

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th October 2023

Subject: **DC/2022/01610**
Land To The East Of Damfield Lane, Maghull

Proposal: Variation of condition 24 pursuant to planning permission S/2012/0550 approved 7/11/2013 to allow for amendments to approved scheme.

Applicant: Stuart Grundy **Agent:** Mrs Deborah Baker Barnett
Priory Asset Management LLP Zerum

Ward: Park Ward **Type:** Variation of condition

Reason for Committee Determination: Discretion of Chief Planning Officer

Summary

Planning permission was granted in 2013 for the redevelopment of the site as an extra care development comprised of extra care housing, dementia/respite facility and independent living lodges with associated landscaping, parking and access. This application seeks permission to vary some of the construction details previously approved for the extra care unit and to vary the Section 106 to remove the requirement for affordable housing.

The issue relates to the principle of development having regard to the specific nature of the housing. A number of other planning considerations in respect of design, highway implications, ecology and flood risk are also referenced.

The application is recommended for approval subject to delegated authority to enable the notification period for adjacent residents to be completed, the completion of a revised and updated Section 106 Agreement and planning conditions.

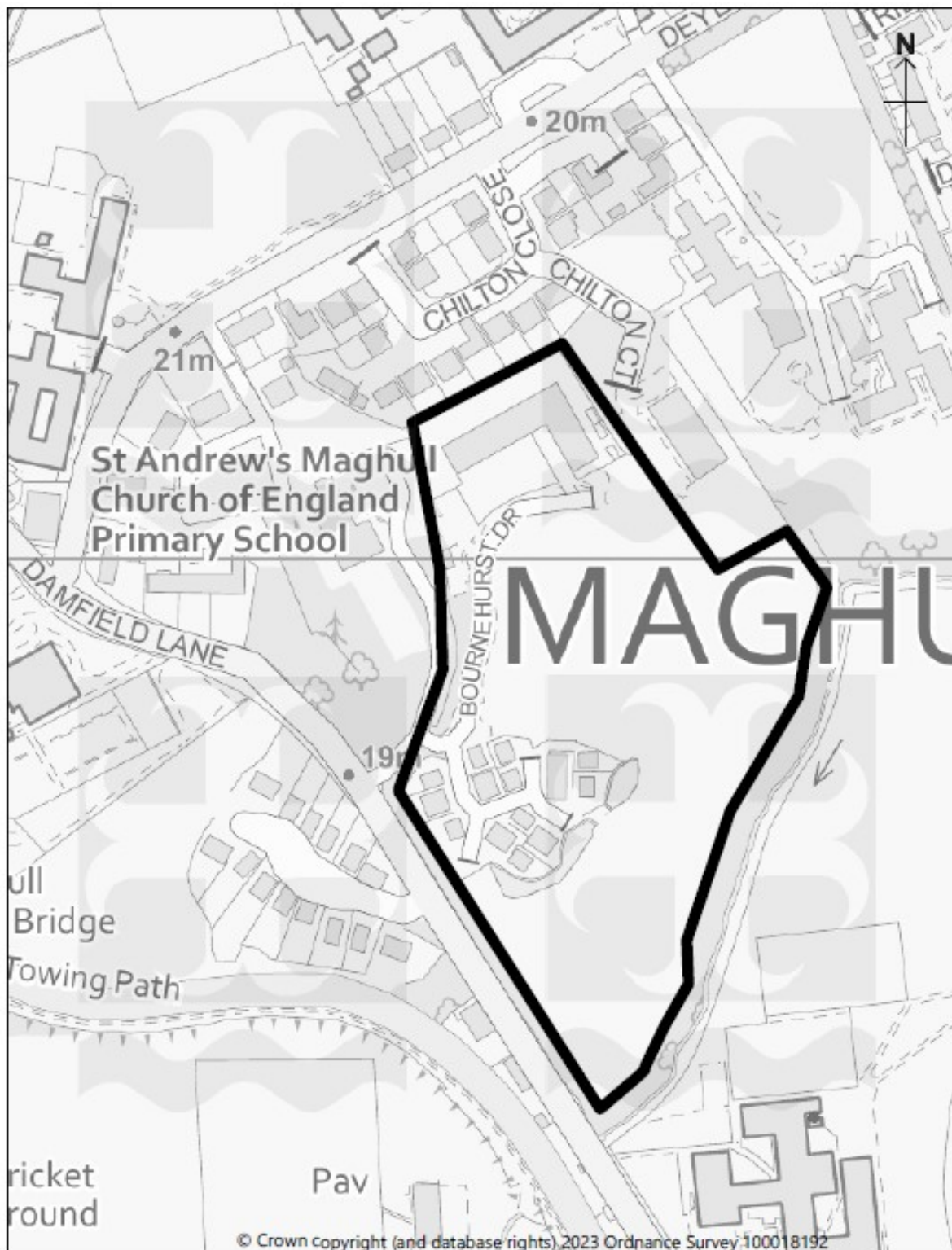
Recommendation: The application is recommended for approval subject to delegated authority to enable the notification period for adjacent residents to be completed and the completion of a revised and updated Section 106 Agreement and planning conditions.

