

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th November 2022

Subject: [DC/2022/00727](#)
[Land Off Sentinel Way / Heysham Road Netherton](#)

Proposal: Application seeking full permission for residential development with creation of site access including landscaping, parking, supporting infrastructure and other associated works.

Applicant: Your Housing Group **Agent:** Mateo Espinosa
WSP

Ward: Netherton and Orrell **Type:** Full application – major

Reason for Committee Determination: Discretion of Chief Planning Officer

Summary

The proposal is for the erection of 64 affordable dwellings, including the construction of a new vehicular access via Sentinel Way, landscaping, parking and associated infrastructure works.

The site is designated as employment land in the Sefton Local Plan. The main issues to consider are the principle of development, the loss of employment land, matters relating to highway safety and transport, flooding and drainage, design and amenity, and impacts on biodiversity.

The development would result in the loss of land designated for employment. However, it is considered that the prolonged period during which the site has remained vacant despite its designation for employment use, together with the supporting viability report and limited marketing details, suggests the possibility of the site coming forward as employment use is very unlikely. Subject to conditions and a legal agreement it is believed that all other issues relating to the development have been satisfactory resolved and on balance the proposal is considered acceptable.

Recommendation: [Approve with conditions subject to the completion of a Section 106 legal agreement to secure financial contributions towards highway improvements along Heysham Road, compensation for the loss of habitat from the site and measures to mitigate the impact of recreational pressure on Sefton Coast.](#)

Case Officer Louise Everard

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=RA6KJ2NWHU200>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 07/11/2022
Scale: Scale: 1:2500
Created by: Initials

The Site

The site lies south of Heysham Road in Netherton and is 1.42 hectares in size. The site is a vacant area of land and is bounded by a railway line to the west, a public pedestrian path along the eastern boundary with industrial development beyond this and further industrial units on the opposite side of Heysham Road. To the south of the site is an area of open land, with residential properties beyond. Around half of the site is within Netherton and Orrell Ward and the rest is within the Molyneux ward.

History

Ref: S/1996/0119. Proposal: Application for the removal of spoil to reduce the level of the site and erection of security fencing. Decision: Approve with conditions. Decision Date: April 1996.

Consultations

Environmental Health

Air Quality

No objections subject to conditions

Contaminated Land

No objections subject to condition

Noise

No objections subject to condition

Local Plans

No objections

Network Rail London North Western (North)

No objections

Merseyside Police Architectural Liaison Officer

No objections

Tree Officer

No objections subject to condition

Flooding & Drainage

No objections subject to conditions

United Utilities

No objections subject to condition

Highways Manager

No objections subject to conditions and a financial contribution towards cyclist and pedestrian improvements along Heysham Road.

Merseyside Environmental Advisory Service

No objections subject to financial contributions to compensate for the loss of the valuable habitats within the site and to mitigate the recreation pressures on Sefton Coast. Conditions are also requested to ensure there would be no adverse effects on protected species and to address the potential for Japanese Knotweed within the site.

Neighbour Representations

The local planning authority notified local residents initially when the application was received, and no objections were received. Amended plans have been submitted, however the amendments were not significant enough or materially different to warrant renotifying local residents.

Policy Context

The application site lies within an area designated as an Existing Employment Area (Policy ED3) in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

The application is for the erection of 64 affordable dwellings, comprising 31 affordable rent and 33 shared ownership units with a mix of 2, 3 and 4-bedroom properties.

The main issues to consider in respect of the application are the principle of development, the loss of employment land, matters relating to highway safety and transport, flooding and drainage, design and amenity, and impacts on biodiversity.

Principle of Development

The application site is designated as an Existing Employment Area in the Sefton Local Plan. Part 1 of the Policy ED3 states uses that are considered suitable in principle for the site. These include “office and light industrial (class B1)”, “General Industrial (class B2)” and “Storage and distribution (class B8)” uses. Class B1 uses are now within the wider new Use Class E introduced in September 2020. Accordingly, it is considered that office and light industrial uses within Use Class E, B2 and B8 uses are suitable in principle for the site.

