
39. Sefton Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton. Proceeds will be used on enhancing existing visitor management measures and in creating new provisions such as signage, education and increased ranger presence.

Additional mitigation

40. Respecting Nature in Sefton Information Leaflet to provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.

Receptor	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
Qualifying features of: <ul style="list-style-type: none"> Sefton Coast SAC (dune habitat and European protected species); Liverpool Bay SPA (non-breeding birds); Ribble & Alt Estuaries SPA (non-breeding birds); and 	Increased in-combination recreational pressure causing habitat degradation and increased disturbance to qualifying species. This is a significant threat to the conservation status of Internationally protected species and nationally and internationally important bird species. This small-scale project for 14 dwellings is one of a number of smaller developments in the	Sefton Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton ²² . In order to ensure that recreational pressure effects are adequately mitigated, the applicant can opt-in to both of the following mitigation measures: <ul style="list-style-type: none"> Commuted sum contribution for each new home 	Provided the commuted sum of £4,396 is secured via <u>Section 106 legal agreement</u> and that the Sefton Information Leaflet is implemented in full and is <u>secured by planning condition</u> there will be no adverse effect on the integrity of the European sites .

²² <https://www.sefton.gov.uk/media/4485/202112-recpressureinonote-draft.pdf>

Habitats Regulations Assessment - 1-3 Crosby Road South Waterloo L22 1RG

<ul style="list-style-type: none"> • Ribble & Alt Estuaries Ramsar site. 	<p>Waterloo, Crosby and Thornton area, as well as larger allocated site residential developments as included in the Local Plan. Therefore, the development will contribute to recreational pressure in combination with these developments.</p> <p>Waterloo and Crosby are well resources in terms of public open spaces which offer a range of recreational resources and are likely to reduce the frequency of visitation to the coastal International sites due to their location, size and design/management. Rimrose Valley Country Park is approximately 350 metres from the proposal and will likely act as a significant draw for regular recreation.</p>	<p>A commuted sum contribution will be required for each new home (net new home) of:</p> <ul style="list-style-type: none"> • £314 per new home in the core zone (closest to the coast as shown on map 1 of the Information Note). This includes Waterloo, in which the proposal lies. In this instance a commuted sum of £4,396 is required for the 14 dwelling proposal. • Leaflets for new householders <p>A colour copy of the leaflet²³ setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.</p>	
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Table 2: Summary of Appropriate Assessment

Appendix 2 Natural England Comments

Date: 16 June 2022
Our ref: 395539
Your ref: DC/2021/01929



Diane Humphreys
Sefton Council

Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Ms Humphreys

Planning consultation: Draft AA for change of use from offices to 14 flats (C3), including a two storey rear extension and alterations to roof.

Location: 326 Liverpool Road, South Maghull, Liverpool, L31 7DJ.

Thank you for your consultation on the above received by Natural England on 06 June 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION – SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- Mersey Narrows & North Wirral Foreshore Special Protection Area (SPA)
- Ribble & Alt Estuaries SPA
- Sefton Coast Special Area of Conservation (SAC)
- Mersey Narrows & North Wirral Foreshore Ramsar
- Ribble & Alt Estuaries Ramsar
- Mersey Narrows Site of Special Scientific Interest (SSSI)
- Sefton Coast SSSI

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- Payment of a commuted sum of £4396, £314 per new dwelling in the core zone, to mitigate against increased recreational pressures in alignment with the Council's Interim Approach.
- Provision of advisory leaflets explaining the sensitivities of the nearby designated sites, promoting the use of nearby Sustainable Alternative Natural Greenspaces (SANGs) and including a 'responsible user code'.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Internationally and Nationally Designated Sites

The application site is within 773m of Mersey Narrows & North Wirral Foreshore SPA, Mersey Narrows & North Wirral Foreshore Ramsar and Mersey Narrows SSSI. It is also within 1.1km of Ribble & Alt Estuaries SPA, Ribble & Alt Estuaries Ramsar, Sefton Coast SAC and Sefton Coast SSSI.

Please see the subsequent sections of this letter for our advice relating to SSSI features.

Recreational Disturbance

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. Therefore, such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development.

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

The recently adopted Sefton Interim Approach includes provision for mitigation measures of the impacts of additional recreational pressure on the above mentioned designated sites, this has been set out within an Information Note document and agreed with Natural England.

Your authority should discuss with the applicant whether they would wish to opt into the Recreational Management Strategy and seek contributions as set out, if it is appropriate for this development.

If the developer wishes to 'opt in' to the Sefton's Recreational Management Strategy Interim Approach, then the further details within the HRA will not be required, as the Interim Approach provides the evidence and sets out measures that will be effective and reliable in preventing adverse effects on the integrity of the designated sites from recreational impacts. See our further comments below on this.

However, if the developer does not wish to opt in to the Interim Approach, Natural England advise that the HRA provides a detailed assessment and appropriate mitigation to ensure a robust HRA.

Habitats Regulations Assessment (HRA)

Natural England notes that Merseyside Environmental Advice Service (MEAS), on behalf of your authority, have undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended), Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

The following measures should be secured by suitably worded planning conditions:

- Payment of a commuted sum of £4396, £314 for each of the 14 new dwellings in the core zone, is secured through a S106 planning obligation to mitigate against increased recreational pressures in line with the Council's Interim Approach.
- Advisory leaflets to be made available via the kiosk to customers. These should explain the sensitivities of the nearby designated sites, promote the use of nearby SANGs and include a 'responsible user code' to mitigate against disturbance to the designated sites as a result of increased recreational pressures.

We highlight that our agreement with the HRA conclusions are only based on the 'opt in' scenario as discussed above, and that should the developer wish to opt out of the Interim Approach measures then a further HRA will be required with detailed assessment of impacts and provision of appropriate mitigation.

Mersey Narrows SSSI and Sefton Coast SSSI

Our concerns regarding the potential impacts upon the Mersey Narrows and Sefton Coast SSSIs coincide with our concerns regarding the potential impacts upon the above international designated sites, therefore we are content that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site has been notified.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please email consultations@naturalengland.org.uk quoting the reference number at the top of this letter.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Isaac Lees
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