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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RGFVHHNWJSX00>

Site Location Plan



The Site

The site is located to the east of Damfield Lane between this road and Whinney Brook in Maghull. The site adjoins Damfield Lane Conservation Area and the stone wall along the frontage and Chapel House lie within the Conservation Area. There are three storey apartments to the north east at Chilton Court.

Planning permission was granted in 2013 for the redevelopment of the site as an extra care development comprised of extra care housing, dementia/respite facility and independent living lodges with associated landscaping, parking and access. As part of the site has been developed out the living lodges known as Bournehurst Park Village housing development are located to the south of the extra care unit and the respite facility now a care home lies to the west of the extra care unit.

History

The most relevant history is set out as follows:

DC/2022/00866 Non-material amendment to planning permission S/2012/0550 approved on 07/11/2013 to amend the description of the development to 'Extra care development comprising a four-storey extra care housing facility with basement parking, a two storey 44 bedroom dementia/respite facility, 15 independent living lodges, landscaping, parking, access and enhancement of existing greenspace 'which was approved on 26 May 2022.

DC/2016/01188 Erection of a two-storey building with mansard roof to be used as a 65-bedroom residential care home with associated car parking and store and sub-station. Approved 10 October 2023.

DC/2014/01191 Provision of temporary site access onto Damfield Lane, involving part demolition of the existing boundary wall and felling of tree (T35) located at the entrance. Approved 28 November 2014.

Ref: DC/2014/00736, Proposal: Approval of details reserved by condition number 5a attached to planning permission S/2012/0550 granted 07/11/2013, Approved on 3rd June 2014.

Ref: DC/2014/00412, Proposal: Approval of details reserved by conditions 8a and 9a pursuant to planning application S/2012/0550, approved 07/11/2013, Approved on 14 May

Ref: DC/2014/00002, Proposal: Approval of details reserved by conditions 2, 17 & 22 pursuant to planning application S/2012/0550, approved 08/11/13, Approved Decision: July 2014.

S/2012/0550 Extra Care Development comprising a four storey 90-unit extra care housing facility with basement parking, a two storey 44-bedroom dementia/respite facility, 15 independent living

lodges, landscaping, parking, access and enhancement of existing greenspace (alternative to S/2011/1368 refused 15 March 2012), which was approved with conditions on 7th November 2013. A Section 106 is also relevant to this permission.

Consultations

Canals And Rivers Trust

No objections subject to conditions.

Conservation

No objection

Flooding & Drainage

No objection subject to the imposition of conditions to reflect the slight changes to the increase in the impermeable areas.

Highways Development Design

No objection to the proposal subject to highway conditions and Informative still being applicable.

Tree Officer

No objection subject to tree protection and landscaping conditions.

Neighbour Representations

A site notice and press notice have been posted and neighbouring properties have been notified. Due to an error in the notification process, properties on the boundary of the application site have recently been notified together with any new residents who may have bought lodges on the Bournehurst Park Village since the original notification period.

One letter of support has been received which makes the following summarised comments:

As a current resident of the Bournehurst development they support the proposed planning amendments to the third phase as they believe it offers a more sustainable, viable development for the future which will benefit residents, Priory Asset Management and the wider Maghull community.

Policy Context

The application site lies within an area designated as Education and Care Institution and Primarily Residential under Policies HC3 and HC7 in the Sefton Local Plan, which was adopted by the Council

in April 2017.