Part 2 of Local Plan Policy ED3 states that other uses will only be permitted where one of three criteria are met. The first criterion, 2a, does not apply as the proposed development is not ancillary to an employment use within the site.

The second criterion, 2.b, states that where vacant land has been continuously and actively marketed for B1, B2 and B8 uses for at least 12 months at a reasonable market rate, and it has been demonstrated in a marketing report that there is no reasonable prospect of the site being used for employment use, then other uses may be permitted. The third criterion, 2.c, allows for other uses where there would be significant community benefit to outweigh the loss of employment land/premises.

In order to address point 2.b, a marketing statement has been submitted in support of the application. It only provided details of the most recent marketing period undertaken in July 2020 for a length of 4 months, stating that no other bids were received for employment use on the site and the only bid received was that of the current applicants. In addition to this statement, an independent viability assessment has been prepared by Grasscroft to consider the redevelopment potential of the site based on the employment designation. The conclusions were that due to the existing physical constraints the site has not and will not come forward for employment use.

It is acknowledged that the site is currently vacant and historical images show this has been the case for over 20 years. Despite its designation as employment land across two Local Plan periods of over 25 years, there have been no planning applications submitted or interest shown with regards to employment use on the site, notwithstanding its location adjacent to an existing employment area.

The submitted marketing details fall short of meeting criterion 2.b and the provision of affordable homes would not in itself be considered sufficient to outweigh the loss of employment land but it would provide some benefits to the local community. The overarching aim of Policy ED3 is preserve the Council’s limited supply of employment land within the borough.

Therefore, given the lack of interest over a prolonged period of the site being designated for employment use with the Local Plan, together with the limited marketing details submitted and the supporting viability assessment it is considered that the realistic possibility of the site coming forward for employment uses is very unlikely. Therefore, in this instance it is considered that the alternative residential use of the site could be accepted in principle and would not directly conflict with the overarching aims of Policy ED.3.

Affordable Housing and Housing Mix

Local Plan Policy HC1 'Affordable and Special Needs Housing' requires a minimum of 30% affordable housing in new developments of 15 or more homes in Molyneux ward; 67% of these units should be social/affordable rented and 33% affordable home ownership. In Netherton and Orrell Ward the requirement is for 15% affordable housing; 33% of these units should be social/affordable rented and 67% affordable home ownership homes.

The proposal is for 64 affordable homes (and no market homes); 31 homes for affordable rent (48.44%) and 33 shared ownership units (51.56%), with a mix of 2, 3 and 4-bedroom properties. The proposed affordable housing mix is therefore acceptable and can be secured by condition requiring a detailed scheme of affordable homes to be submitted.

Affordable housing is exempt from the policy HC2 'Housing Type, Mix and Choice' requirements for a certain percentage of 3-bedroom and 1 or 2-bedroom homes. House Type B within the scheme accords with Building Regulation M4(2) standard for accessible and adaptable dwellings. This house type accounts for 28% of the development, which exceeds the 20% required by Policy HC2.

The scheme therefore meets the requirements of both Policies HC1 and HC2.

Design

The proposed development would be made up of 64 dwellings, comprising a mixture of semi-detached and terrace dwellings with a mix of 2 and 2.5 storey heights. The vehicular access would be gained from the Sentinel Way residential estate to the south. The site is linear in nature and the road would run centrally through the site with the properties facing inwards, apart from those fronting Heysham Road to the north.

The properties would be built in contrasting brickwork with pitched tiled roofs. There would be some variety in house types, mainly in their size and ridge height. The new dwellings would be separated from the existing residential properties to the south by the area of public open space and therefore will not be viewed in direct context with these dwellings. The scale and massing of the proposed dwellings would however appear comparable to the characteristics of the surrounding residential areas.

Given the linear nature of the site, together with its location adjacent to the railway line, there will be limited views of the new dwellings. There will be some views of the dwellings to the north which front towards Heysham Road. These dwellings however are well set back from the highway and would not appear prominent within this street scene. Overall, the design and visual impact of the scheme are considered acceptable and in accordance with Local Plan policy EQ2 'Design'.