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

Assessment of the Proposal

1. Background

1.1 Planning permission was granted in 2013 for an extra care type development on the site which comprised three elements an extra care housing facility of 90 units, 15 independent living lodges, and a 44-bed dementia unit. This permission was subject to a Section 106 agreement which required the following:

- 30% affordable housing provision
- Speed restriction measures installed in Damfield Lane (£10,500)
- Enhancements to the 2 local bus stops at the Northway end of Damfield Lane
- Public open space
- Speed table/plateau at the main vehicular entrance off Damfield Lane
- Provision of the education facility on the site

1.2 A further application was approved in 2018 to increase the permitted 44 bed block with a larger 65 bed care home which has now been constructed. A non-material amendment was approved in 2022, to amend the description of the parent permission to remove reference to the number of units of the Extra Care Unit.

2. Proposal

2.1 The application seeks to vary condition 24 (plans/document list) to planning permission S/2012/0550 allow for amendments to the approved scheme.

2.2 The proposed changes to the approved scheme are specific to the extra care element only. The applicant has advised that they have resulted from detailed design work and the involvement of a care provider. The primary changes are the adjustment to the ratio of one, two and three bedroomed apartments and an increase in the overall number of apartments from 90 to 108. There has been a reduction in the communal facilities due to the focus on affordable individual living. The pool area has been removed, as has the library, and retail outlet. The bistro/dining space, and communal casual lounge are retained to provide useable space for residents to socialise.

2.3 The list of changes is set out below:

- Adjustment to the ratio of one-, two- and three-bedroom apartments.
- Increase from 90 to 108 apartments.
- Removal of pool area with curved façade and roof lights, and replacement with regular façade in dining/lounge area and fenced off outdoor bistro terrace.
- Affordable apartments included within building envelope.
- External refuse area expanded.
- Access ramp to basement widened.
- Apartments on third floor reconfigured within building envelope.
- Basement size reduced as pool/plant area omitted.
- Curtain wall omitted due to the addition of apartments above the entrance lobby.
- Pergolas omitted.

3. Principle

3.1 The principle of the development has previously been established. The main issues to consider are the design and layout, transport issues, drainage and heritage and the viability of the scheme,

4. Design and Layout

4.1 Policy HC2 (Housing Type, Mix and Choice) of the Sefton Local Plan sets out the housing requirements in terms of the type, mix, and choice in development over 25 or more dwelling but these requirements do not apply to extra care units. Therefore, the changes are acceptable under this policy.

4.2 The design and scale is similar to that previously approved. The proposed extra care would be apartments in a block which varies in height up to 4 storeys which includes the basement. The proposed building would sit in the centre of the site as a pavilion surrounded by green areas and comprising 5 wings. These wings reduce in height away from the centre and only the central area would be four storeys in height. The form of the building and the variation in height would assist in reducing the visual impact of the scale of the building. The proposed building has a flat roof, and its overall height would be of a similar height of Chilton Court which has a pitched roof. These details together with the footprint of the building are consistent with the parent permission.

4.3 In terms of materials these would include render timber panelling and some use of grey cladding to the upper floors (similar to the approved details). A condition to control these details is recommended. A further condition to require details of the bin storage is also recommended.

4.4 The increase in the number of units reflects the adjustment in the ratio of one-, two- and three-bedroom apartments. There are now 45 one-bedroom apartments, compared to the consented 20; and 63 two-bedroom apartments compared to the consented 65. The original scheme included 5x three-bedroom apartments which are no longer provided. The increase of apartments from 90 to 108 will result in the number of bedrooms increasing by only 6 from 165 to 171.

4.5 The scheme would provide communal and management facilities and a guest suite. The proposal would provide 24-hour care support with six staff permanently located on site.

4.6 The external changes to the extra care unit are required to enable the change to the housing numbers. The curtain wall has been omitted to provide for additional units above the entrance lobby. Other external changes reflect the replacement of the pool with dining / lounge areas: the curved façade would be replaced with a regular façade in the dining lounge area. These changes are acceptable and meet the aims of Policy EQ2 (Design) of the Sefton Local Plan.

5. Living Conditions

5.1 The impact of the extra care unit upon the existing properties and the residents of the future lodges (with some now occupied) have previously been considered and found acceptable under the parent permission. The proposed changes would not unduly impact upon either of these groups of residents. However, a condition to require a Construction Management Plan is recommended.

5.2 The extra care unit is approximately 30 metres distance from the nearest properties outside the Extra Care Development boundary at Chilton Court and as these distances were previously found acceptable, it is considered that the proposal would not unduly impact upon them. Therefore, the changes meet the aims of Policy HC4 and EQ2 of the Sefton Local Plan in terms of living conditions.

6.0 Highways.

6.1 The application is accompanied by a Transport Statement (TS) and which has been assessed by the Council's Highway Team. The TS considers the impact the proposed increase of apartments will have on the highway, reviews the car parking provisions and provides details on the servicing and access arrangements. The proposed alterations to the original approved scheme do not include alterations to site the access arrangements or the overall level of off street car parking.

6.2 A total of 62 car parking spaces were originally proposed for the extra care element of the scheme. This will remain unchanged and will consist of 50 standard bays and 12 disabled bays. 47 spaces will be located within the basement of the building and the remaining 15 at ground level, split into two locations.

6.3 Within the TS it suggests that the expected increase in vehicle trips attributed to the extra 18 apartments would be negligible, being approximately 2 vehicles in the week day peak periods and that this will have no material impact on the highway network.

6.4 The Highways Manager has concluded that the proposed parking provisions either exceed or

are in line with the standards set out in the Council's Sustainable Travel and Development Supplementary Planning Document and that the additional traffic generated by the proposals will be minimal.

6.5 The parent permission included three specific highway conditions, and the Highways Manager has advised that as these works have not been undertaken, they request that conditions 10 (closure of existing access) and 11 (works to proposed access) be re-imposed.

6.6 Condition 12 (offsite highway works) is also still needed but with revised wording to reflect changes as part of highway maintenance that have over the years taken place. These include improved speed cushions which now negate the need for the speed table at the proposed site access junction and as a result it would not be necessary to relocate the bus stop on the opposite side of the road to the site. Instead of the speed table, dropped kerbs with tactile paving would be needed in the vicinity of the proposed site access junction on both sides of Damfield Lane to enable pedestrians to/from the site to access the bus stop in lieu of the speed table which would have provided a level pedestrian route between the footways on either side of Damfield Lane.

6.7 Dropped kerbs and tactile paving are also needed on the footway opposite the St Andrews Close junction, with the associated removal of a small section of the existing grass verge to facilitate it, to enable pedestrians to/from the Andrews Close development to access both the bus stops, noting that there is no footway on the western side of Damfield Lane between St Andrews Close and the bus stop opposite the proposed site access junction in question.

6.8 It is considered that there will be no adverse highway safety impacts subject to the re-imposition of condition 10 and 11 (with a revised time scale) and the rewording of condition 12. Details to secure cycle provision is also recommended. Therefore, the proposed changes meets the aims of the NPPF, Policies EQ1 (Healthy Sefton), EQ2 and EQ3 (Accessibility) and the objectives of the Sustainable Travel and Development SPD.

7.Drainage

7.1 The applicant has submitted a revised drainage strategy due to the slight amendments to the amount and location of the car park and the external refuse area has also slightly expanded. As the changes to the scheme would slightly increase the volume of impermeable area and as such, there would be a slight increase in the volume of surface water ponding on the site; the surface water runoff; and the peak discharge rate from the site. Appropriate design and construction of drainage systems will ensure that there is no increase in flood risk.

7.2 Following the submission of additional information and clarification of the drainage details, the Drainage Manager has advised that the surface water drainage strategy and discharge rate have already been approved via the previous planning process including the maximum discharge rates being restricted to 8.6 l/s. The previous surface water design calculations had a 20% climate change increase applied. The Environment Agency's advice on Peak Rainfall Climate Change Allowance has since been updated. Following the submission of additional information and

clarification of the drainage details the Drainage Manager has concluded that to demonstrate the management of these increases updated drainage calculations and plans showing the impermeable areas are required which can be secured by condition.

7.3 The Canal and Rivers Trust, the Environmental Agency and United Utilities have been notified upon the additional information. The Canal and Rivers Trust support the proposed conditions by the Drainage manager. An update if responses are received from the Environment Agency and United Utilities will be provided. The imposition of conditions is therefore recommended.

8. Impact in relation to the Damfield Lane Conservation Area

8.1 As the proposed changes to the approved built form are minimal and the previous scheme found acceptable with regard to its impact on Heritage Assets it is considered that the changes are acceptable with regard to this aspect.

9. Environmental issues

Landscaping and Ecology

9.1 The ecological issues as part of the whole site have previously been considered. The most significant habitat areas on site have been retained and were found acceptable subject to the imposition of conditions controlling the details. A Biodiversity Method Statement has been submitted and approved and a condition to require this to be updated is recommended.