Amenity Issues

The effect on living conditions for existing residents surrounding the site and future occupiers of the development both need to be assessed.

Existing Residents

Guideline distances between houses are set out in the 'New Housing' Supplementary Planning Document (SPD) to prevent negative impacts such as overlooking and loss of privacy. A distance of 21 metres should be provided between a habitable room window (such as a living room, kitchen or bedroom) in one house and a habitable room window in another property. Where the habitable room window faces a blank wall or non-habitable room window (such as a bathroom) the distance is 12 metres.

The existing properties along Sentinel Way will mostly be separated from the development by the area of public open space and will not be significantly affected by the development. Three existing properties 72, 74 and 76 Sentinel Way would back onto the proposed dwellings along the southern boundary of the site. The property proposed at plot 1 would measure 20.5m at the closest point to the rear elevation of No.74. However, the new dwelling is slightly angled away from the existing property and the dense tree coverage to this boundary would be retained, therefore the privacy levels of this dwelling would not be compromised. All other interface distances with the existing dwellings are met.

Given the location of the site, a Construction Traffic Management Plan is necessary to control issues relating to the site access, deliveries and emission of dust/debris on the highway, in order to protect the living conditions of neighbouring residents.

Future Occupiers

The proposed layout, as amended, provides separation distances between all the new homes in line with the standards set out in the 'New Housing' SPD.

First floor windows are proposed in the side elevation of plot 35 and 45 to serve a bathroom and a landing. These windows could result in an unacceptable level of overlooking to the private garden areas of adjoining dwellings, unless they were obscurely glazed. This can be secured by condition.

In relation to the proposed garden sizes, the Council's SPD requires that a minimum of 50sqm is provided for 2 bed homes and 60sqm minimum for the 3 and 4 bed houses. The garden sizes for all the dwellings accord with these guidelines.

Noise

Due to the neighbouring site including a railway line and existing industrial/employment uses, careful consideration must be given to the resulting amenity levels of the future residents in terms of noise. The application has been supported with a noise assessment report, which has been reviewed by the Environmental Health Manager.

To the north of the site on the opposite side of Heysham Road, there is a waste disposal site and industrial units along the western boundary on the other side of the public walkway. The proposed layout has been amended towards the northern boundary. This included rotating the properties so that they are set in from the boundary, allowing the building mass to be used as a primary noise barrier to the external amenity spaces for the plots to the north. Acoustic fencing is also proposed along the eastern boundary, of varying heights to mitigate and reduce noise from the railway line.

The industrial units to the west of the site sit beyond the public walkway. The industrial buildings themselves are set in from the boundary and it is the associated access and car park that is positioned along the boundary to the site. The submitted noise assessment states that the observed traffic movements from this yard have been doubled for the purposes of assessing the likely impact on proposed new dwellings. This demonstrates that the proposed properties would be safeguarded from additional vehicular noise should the use of the site increase to involve intensified vehicular movement.

With regards to the latest site layout and noise assessment report, the Environmental Health Manager is satisfied that the site can be designed to reduce transportation and industrial noise levels sufficiently to provide appropriate levels of outdoor amenity space for all plots. A condition is also recommended on building envelope noise/ventilation specifications to ensure the internal areas are adequately protected from noise. With the proposed mitigation it is considered that impact from the neighbouring site will be low and that acceptable levels of amenity can be achieved.

Air Quality

With regards air quality, the Environmental Health Manager has reviewed the proposal and has not raised any objections subject to the inclusion of a pre-commencement condition for the

submission of a dust control scheme to be agreed in writing with the local planning authority, and to be implemented at all times during the construction of the development.

Electrical Vehicle charge points are now a requirement under Building Regulations, as of 15 June 2022. However, the Council's Building Control Manager has advised that a building regulation application for this site has been submitted prior to this change coming into effect. Therefore, the requirement for charging points needs to be addressed through the planning application and a condition can be attached to ensure charging points are provided in accordance with Table 3 of Sefton Council's Lowering Transport Emissions planning policy guidance note.