9.2 Most of the site has been constructed and as this is the last phase a landscaping plan has been submitted to address the immediate area around the Extra Care Unit. These details provide for tree and hedge planting with outdoor green space and gardens which is acceptable subject to a condition controlling the implementation. However, to ensure the overall landscaping and Public Open Space is delivered as previously approved, a further condition has been recommended to control the details and delivery of the overall scheme.

Trees

9.3 The parent permission required the proposal to retain the mature trees on the site boundaries, especially the mature trees on the Damfield Lane frontage. The tree officer has advised that there would be no additional tree removal within the site area and the imposition of the approved tree protection measures to protect the trees around the site boundary are recommended.

10. Other Matters

Affordable Housing Provision and Viability

10.1 As recognised in the history section above, the original permission was subject to a s.106 agreement which provided for, amongst other things, 30% affordable housing provision in the extra care element of the wider development. This was based on the following split:

75-80% Affordable Rented and or Social Rented

20-25% Shared Ownership units and or Equity Percentage units.

As part of this application the applicant seeks to amend the Section 106 to remove the affordable housing element.

10.2 In accordance with Local Plan Policy HC1 (Affordable and Special Needs Housing) and the Affordable Housing Supplementary Document (May 2023) the Council's affordable housing requirements is 30% provision with the following split:

- 67% (minimum affordable or social rent)
- 25% First Homes
- 8% other affordable home ownership

10.3 However, the applicant is suggesting that it is no longer viable to provide the affordable housing provision and is seeking to remove this requirement. According to the applicant, the need to remove the affordable housing provision is owing to current external influences experienced with the construction sector.

10.4 The applicant has presented a number of documents including a 'Financial Viability Statement' dated July 2023 produced by CBRE and an Addendum Letter with associated documents dated 18 September 2023 to demonstrate that it would be unviable to provide the 30% affordable housing provision, as required under the Section 106.

10.5 The assessment reviews various scenarios to deliver the scheme, with and without affordable housing, and in all cases the assessment demonstrates a loss, casting doubt on the deliverability of the scheme. However, the applicant has entered positive discussions with a local registered provider who has expressed interest in building out and operating the development on a 100% affordable basis, subject to funding being secured from Homes England. This would be a separate matter, addressed outside of the planning process, but offers some re-assurance regarding the future development of the site and the provision of extra care, to which there is an acute need in Sefton.

10.6 Policy HC1 (Affordable and Special Needs Housing) of the Local Plan both does allow a reduced provision of affordable housing where there is a robust economic viability argument. Para 58 of the National Planning Policy Framework confirms that planning applications that comply with the local plan policies should be assumed to be viable. It is up to the applicant to

demonstrate whether circumstances justify the need for a viability assessment. It does go on, however, to say that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. Additionally, planning practice guidance suggests that an acceptable profit for a developer is between 15% and 20%. This, in essence, is the risk incentive to developing a site.

10.7 The viability assessment has been appraised by the Council's retained viability consultant in the following documents: CP Viability Draft appraisal, 8 August 2023 (3 documents) and CP Viability, Final appraisal, 28 September 2023 (2 documents).

10.8 Focussing on a policy complaint scheme, their view is that the scheme would return a significant financial loss of around £6.7m (around -33% on revenue). Even when assessing the development with no affordable housing, the developer profit would still be a negative sum (-6.31% on revenue), which is significantly below the 15% to 20% profit range suggested by the viability guidance and also the 20% rate suggested through numerous appeal decisions for retirement apartments.

10.9 The scheme does form part of a wider development and the viability consultant has considered whether other elements delivered a positive return for the developer and whether there was a surplus of profit that could be transferred to aid viability. Their view is that this is highly unlikely.

10.10 The commercial decision to develop the site would be at the discretion of the applicant but seems very unlikely given the viability problems linked to the site; however, it is understood that the registered provider would seek to secure additional grant funding from Homes England or use their own capital reserves and deliver 100% affordable housing on the site.

10.11 The Council's retained viability consultants have, after assessing all the viability information submitted by CBRE, has therefore agreed that the development is unable to viably support any affordable housing provision. This needs to be weighed in the overall balance of relevant factors when coming to a decision.