Contaminated Land

The Environmental Health Manager has reviewed the submitted Site Investigation Report. It was a preliminary investigation and only a small area of the site has been investigated. While an assessment of the chemical data has not identified any potential risks to human health, due to the history of the site as part of the railway and limited physical site investigation, the possibility of further areas of Made Ground and potential soil contaminants cannot be discounted.

The preliminary report recommended a supplementary investigation should be undertaken to include the delineation of Made Ground deposits associated with the former railway and infrastructure, and the installation of ground gas and water monitoring wells to enable a ground gas risk assessment to be undertaken.

Due to the requirement for further site investigation, the Environmental Health Manager has recommended conditions in relation to site characteristics, the submission of a remediation strategy, a verification report and reporting of any unexpected contamination. The proposal with the inclusion of these conditions, would comply with Local Plan Policy EQ6 'Contaminated Land'.

Highway Safety and Transportation

A Transport Statement (TS), Design & Access Statement (D&A) and Travel Plan (TP) have been submitted and assessed by the Council's Highway Manger. This information considered the impact the proposed development is likely to have on the existing highway network and the accessibility of the site for sustainable modes of transport.

Vehicular/Cycling/Pedestrian Access

It is proposed to have a single vehicular access into the site as a continuation of Sentinel Way.

An existing shared use path that is part of the National Cycle Network (route No.61), also known as the Trans Pennine Trail, runs through and adjacent to the site. This will be retained and widened to 3m as part of the proposals and a flat top speed table will be located where the path crosses the proposed site road. The 3m wide path will provide access to and through the site for cyclists and pedestrians. Improved street lighting along the path through the site will be required.

Plans have been submitted to demonstrate that a refuse vehicle can adequately negotiate the site accesses, access roads and turning heads within the estate.

Accessibility

The applicant has completed a Minimum Accessibility Standard Assessment (MASA). The Highways Manager concludes that the scores fell short on walking and public transport. The barriers relate to the poor pedestrian facilities along Heysham Road leading to Ormskirk Road, Sentinel Way with its lack of tactile paving facilities and the distance to the formal crossing facilities on Ormskirk Road, A59.

With Aintree Train station and bus stops along Park Lane and Ormskirk Road, that are served by numerous bus services being within approximately 500m of this site via Sentinel Way, the site is fairly accessible to sustainable transport modes. However, the main retail and amenity facilities in the area are located along Ormskirk Road (A59) and the pedestrian facilities along Heysham Road towards Ormskirk Road are considered to be poor due to the narrow footway, bridge height and restricted visibility.

A small package of highway improvements will therefore be required. This will consist of alterations to the pedestrian crossing facilities including the installation of tactile paving at five junctions along Sentinel Way.

Sefton Council are committed to delivering a series of highway improvements along the Maritime Corridor, that includes Park Lane and Heysham Road. The aim of these is to provide better facilities for pedestrians and cyclists and promote active travel in the area. This includes improvements to both the section of Heysham Road between Ormskirk Road and the development site and the junction of Park Lane and Sentinel Way. Given that the proposed development is not as accessible as would be expected, it will need to provide a financial contribution towards these schemes.

The improvements will primarily consist of measures to improve cyclist and pedestrian movement and priorities along Heysham Road, from its junction with the National Cycle Network (route No.61) and Ormskirk Road (A59). The level of financial contribution towards the scheme will be expected to be £20,000.

Parking

All of the proposed dwellings will have the benefit of off-street parking facilities. The number of spaces to be provided overall falls slightly below the level expected by the standards in Sefton's Sustainable Travel and Development SPD, although each dwelling will accommodate at least one-off street parking space.

The applicant has demonstrated, through census data relating to car use, that just under 40% of the households in this area typically use a car to drive to work. Based on this, the proximity to sustainable transport modes and that the shortfall can be considered to be parking that would

relate to any visitor demand, the proposed level of car parking to be provided is considered acceptable.

Trip Generation and Impact on the Highway Network

The Transport Statement (TS) submitted with the application looked at the forecast trip generation from the proposed development and the resultant impact on the local highway network. The estimated trip rates have been carried out on the basis of 65 dwellings during the am peak and the pm peak. It shows that the site is forecast to generate 36 two-way vehicle trips in the AM peak and 30 two way vehicle trips in the PM peak hour. This equates to less than 1 additional vehicle trip per minute in the peak hours.

The TS concluded that the level of traffic generated from the development would be minimal and not have a severe impact on the highway network.

Although the expected traffic generation from the proposed development is low, the performance of junctions is a major factor in determining the way the whole network in the area functions with the addition of the trips associated with the proposed development. Therefore, as part of the TS, consideration was given to the impact of the development on the network, particularly the signal controlled junction at Park Lane/Sentinel Way.

The review suggested that the assessments show the junction currently operates well within capacity and that with the addition of the development traffic there would be no significant impact on the junction.

It is considered that the expected increase in traffic levels, as a result of the development, is unlikely to be significant and would be readily accommodated on the local highway network.

Travel Plan

A Travel Plan (TP) for the site has been submitted, which is generally acceptable but needs to be worked up into a Full Travel Plan.

The Full Travel Plan must be submitted following further development of the aims, targets and monitoring processes. The applicant has indicated that the Final Travel Plan will be submitted no later than 6 months after 50% completion unless otherwise agreed. The Full Travel Plan must be developed following meaningful surveys of the new residents and its submission within 6 months of 50% occupation is considered acceptable.

Construction Traffic Management Plan

Given the location of the site a Construction Traffic Management Plan will be required. This will need to include details of the site access, the parking of vehicles of site operatives and visitors, site operational hours and material delivery times, details of loading and unloading of plant and

materials, storage of plant and materials used in constructing the development and measures to control the emission of dust and any debris on the highway.

In view of the above and the required financial contributions towards the Council's Maritime Corridor Active Travel Infrastructure improvements, the Highways Manager has no objections to the proposal subject to conditions.

Flooding and Drainage

Following the submission of an amended drainage scheme the Lead Local Flood Authority and United Utilities are satisfied with the proposed drainage subject to condition.

Network Rail also withdrew their holding objection to the proposal following the revised drainage scheme.

Landscaping

The development will allow for the retention of the majority of the higher quality trees within the site and the Council's Tree Officer raises no objections. He has requested a condition to require the submission of a landscaping scheme to help mitigate the loss of some trees.

Ecology and Nature Conservation

Habitats Regulations Assessment

A range of national and international sites are easily accessible by foot and car from the development site and so Local Plan policies NH2, NH3 and NH4 apply.

As the proposal is for more than 10 residential units, the development will result in increased visits (recreation pressure) to these sites. To ensure this recreational pressure is adequately mitigated, the following mitigation has been agreed, based on the Council's adopted Information Note:

- Commuted sum of £4,290.
- A leaflet for new householders setting out the importance of the Sefton Coast.

An Appropriate Assessment has been undertaken in accordance with Regulation 63 (Habitats Regulations 2017). The assessment concluded that provided the commuted sum of £4,290 is secured via Section 106 legal agreement and the Sefton information leaflet is implemented and secured by planning condition there will be no adverse effect on the integrity of the European site.

The views of Natural England have been sought on the Appropriate Assessment, however these have not yet been received. Therefore, the recommended decision and any subsequent approval of the application are subject to Natural England raising no objections on the conclusion of the Appropriate Assessment.

Habitats

The applicant has submitted reports to assess the ecological value of the site. Surveys identified dense and scattered scrub, hardstanding, trees and semi-improved grassland within the 1.9 ha site.

Paragraph 174(d) of the National Planning Policy Framework states that planning decisions should provide net gains for biodiversity and paragraph 180(d) adds that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. NH1 within Sefton's Local Plan, amongst other points states that developments should seek to protect and manage Sefton's natural assets, including natural habitats, with compensatory provisions as a last resort.