11.Planning Requirements

11.1 The Section 106 Agreement would be updated to cover the following:

- Removal of the requirement for the 30% affordable housing provision
- A financial contribution for the completed speed restriction measures installed in Damfield Lane (Equating to a developer specific contribution of £10,500)
- A modest package of enhancements to the two local bus stops at the Northway end of Damfield Lane
- The provision of public open space on the site which is to be maintained in perpetuity by the developer, and agreed opening/closing times, and

- Dropped kerbs with tactile paving would be needed in the vicinity of the proposed site access junction on both sides of Damfield Lane to enable pedestrians to/from the site.
- A phasing schedule for the development proposals to ensure it is completed in orderly fashion.
- The provision of the education facility on the site and any necessary ancillary works which is to be managed, operated and maintained in perpetuity by the developer.

Planning Balance and Conclusion

Planning permission has been granted for three elements on this site as an extra care development with lodges, extra care apartments and a residential care home. The lodges and residential care home have been constructed and the principle of the extra care unit has previously been found acceptable. The proposed changes are specific to the extra care element only and are the result of detailed design work and the involvement of a care provider. The small increase in the number of units is acceptable together with the design changes.

The proposed changes to remove the affordable housing provision within the Section 106, and justified on viability grounds, would enable the extra care unit to be provided by another mechanism. If successful, an extra care facility would be built with 100% affordable housing, offering good quality affordable accommodation, and meeting an acute need in the Borough. This weighs heavily in favour of the development. The wider site dedicated to senior living would then be completed. On balance this aspect is supported.

Conditions to ensure that the details associated with the drainage, highways, materials, landscaping and ecology are acceptable, are required together with the revisions to the Section 106 Agreement.

Equality Act Consideration

Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Recommendation – The application is recommended for approval subject to delegated authority to enable the notification period for adjacent residents to be completed and the completion of a revised and updated Section 106 Agreement and planning conditions.

Approved Plans

- 1) The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved and shall not be varied other than by prior agreement in writing by the Local Planning Authority.

4769-JMA-ZZ-ZZ-DR-A-90-0006-A3-C2_Proposed Site Plan
4769-JMA-ZZ-ZZ-DR-A-90-0001-A3-C2_Proposed Site Plan
4769-JMA-01-ZZ-DR-A-00-6001_A3-C1_Extra Care - Area Schedules
4769-JMA-01-B1-DR-A-00-0001-A3-C2_Extra Care - GA Basement Floor Plan
4769-JMA-01-00-DR-A-00-0001-A3-C2_Extra Care - GA Ground Floor Plan
4769-JMA-01-01-DR-A-00-0001-A3-C2_Extra Care - GA First Floor Plan and
4769-JMA-01-02-DR-A-00-0001-A3-C2_Extra Care - GA Second Floor Plan
4769-JMA-01-03-DR-A-00-0001-A3-C2_Extra Care - GA Third Floor Plan
4769-JMA-01-04-DR-A-00-0001-A3-C2_Extra Care - GA Roof Plan
4769-JMA-01-ZZ-DR-A-00-2001-A3-C2_Extra Care - GA Site Elevations 01
4769-JMA-01-ZZ-DR-A-00-2002-A3-C2_Extra Care - GA Site Elevations 02
4769-JMA-01-ZZ-DR-A-00-1001-A3-C2_Extra Care - GA Sections
5004-01 Rev D Landscape Masterplan

L(0)002 Rev D, L(0)005 Rev E, L(0)006 Rev A, L(0)008 Rev B, L(0)009 Rev A, L(0)010 Rev B, L(0)011 Rev C, L(0)012 Rev D, L(0)013 Rev B, L(0)051 Rev E, L(0)052 Rev C, L(0)053 Rev B, (0)054 Rev B, L(0)410 Rev J, L(0)411 Rev H, L(0)412 Rev E, L(0)420 Rev A, L(0)421 Rev B, L(0)422 Rev B, L(0)423 Rev A, L(0)424 Rev B, L(0)425 Rev A, L(0)430 Rev A, L(0)431 Rev A, L(0)432 Rev a, L(0)433 Rev A, L(0)434 Rev A, L(0)435 Rev A, L(0)436 Rev A, L(0)437 Rev A, A(9)005 Rev A, A(9)006 Rev A, 1801-02 Rev E, 1801-03 Rev C.

Reason: To ensure a satisfactory form of development .