The Preliminary Ecological Assessment confirms habitats including poor semi-improved grassland and scattered scrub will be lost. It does propose the eastern easement can be enhanced with log piles and species rich grassland but this will not result in no net loss. The Metric v3.1 submitted by the applicant calculates a loss of 10.31 habitat units on site.

The site provides an area of habitat within an otherwise urban area and forms part of a habitat corridor along the railway. The loss of this habitat is therefore significant in the local area. In this instance, it is not viable for greater retention of baseline habitats due to remediation requirements. As a result, the Biodiversity Impact Assessment recommends the following options for off-site compensation:

- I. Land purchase of a suitable receptor site and habitat creation to be managed by the applicant; or
- II. Land rental or payment of commuted sum to Council.

The second option is considered acceptable. The applicants have agreed to provide a commuted sum to compensate for the loss.

Protected Species

MEAS are satisfied that subject to condition the development would have no adverse effect on protected and priority species including badgers, hedgehogs and breeding birds.

Invasive species

The ecological survey was completed in December 2020, which is suboptimal for identification of invasive plant species. Japanese knotweed has previously been recorded within the site boundary and the location adjacent to a railway line increases the likelihood of invasive species being present. In order to prevent a possible offence against the Wildlife and Countryside Act, the applicant is required to commission a suitably qualified consultant to undertake a pre-commencement survey during a suitable growing season. If invasive species are identified on site, then the applicant will be required to submit a method statement to demonstrate how the plants will be dealt with. These measures can be secured by condition.

Development Contribution and Section 106 Legal Agreement

A financial contribution is sought to compensate for the biodiversity impacts and the loss of habitat units within the site.

The applicant has agreed with the 'opt-in approach' in relation to the mitigation of the impact of recreation pressure on the Sefton Coast, which is a commuted sum of £66 per home, £4,290 in total.

A contribution of £20,000 is also required in relation to highway improvements to the Maritime Corridor. This includes Improvements to both the section of Heysham Road between Ormskirk Road and the development site and the junction of Park Lane and Sentinel Way. These are related to the site and would directly affect the accessibility of site.

Planning Balance and Conclusion

The development would provide 64 new homes, comprising a mix of 2, 3 and 4 bed dwellings. The scheme would be 100% affordable properties.

The development would result in the loss of land designated as employment land. However, it is considered that the prolonged period in which the site has remained vacant, despite its designation for employment use, together with the supporting viability report and limited marketing details, suggests the possibility of the site coming forward as employment use is very unlikely.

The visual impact on the scheme is considered acceptable. The layout complies with the Council's standards and private amenity space. Subject to conditions the living conditions of the future residents would not be unduly affected by the uses of surrounding sites.

The financial contributions sought for the improvement to the pedestrian and cycle routes along Heysham Road and minor highways improvements along Sentinel Way would ensure the site is accessible for non-car-based transport. The Highways Manager is satisfied that the highways and transport requirements are met.

Financial contributions will also be provided for the off-site creation of habitats to compensate for the loss of the valuable habitats within the site and to mitigate the recreation pressures on Sefton Coast.

There are benefits to the proposal, including contributing to the Council's housing supply, with 100% of the scheme being affordable. It would also bring a long-term vacant site into use and contributions would be provided to improve the highway along Heysham Road, improving accessibility in the area. The main harm would be the loss of the employment land; however, it has been demonstrated that this site is unlikely to come forward for employment use. On that basis it is not considered that the use of the land for residential purposes would have a harmful impact on the Council's supply of useable employment land.

Overall and on balance it is concluded that the proposal complies with the National Planning Policy Framework, the adopted Sefton Local Plan and Guidance, and is therefore recommended for approval subject to conditions and completion of a Section 106 legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement to secure financial contributions towards highway improvements along Heysham Road, compensation for the loss of habitat from the site and measures to mitigate the impact of recreational pressure on Sefton Coast.

The application has been recommended for approval subject to the following conditions and associated reasons:

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:

Location Plan

2077 010 REV.Y Proposed Site Layout
2077 014 REV.E Management Plan
2077 015 REV.D Proposed Street Elevation
2077 801-A REV.B House Type A
2077 801-B REV.B House Type B
2077 801-C REV.B House Type C
2077 801-D REV.B House Type D
2077 801-F REV.B House Type F
2077 801-N House Type N
2077 WD-500 REV.A Flag on Edge and Dwarf Wall Details
2077 WD-501 REV.A 1100mm Railing and Retaining Wall with Railing
2077 WD-502 REV.A Masonry Wall Details
2077 WD-503 REV.A Fencing Details
ELL-21017-YH-B-1010 Rev D Concept Drainage

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) Prior to commencement of development the approved scope of works for an investigation and assessment of contamination 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. The report is subject to the written approval of the Local Planning Authority.

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

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

- 5) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include:

- The proposed times construction work shall take place
- Wheel washing/road sweeping measures
- Measures to control the emission of dust and dirt during construction
- Measures to control the emission of noise during construction
- Details of external lighting to be used during construction
- The name and contact details of person(s) accountable for air quality and dust issues
- A programme for issuing information on construction activities to the occupiers of nearby dwellings
- A site waste management plan
- Details of any piling and the days and times when piling activity is proposed
- No tree or scrub removal between 1 March and 31 August inclusive, unless information by a suitably qualified ecologist in order to protect breeding birds
- Reasonable Avoidance Measures for the protection of badgers and hedgehogs

The approved CEMP shall be implemented throughout the period of site remediation and construction.

Reasons: To safeguard the living conditions of local residents, and to safeguard the conservation of protected species.

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

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

- 7) No development shall commence until a method statement showing the extent of Japanese

Knotweed and a scheme for its eradication from the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include: -

- i. A plan showing the extent of the plant(s);
- ii. The method(s) that will be used to prevent the plant/s spreading further, including demarcation.
- iii. The method(s) of control that will be used, including details of post-control monitoring.
- iv. How the plants will be disposed of after treatment/removal.

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

- 8) No development shall commence within any areas of the site where Japanese Knotweed has been identified in the statement required by condition 7, until a validation report confirming the remediation treatment carried out on the site in respect of invasive species has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the site has been free from invasive species for 12 consecutive months.

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

- 9) Prior to construction works commencing should piling be necessary a methodology, which provides justification for the method of piling chosen and details of noise and vibration suppression methods proposed, must be submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented throughout the course of development.

Reason: In order to safeguard the living conditions of neighbouring residents during the course of construction.

During Building Works

- 10) a) 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.
- b) 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 19

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

- 11) No dwelling shall be constructed until full details of the existing and proposed ground levels (referred to against Ordnance Datum) within the site and on land and buildings around the site by means of spot heights and cross sections, proposed finished floor levels of all buildings and structures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

Reason: To safeguard the living conditions of the existing and future occupiers.

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

- 13) No development shall commence above slab level until a detailed scheme of street lighting on the proposed access road and footways within the development site and improvements to the existing lighting along the National Cycle Network (route No.61) where it runs through the site, has been submitted for the approval of the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into use.

Reason: These details are required prior to commencement above slab level to ensure that acceptable lighting to the development is achieved and to ensure the safety of highway users.

Before the Development is Occupied

- 14) Prior to the first occupation of any dwelling a scheme for the provision of affordable housing on site shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (2021) or any future guidance that replaces it. The scheme shall include:

- i) the type and tenure of the affordable housing provision

- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall not be occupied until the approved scheme has been carried out and it shall thereafter be retained.

Reason: To secure the provision of affordable housing in accordance with the application submission, and to ensure a satisfactory standard of control over the occupation of all of the housing that is provided as affordable housing and that the housing contributes to meeting the Borough's identified local housing needs.