Before Development is Commenced

Construction Environmental Management Plan

- 2) No Extra Care development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors.
 - ii) loading and unloading of plant and materials.
 - iii) storage of plant and materials used in constructing the development.
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - v) Hours of operation
 - vi) measures to control the emission of dust and dirt during construction.
 - vii) measures to control noise and vibration during construction, including details of piling and the days/hours when piling will take place.
 - viii) details of external lighting during construction.
 - ix) a scheme for minimising, recycling and disposing of waste resulting from demolition and construction works.

The approved statement shall be adhered to throughout the construction period.

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

Materials

- 3) Before any construction commences on the Extra Care Unit:-
 - a) Samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The materials approved under (a) above shall then be used in the construction of the extra care unit.

Reason: To ensure a Satisfactory appearance to the development in the interest of visual amenity and to comply with Policy Q2 of Sefton Local Plan.

Piling

- 4) a) Should any part of the development incorporate piling works or ground compaction, details of the works, proposed duration and hours of piling/ ground compaction and details of mitigation methods for the suppression of dust shall be submitted to and approved by the Local Planning Authority prior to work commencing on site.
- b) Piling/ ground compaction works shall then be carried out in accordance with the details approved under (a) above.

Reason: To ensure the amenities of nearby residents are not unduly harmed by noise and dust from piling /ground compaction works and to comply with Policy EQ2 of the Sefton Local Plan.

Employment Code

- 5) Before any construction commences on the Extra Care unit details of a local construction employment scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall explain how reasonable endeavours shall be made to use local suppliers, contractors and labour during the construction phase of the development. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the aims of the Social Value (Employment and Skills) from Development SPD dated May 2023.

Tree Protection

- 6) Before any equipment, machinery or materials are brought onto site for the Extra Care development, the protective barriers shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan in accordance with the details approved under DC/2014/00736.

The barrier/fencing approved above shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started, or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees in the interests of visual amenity.

Foul Drainage

- 7) No part of the Extra Care development shall commence, save for site clearance associated with the Extra Care Unit the details for the foul water drainage scheme for the site shall be submitted to and approved by the Local Planning Authority. The following foul water

drainage details shall be agreed with the local planning authority in liaison with the public sewerage undertaker:

- The location of the point of connection for foul water to the existing public sewer.
- The timing arrangements for the pumped foul discharge.
- The storage requirements for the pumped foul discharge; and
- The rate of discharge for the pumped foul discharge.
- There shall be no connection of foul water to the public sewer other than in accordance with the agreement reached with the local planning authority in liaison with United Utilities.

Prior to occupation of the first unit within the Extra Care Unit the development shall be implemented in accordance with the approved details.

Reason: To secure proper drainage and to manage the risk of flooding and pollution from the public sewerage system.

Surface Water

- 8) No part of the Extra Care development shall commence, save for site clearance associated with the Extra Care Unit until detailed plans of the Sustainable Surface Water Drainage and Foul Water systems, in the form of a 'Confirmed/ Final' Sustainable Drainage Strategy, for the management and disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority.

The details of the 'Confirmed / Final' Sustainable Drainage Strategy must be based on the principles and details outlined in the Damfield Lane, Maghull Flood Risk Assessment and Drainage Strategy Report by AJP dated 01 July 2022 and the Planning Statement Report by Zerum, dated August 2022, and shall be accompanied by completed updated Sustainable Drainage Pro-forma-1

Details of submissions shall include:

i Updated drainage layout plan clearly indicating the 120m³ attention pond with the surface water drainage restriction via a 150mm diameter orifice pipe or flow control system, prior to discharging into the existing forebay and attention pond to the south of the Bournehurst Park Village development. Drainage network details with pipe sizes, manholes, cover levels and invert levels. Foul and Surface Water shall be drained separately.

ii Updated drainage simulations results of the SuDS system including the outfall into receiving Whinny Brook for the 1 in 2, 1 in 20, 1 in 30, 1 in 100 and the 1 in 100+45% CC

storm events. If flooding is encountered in the simulations a flood routing plan must be provided to confirm where any excess flood water will be stored until the system recovers

iii A construction phase drainage management plan to include how surface water and pollution prevention will be managed during each phase of construction including any temporary arrangements.

iv Management and Maintenance arrangements for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and, to comply with the National Planning Policy Framework and Sefton Local Planning PolicyEQ8.

Construction Traffic Plan

9) a) Prior to the commencement of construction of the works a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

b) The provisions of the Construction Traffic Management Plan approved under

(a) above shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety

Off- site Highways work

10) a) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme for the following highway improvement works, together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority.

Schedule

1. Reconstruction of the footway on both sides of Damfield Lane for a minimum of 10.0metres either side of the centre line of the proposed vehicular access to the development site.
2. Dropped kerbs and tactile paving in the vicinity of the proposed site access junction on both sides of Damfield Lane.
3. Dropped kerbs and tactile paving on the Damfield Lane eastern footway opposite the St Andrews Close junction.
4. Provision of improvements to the existing bus stops at the following locations: -

- Bus stop on the north-east side of Damfield Lane closest to the proposed site access - requires access kerbs, the construction of a raised footway area, and enhanced 'Bus Stop' carriageway markings; and,
- Bus stop on the south-west side of Damfield Lane closest to the proposed site access – requires access kerbs, the construction of a raised footway area, new bus shelter, enhanced 'Bus Stop' carriageway markings, and the relocation of the existing seating bench and litter bin.

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

Reason: In the interests of highway safety

Mud on the road.

11) a) Prior to the commencement of construction of the Extra Care Unit, full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance shall be submitted to an agreed in writing with the Local Planning Authority.

b) The details approved under (a) above shall be implemented throughout the period of construction unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety

During Building Works

Contamination

12) 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 in accordance and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

b) Following completion of the remedial works identified in the approved remediation strategy a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the risks from land contamination are minimised.

Before the Development is Occupied

- 13) a) A scheme of works for the closure and reinstatement of the existing vehicular and/or pedestrian access on to Damfield Lane shall be submitted to and approved in writing by the Local Planning Authority. b) No part of the development shall be brought into use until the existing vehicular and/or pedestrian access on to Damfield Lane has been permanently closed off and the footway reinstated. These works shall be in accordance with the scheme approved under (a) above.

Reason: In the interests of highway safety

- 14) No part of the Extra Care development shall be brought into use 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 for that specific use.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety

Travel Plan

- 16) The approved Travel Plan under S/2012/0550 shall be updated, submitted to and approved by the Local Planning Authority, prior to first occupation of the Extra Care Unit. The scheme shall be implemented in accordance with the details approved.

Reason: In the interests of highway safety

Details of Boundary Treatment to Damfield

- 17) Before first occupation of the Extra Care Unit, the boundary wall to Damfield Lane shall be reconstructed in stone to match the existing and shall be pointed and constructed to visually match the existing.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy EQ2 of Sefton Local Plan

- 18). The new gate pier to the pedestrian entrance on to Damfield Lane, must be constructed in accordance with the approved details under DC/2014/00002 prior, to first occupation of the Extra Care Unit.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy EQ2 of Sefton Local Plan

Landscape Management Plan

- 19) The hard and soft landscaping scheme hereby approved for the Extra Care Unit as shown on Drawing No: 5004 Rev D shall be carried out prior to the occupation of any part of the Extra Care development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of visual amenity and to comply with Policy EQ2 of Sefton Local Plan.

- 20) The landscaping and management plan details approved under DC/2014/00412 shall be updated, submitted to and approved by the Local Planning Authority prior to the first occupation of the Extra Care Unit. The updated landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to comply with Policy EQ2 of Sefton Local Plan.

Biodiversity Method Statement

- 21) The Method Statement for the enhancement of biodiversity approved under DC/2014/00412 shall be updated, submitted to and approved by the Local Planning Authority, prior to first occupation of the Extra Care Unit. The scheme shall be implemented in accordance with the details approved.

Reason: To secure biodiversity enhancement and to comply with Policy NH1 of Sefton Local Plan.

- 22) No units within the Extra Care Unit hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any dwelling in accordance with the approved details.

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

- 23) Before any part of the development hereby permitted is occupied/brought into use written details of all arrangements for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The storage arrangements shall be completed in accordance with the approved details and shall be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse/recycled materials.

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

Reason: In the interests of highway safety

Ongoing

- 25) No tree which is to be retained shall be cut down, uprooted or destroyed, or have surgery undertaken, without the written approval of the Local Planning Authority, within 1 year from the completion of the development. Any such trees removed or dying shall be replaced with trees of a size and species to be agreed in writing with the Local Planning Authority in the next available planting season.

Reason: To prevent damage to the trees in the interests of visual amenity.