- 15) Prior to the first occupation of any dwellings, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected, including acoustic barriers to be provided within the site, shall be submitted to and approved by the local planning authority. Where acoustic fencing is not required, a gap of 13cm by 13cm shall be shown within the base of each length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehogs. The boundary treatment shall be completed as approved before the dwellings become occupied and retained thereafter.

Reason: To ensure an acceptable visual appearance to the development, to protect the living conditions of future occupiers of the site, to ensure that the privacy of neighbouring occupiers/land users is retained at all times and to secure biodiversity enhancement.

- 16) Prior to the first occupation of any dwellings, full details of a scheme of acoustic glazing and ventilation for dwellings shall be submitted to and approved in writing by the local planning authority. The approved glazing and ventilation units must be installed before the dwellings become occupied and retained thereafter.

Reason: To safeguard the living conditions of occupiers of the site.

- 17) Prior to the first occupation of plots 35 and 45 the first-floor gable elevation windows to each of these plots shall be fitted with obscured glazing, and any part of the window[s] that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

- 18) Prior to the first occupation of any dwellings within a particular phase, details of full fibre broadband connections to all proposed dwellings within that phase shall be 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.

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

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

- 20) Prior to the first occupation of any dwelling details of the electric vehicle charging point to be installed shall be submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and shall be permanently retained thereafter.

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

- 21) 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 introduction of tactile paving at the following junctions:

Sentinel Way/Merchant Close
Sentinel Way/Fenton Close
Sentinel Way/Hudswell Close
Sentinel Way/Parker Close
Sentinel Way/Watkin Close

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

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

- 22) No dwelling shall be occupied until all areas space has been laid out within the curtilage of dwellings 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.

- 23) 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.

- 24) No dwelling shall be occupied until the access road shown on plan has been constructed to the base course level to enable access to the dwelling(s).

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

- 25) No part of the development shall be occupied until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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

- 26) Unless otherwise agreed in writing, no part of the development shall be occupied until a Traffic Regulation Order (TRO) for a 20mph speed limit on the proposed access road within the development site has been implemented in full

Reason: To ensure the safety of highway users.

- 27) Prior to the first occupation of any dwelling visibility splays of 2.4 metres x 25 metres at the new junctions shall be provided clear of obstruction to visibility at or above a height of 1metre 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: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

- 28) 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 1 metre 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.

- 29) The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan, as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Reason: To safeguard conservation of species/habitats.

- 30) Prior to the dwellings be occupied a colour copy of the leaflet 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.

Reason: In order to comply with Habitats Regulations Assessment and protect the ecological interest of the area.

Ongoing Conditions

- 31) The drainage for the development hereby approved, shall be carried out in accordance with drawing ELL-21017-YH-B-1010 Rev D, prepared by Elluc Projects. Surface water will only be permitted to drain directly into the 900mm public surface water sewer at 5 l/s. No surface water shall drain into the combined sewer either directly or indirectly. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

- 32) Within 6 months of 50% of the dwellings being occupied 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.

- 33) Within the first planting/seeding season following completion, 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 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

Piling

- 1) 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 in order 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

Contamination

- 2) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 3 and 4 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 10 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

Highways issues

- 3) 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.
- 4) 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.
- 5) The applicant is advised of the requirement for a "stopping up order" to which forms part of the public highway. For further information please email the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk.
- 6) There will be a requirement for the applicant to enter into a s278 Highways Act 1980 Legal Agreement to facilitate the works on the adopted public highway and a s38 Highways Act 1980 Legal Agreement to have the proposed new carriageways and footways within the development adopted by the Council. Please contact Seftons Highway Development and Design team in this respect - email: HDD.Enquiries@sefton.gov.uk
- 7) There will be a requirement for the applicant to enter into a Unilateral Undertaking/Section 106 agreement to provide a £20,000 financial contribution towards cyclist and pedestrian improvements along Heysham Road from the junction of the National Cycle Network (route No.61) and Heysham Road and Ormskirk Road (A59).
- 8) For the purposes of condition 29 details of approved leaflet can be viewed via the following link:-

http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf