

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting: 10th April 2024**

Subject: **DC/2023/01911**
Site Of Former Bootle High School Browns Lane Netherton

Proposal: Erection of 53 dwellings, construction of vehicular access, open space, landscaping, and associated infrastructure works.

Applicant: Sandway Homes Ltd **Agent:** Mrs Joanne McGrath
SATPLAN

Ward: St Oswald Ward **Type:** Full application - major

Reason for Committee Determination: Chief Officer's Discretion

Summary

The proposal is for the erection of 53 dwellings, the construction of vehicular access, open space, landscaping and associated infrastructure works on the site of the former Bootle High School, Browns Lane in Netherton.

The site is allocated as a housing site in the Sefton Local Plan. The main issues to consider in respect of this application are the principle of development, highway safety, living conditions of the nearby residents, design, character and appearance in the area, including the trees and landscaping, drainage requirements, ecology requirements and contaminated land.

The proposal complies with the adopted local plan and in the absence of any other material considerations, the application is recommended for approval subject to conditions and a legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement to secure financial contributions to mitigate the impact of recreational pressure on the Sefton Coast, agree details of affordable housing, a travel plan and employment and skills plan.

Case Officer

Liz Beard

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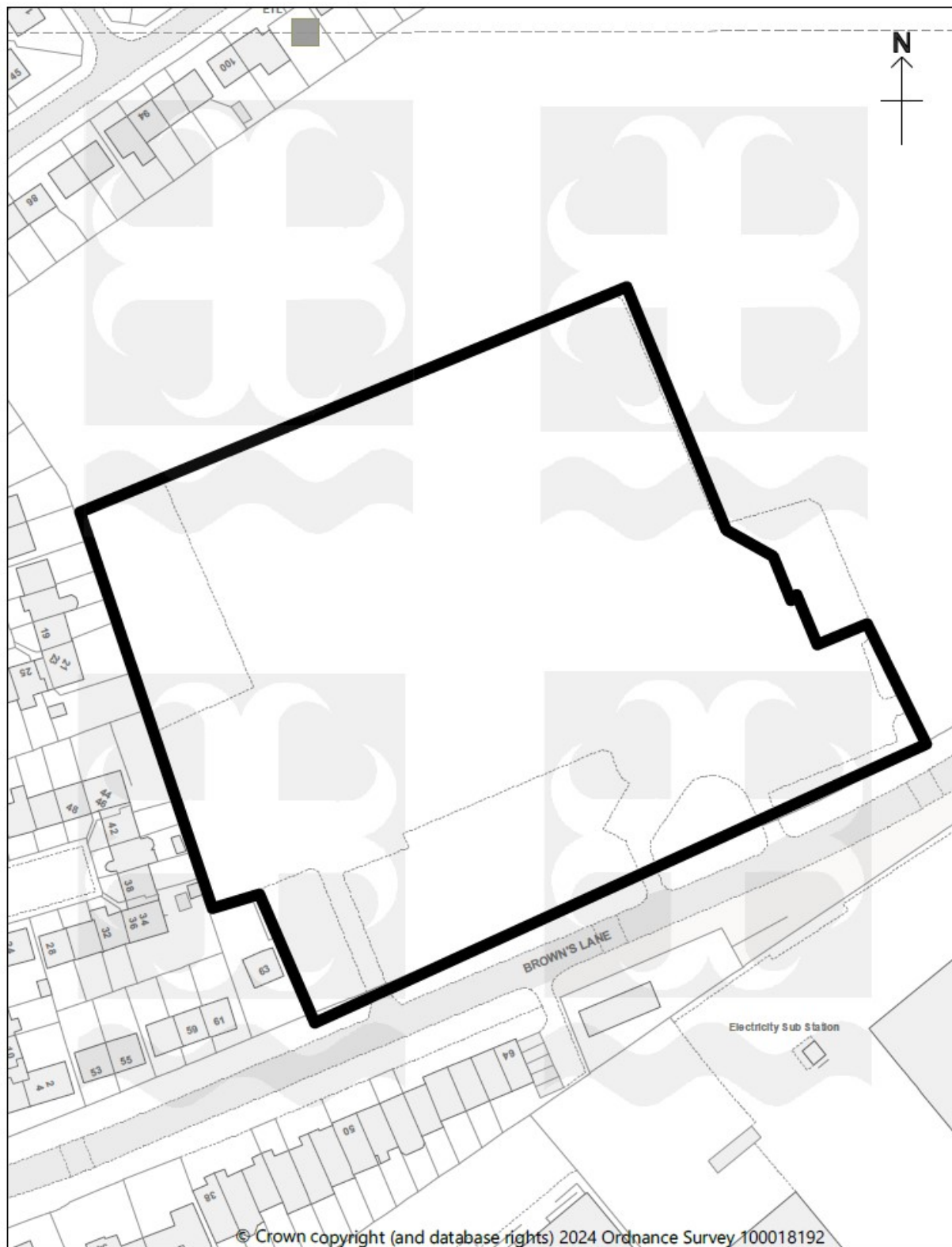
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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3KB77NWIL600>

Site Location Plan



The Site

The site is 1.81 ha in area and is the site of the former Bootle High School, which is an area of hard surfacing, located on Browns Lane in Netherton. The site is bound to the west by residential properties, and the former school playing fields wrap around the site to the north and east and Browns Lane lies to the south, which is where the site is accessed from.

History

There was an outline planning application submitted for the redevelopment of the site for 59 dwellinghouses (ref: DC/2021/00926), which was withdrawn in July 2021.

Consultations

Canal And River Trust

No objection.

Community Fire Officer

No objections.

Local Plans

No objection. Employment and Skills Plan will need to be secured by a Section 106 Legal Agreement.

Environmental Health Manager

Noise

No objection. Recommended conditions for the submission of a Construction Environmental Management Plan (CEMP) and details of acoustic fencing.

Contaminated Land

The findings in the preliminary risk assessment and recommendation for a ground investigation are agreed with further conditions recommended.

Natural England

No objection.

United Utilities

No objection. Recommend a drainage condition.

Flooding & Drainage Manager

The plan showing the surface water must be updated along with the SuDS proforma and resubmitted. An update will be provided in the late representations report.

Highways Manager

No objection. Conditions recommended in relation to the details for off-site highways works, cycle parking, car parking, visibility splays, travel plan, construction traffic management plan, mud on the road and a Traffic Regulation Order (TRO) for a 20 mph speed limit.

Merseyside Environmental Advisory Service

No objection. Conditions recommended in relation to proposed lighting, tree and vegetation clearance, details of bird and bats boxes, hedgehog highways and in relation to invasive species.

Tree Officer

No objection.

Liverpool City Region

No objection.

Neighbour Representations

57 neighbours were notified by letter on 20th November 2023. A site notice was posted on 23rd November 2023 and a press notice was published on 22nd November 2023.

One letter of objection has been received raising the following issues:

- It is suited as a playing field and should remain as a green space, which is necessary in this time of air pollution from traffic.
- Browns Lane has a small narrow bridge going over the canal and an increase in traffic will be detrimental. At present only a modest amount of traffic uses that route to reach the motorways through Copy Lane.

A Statement of Community Involvement was submitted as part of the planning application, which provides a record of the consultation undertaken prior to the submission of the planning application.

Policy Context

The application site lies within an area allocated for housing (site ref: MN2.39 'Land at the former Bootle High School, Browns Lane, Netherton') in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

1. Introduction

- 1.1 The key issues for consideration include the principle of development, highway safety, design, character, and appearance in the area, including the trees and landscaping, living conditions of the nearby residents, drainage requirements, ecology requirements, affordable housing and contaminated land.

2. The Proposed Development

- 2.1 The proposal is for 53 dwellings, the construction of a new vehicular access, open space, landscaping and associated infrastructure works. The breakdown of the dwellings is 11 no. with two beds, 23 no. with three beds and 19 no. with four beds.

3. Principle of Development

- 3.1 The site is allocated for housing in the Sefton Local Plan. The principle of residential development has been established.

4. Highway Safety

- 4.1 A Transport Statement (TS) and Transport Note (TN) has been provided, along with a revised site plan.

Traffic Impact

- 4.2 The letter of objection received, raises the issue that Browns Lane has a small narrow bridge going over the canal and an increase in traffic will be detrimental. The Highways Manager has assessed the information provided and advises that the TS predicts that the proposed development would generate 29 to 27 two-way vehicle trips during the AM peak hour (8am-9am) and PM peak hour (5pm-6pm) respectively. This equates to 1 new trip every 2 minutes on average over each peak hour, which would not represent a significant traffic impact on the operation of the highway network in the vicinity of the canal bridge. In addition to the above any abnormal load deliveries would be required to be notified to the Canal & River Trust, which should be acknowledged in the Construction Traffic Management Plan for the site to ensure that the bridge is safeguarded.

Access

- 4.3 The revised site plan shows there are 3 no. existing vehicular accesses to the site. The middle and eastern accesses are to be removed. The western access is to be retained and improved as part of the development forming the main site access junction to the site via a priority junction.

- 4.4 The only other site accesses would be vehicular crossings for new dwellings on the frontage of the development along Browns Lane. There will need to be trees removed from the highways to enable the construction of the driveways, as this will impact on the adoption and maintenance of the highway. This is discussed in the report below. The site plan shows that the proposed driveways should not be affected by the existing traffic calming measures, lighting columns and the telegraph pole.
- 4.5 There is a 2 tonne weight limit on the Browns Lane bridge over the canal to the east of the site so the applicant must ensure that all heavy vehicles including temporary construction traffic would avoid using this bridge. A condition can be included to ensure that the Construction Traffic Management Plan (CTMP) is provided prior to the commencement of development.

Minimum Accessibility Standards Assessment (MASA)

- 4.6 The TS includes a Minimum Accessibility Standards Assessment (MASA), which shows a shortfall in relation to the site being accessible on foot. The applicant has agreed to provide tactile paving at the existing Browns Lane dropped kerbs near to its mini-roundabout junction with Copy Lane and in the vicinity of the bus stops on the southern arm of Copy Lane near this junction. This is deemed acceptable to overcome the shortfall. These improvements can be included in the Section 106 legal agreement.
- 4.7 The development score for cycling in the MASA also falls short of the requirement and so does the public transport element of the proposal. The nearest bus stops are on Copy Lane. These have raised kerbs, bus bay markings and bus stop pole/flags and the 2 no. bus stops on Glover's Lane have bus shelters. As there is limited footway width on Copy Lane to provide bus shelters at the bus stops on both sides of the road, on this occasion the applicant is not being requested to provide them at their own expense. However, agreed improvement to the pedestrian routes mentioned are considered to offset the shortfall on the public transport score.
- 4.8 The development fails to meet the minimum scores in the MASA for walking, cycling and public transport and therefore the development cannot be considered to have good accessibility. However, with the improvements requested, which are to be fully funded and delivered by the applicant via a Section 38/Section 278 highway agreement, the details of which can be included as part of the Section 106 legal agreement, then the proposal will be acceptable in accessibility terms.

Site Layout

- 4.9 Browns Lane is subject to a 20mph speed limit, and the development should be subject to a 20mph speed limit. A Traffic Regulation Order will be required at the full expense of the developer. This can be included as part of the Section 38/Section 278 highway agreement.

- 4.10 The Transport Note shows that a 12.2m long large refuse vehicle could turn left into the site and turn within 2 no. turning heads within the site, but not the turning head at plot 42, which is required. This can be secured by a condition.
- 4.11 The access roads are all 5.5m wide with a 2m wide footway on either side, which is acceptable. A 3m wide pedestrian access route would be provided to the adjacent open space to the east of the site. This area is not currently accessible, but infrastructure will be put in place in case there is the opportunity in the future for the area to be used.

Parking

- 4.12 The TS and TN has not undertaken a parking assessment for the development. The Highways Manager has undertaken a parking review, taking into account the minimum requirements set out in the Sustainable and Travel Development Supplementary Planning Document (SPD) and noted the following:
- 4.13 For 11 no. 2 bedroom, 23 no. 3 bedroom and 19 no. 4 bedroom dwellings this equates to the following provision:
- 22 allocated and 2 unallocated spaces (11 no. 2 bed)
 - 46 allocated and 7 unallocated spaces (23 no. 3 bed)
 - 57 allocated and 6 unallocated spaces (19 no. 4 bed)
- Total 125 allocated and 15 unallocated spaces.
- 4.14 The proposed site plan shows that the 2/3 bed dwellings would each have 2 off-street parking spaces with the 4 bed dwellings each having 3 on-plot spaces, which complies with the parking standard of 125 allocated spaces. No provision has been made for unallocated parking but as the proposed carriageway widths within the development would all be 5.5m wide in accordance with the Council's minimum highway standards, this is deemed acceptable as visitor parking could be accommodated on-street.

Travel Plan

- 4.15 A Travel Plan (TP) has been provided, which is not acceptable in its current form as it does not provide sufficient detail on the benefits and temporary aims/objectives of the TP, which needs to be included. A web-based approach is recommended, and the TP needs to reflect the comments in relation to the MASA and the associated highway improvements.
- 4.16 The TP is not sufficiently site specific and more details on the measures, monitoring and an action plan is needed. It also needs to include information on when travel surveys will be repeated with residents taking into account occupancy of the development, and how the survey results will be used to revise and update challenging targets for modal shift away from private car use. This should be included in the action plan. A revised and updated Full Travel

Plan is required, this can be included as part of any Section 106 legal agreement.

- 4.17 Therefore, taking all the above into account there are no highway safety concerns associated with the development and no objections subject to the following conditions: off-site highways improvements, vehicle parking, cycle parking, visibility splays for pedestrians and vehicles, mud on carriageway (which can be included as part of a Construction Environmental Management Plan) and Construction Traffic Management Plan. The proposal complies with Local Plan Policy EQ3 'Accessibility'.

5. Design and Character of the Area

- 5.1 The proposal is for 53 dwellings, the construction of a new vehicular access, open space, landscaping and associated infrastructure works.

Layout & Built Form

- 5.2 Local Plan Policy EQ2 'Design' requires that new development responds positively to the character, local distinctiveness and form of its surroundings. In terms of built form, the surrounding area is characterised by semi-detached and terraced housing. The proposed layout will be accessed from a main access onto Browns Lane with other properties having individual driveways direct from Browns Lane. The layout is organic in nature, as opposed to having a strong grid type layout, which fits in with the surrounding area. The density and 'grain' are consistent with a suburban development.
- 5.3 The dwellings proposed are a mix of detached, semi-detached and terraced houses, all of which are two storeys in height. The properties are traditional in style and complement the dwellings in the surrounding area. Facing materials include red brickwork and red and grey tiles.
- 5.4 A pumping station is proposed as part of the development; however details of the design have not been provided. A condition can be included to request this information.
- 5.5 Overall, it is considered that the proposal responds positively to the character and form of its surroundings in terms of layout, density, style, height and form of dwellings. The proposal therefore complies with Local Plan Policy EQ2 'Design'.

Housing Mix

- 5.6 Local Plan Policy HC2 'Housing Type, Mix and Choice' requires that a minimum of 25% of the market dwellings should be 1 or 2 bedrooms and a minimum of 40% should be 3 bedroom properties. This proposal includes 45 market homes of which 11 (24.4%) are 2 bedroom homes and 18 (40%) are three bedroom. Whilst it is marginally below in relation to the 2 bedroom homes, overall the housing mix is considered to be acceptable.

- 5.7 The proposal complies with the requirements that at least 20% of the market properties are designed to meet Building Regulations M4(2) 'accessible and adaptable' dwellings.

Trees and Landscaping

- 5.8 The tree report identifies that 15 individual trees and 1 group of trees are to be removed, which are a mixture of B category and C category trees, with one A category tree also to be removed. All the category A trees along the frontage of Browns Lane are to be retained, which maintains the character of the frontage of the site.
- 5.9 The planting plan provided shows that tree loss can be mitigated with 21 trees being planted within the site. This will be largely provided in the front gardens of the properties.
- 5.10 The trees located outside the fronts of plots 11/12 cannot be retained, due to the requirement for dropped kerbs and the potential service lowering. Replacement street trees can be provided as part of the Section 106 legal agreement.

Open Space

- 5.11 The site is within walking distance of Marian Gardens therefore there is no requirement to provide open space on site, for a development of this size.
- 5.12 On balance the information provided in the landscaping proposals and tree reports is acceptable and the requirement for replacement street trees will be included as part of the Section 106 legal agreement. The proposal therefore complies with part 7 of Local Plan Policy EQ9 'Provision of Public Open Space, Strategic Paths and Trees'.

Low Carbon Development

- 5.13 Design features have been incorporated to reduce the energy consumption of the properties as well as sustainability measures within the Design and Access Statement. The Sustainability Strategy includes fabric first approach providing highly insulated and airtight homes, which are easier and less costly to heat. It also includes the use of renewable energy sources within the development such as air source heat pumps and photovoltaic (PV) cells. The proposal complies with Local Plan Policy EQ7 'Energy Efficient and Low Carbon Design'.

Leeds & Liverpool Canal

- 5.14 The Leeds & Liverpool Canal lies to the east of the application site with an open field on the intervening land to the site boundary so this development will have no direct impact on the canal.
- 5.15 The surface water drainage will be to the mains sewer and the pumping station for the foul waste is located away from the canal. Therefore, the Canal & River Trust have no comment to

make in relation to the drainage aspects.

- 5.16 The Canal & River Trust state that access to the site during the construction phase would likely result in traffic crossing the canal via Browns Lane Bridge. This bridge is controlled by traffic lights, which aids protection from bridge strikes. The bridge is also assessed as having full weight capacity for normal traffic. Any abnormal loads deliveries would be required to be notified to the Canal & River Trust, which should be acknowledged in the Construction Traffic Management Plan for the site to ensure that the bridge is safeguarded.

6. Impact on Adjoining Occupiers and Residents

- 6.1 The application is subject to Local Plan Policy HC3 'Residential Development and Primarily Residential Areas' and the accompanying guidance within the New Build Homes Supplementary Planning Document (SPD), which provides standards and recommendations for suitable living conditions for future occupiers. The Council's guidance recommends 12 metres between two ground floor windows, 12 metres between non-habitable rooms or habitable rooms and blank elevations, 21 metres between windows serving habitable rooms and 18 metres where a habitable room is on an elevation that fronts onto a road or public footpath. The proposed development is well laid out to achieve the required distances between dwellings overall.
- 6.2 In relation to the proposed garden sizes, the Council's guidance recommends that 50 square metres is provided for two-bedroom properties and 60 square metres is provided for homes with three bedrooms or more, which can be met. It is considered that an acceptable standard of living has been provided for all dwellings. Overall, it is considered that the proposal provides a good standard of living space for future occupiers in terms of levels of light, outlook, privacy and outdoor private amenity space and complies with part 2c. of Local Plan Policy EQ2 'Design' and the New Build Homes SPD.

Noise

- 6.3 A revised noise assessment was submitted, which suggested appropriate mitigation in relation to potential noise impacts from the KTC Edibles factory, which backs onto Browns Lane. These are accepted by the Environmental Health Manager. It is recommended that an acoustic fence is provided to plots 13 & 14 as they are closest to the factory, however, there has been a brick wall 2.1m in height shown on the boundary treatment plan. This will work acoustically and is also acceptable in design terms.
- 6.4 It is also recommended that given the proximity to other occupied dwellings that a Construction Environmental Management Plan (CEMP) is provided prior to commencement of development, which can be secured by a condition.
- 6.5 The Environmental Health Manager also recommended that details of any proposed piling are submitted for consideration prior to commencement of development. The details should

include the method chosen and the justification for this as well as the noise and vibration-suppression methods. This can be secured by a condition.

Impact on Existing Residents

- 6.6 The minimum interface distances are provided between the proposed housing and the existing housing.
- 6.7 A letter of objection has been received in relation to impact on traffic and air quality. The air quality in the vicinity of the development is considered to be of a good standard. However, a Construction Environmental Management Plan (CEMP) will ensure that development will be carried out within the appropriate guidelines and appropriate mitigation, which as set out above, can be secured by a condition.
- 6.8 A condition will also be included to ensure that a Highways Construction Management Plan is provided prior to the commencement of development. This will include the details of routes that the construction traffic will take when accessing and leaving the site.

7. Flood Risk and Drainage

- 7.1 A Flood Risk Assessment (FRA), Drainage Strategy Report & Indicative Drainage Layout Phase 1 have been provided and are considered to be acceptable to the Lead Local Flood Authority (LLFA). However, the indicative drainage layout does not include any exceedance flood route provision in the event of failure of the proposed surface water pumping station and/or where such exceedance flood volume can be safely temporarily contained until the system recovers. An updated Sustainable Urban Drainage System (SuDS) proforma is also required. The LLFA have therefore objected.
- 7.2 This objection can be overcome by marking the flow rates or the area where flood water will be stored on the surface water drawing and complete a revised SuDS proforma. A condition can be provided to ensure the details are in accordance with the principle of the Flood Risk Assessment (FRA), Drainage Strategy and updated drawing. The details will be provided in the late representations report.

8. Ecology

- 8.1 The ecological report was updated following comments provided by the Merseyside Environmental Advisory Service (MEAS). This confirmed that Cotoneaster and Rhododendron ponticum are present and as such an invasive species condition should be included.
- 8.2 Habitats on site or adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill into habitats. This can be secured by a suitably worded condition. It is also recommended by MEAS that bat

roosting boxes and/or bat roosting bricks and bird nesting boxes are provided. This is in line with paragraph 186 of the National Planning Policy Framework and can be secured by conditions.

- 8.3 Hedgehog is a Priority Species and Local Plan Policy NH2 'Nature' applies. In order to maintain habitat connectivity for hedgehogs then it is recommended for 13cm x 13 cm gaps should be installed into any close boarded fence. There are gaps shown for hedgehogs on the close boarded timber fencing on the boundary treatment plan provided, which will be listed as an approved plan.

Recreation Pressure

- 8.4 The applicant has confirmed that they are 'opting-in' to pay the commuted sum of £18,444 and will provide a colour copy of the 'Respecting Nature in Sefton Information Leaflet' to all first-time occupiers of the homes.
- 8.5 A Habitats Regulations Assessment (HRA) has been undertaken as the site is accessible by foot, car and public transport to international and nationally designated nature sites. Due to the potential pathways and impacts on the sites without mitigation/preventative measures then there will be significant effects on the site. Therefore, an Appropriate Assessment is required in accordance with Regulation 63 (Habitats Regulations 2017). This was carried out by MEAS, where it is concluded that with the mitigation measures there will be no adverse effect upon the integrity of national and international sites.
- 8.6 The commuted sum of £18,444 for mitigation of recreational pressure can be included as part of the Section 106 legal agreement. The provision of the leaflet 'Respecting Nature in Sefton' can be secured by condition.
- 8.7 Taking the above into account the proposal complies with Local Plan Policy NH2 'Nature'.

9. Affordable Housing

- 9.1 An affordable housing statement was provided, which identifies 8 of the 53 homes will be affordable homes. This complies with the requirements of Local Plan Policy HC1 'Affordable and Special Needs Housing', where 15% of the total number of dwellings should be affordable. The units are proposed as follows:
- 3 x 3 bed detached will be available for shared ownership (plots 12, 21 & 22)
 - 2 x 3 bed detached will be available as first homes tenure (plots 2 & 7)
 - 3 x 3 bed detached will be available for social/affordable rent (plots 23, 28 & 29)
- 9.2 The affordable units will be indistinguishable from the market homes in terms of their location, appearance, and design standards to ensure that the communities are mixed. The spread of affordable housing throughout the site is considered to be acceptable.

9.3 The details of the affordable housing will also be included as part of a Section 106 legal agreement.

10. Contaminated Land

10.1 The Environmental Health Manager has reviewed the reports provided in relation to contaminated land and has advised that there is one potential source of contamination, which is a former pond located in the southeast area of the site. Sutcliffe Investigations proposed excavating a series of trial pits to locate and delineate the former pond and the installation of a gas monitoring well. There is also the possibility that the basements of the former buildings have been infilled and that there may have been a heating oil tank also present on the site. Therefore, further investigation and assessment will be required.

10.2 Soil testing has taken place where lead and asbestos has been identified. Gas monitoring was also carried out and concluded that there were no gas protection measures required. However, it recommended that as the carbon dioxide readings increased the site classification to Characteristic Situation 2, then gas protection measures are required. This should include a structural barrier, ventilation, and a gas resistant membrane, which should form part of the remediation strategy.

10.3 Sutcliffe Investigations also recommend that site levels are reduced by 600mm within the proposed gardens and soft landscaping areas and this material is replaced with imported clean tested materials to accommodate a growing medium. The detailed design and validation methodology for this clean cover system will also need to be detailed in the remediation strategy, following completion and approval of the further site investigation and assessment.

10.4 A radiological walkover survey was undertaken, and the report provided refers to two localised areas of radiological interest that were identified for further investigation. A copy of the Radiological Survey Report on completion of the radiochemical analysis will need to be submitted for review.

10.5 The Environmental Health Manager agrees with the recommendations for a site investigation and recommends conditions in relation to a preliminary site investigation, site characterisation, the submission of a remediation strategy, a verification report, and the reporting of unexpected contamination. The proposal, with the inclusion of these conditions, would comply with Local Plan Policy EQ6 'Contaminated Land'.

11. Employment Skills

11.1 The Council has adopted a Social Value (Employment and Skills) Supplementary Planning Document (SPD). This sets out that proposals of a certain scale must be subject to an Employment and Skills Plan, which will set out how local employment and skills opportunities are secured. The proposal requires an Employment and Skills Plan to be devised, submitted

and secured by a planning obligation as part of the Section 106 legal agreement and then implemented.

12. Mineral Safeguarding

12.1 The site lies within a Minerals Safeguarding Area. The applicant has submitted a Minerals Safeguarding Statement, where the Merseyside Environmental Advisory Service (MEAS) agree with the conclusion and that there is sufficient information to comply with Part 1 of Local Plan Policy NH8 'Minerals'.

13. Section 106 Legal Agreement Requirements

13.1 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 into a commuted sum of £348 per home, which is a total of £18,444.

13.2 The details of the affordable housing will also be included as part of the Section 106 legal agreement, which includes 3 x 3 bed detached will be available for shared ownership, 2 x 3 bed detached will be available as first homes tenure, 3 x 3 bed detached will be available for social/affordable rent.

13.3 The details of the off-site highways works, replacement street trees, the requirement for an employment and skills plan and the submission of a Full Travel Plan can also be included in the Section 106 agreement.

14. Planning Balance and Conclusion

14.1 The proposed development of the site for residential development is acceptable in principle given the site's allocation for housing in the Local Plan. The density, design and layout are acceptable with regard to the character of the area.

14.2 In terms of amenity, future occupiers will be afforded a good standard of living, and the proposal will provide 8 affordable homes, with the homes being 'accessible and adaptable' under the Building Regulations.

14.3 The site is considered on balance to be accessible from non-car based transport and the off-site highways requirements will ensure that the site is integrated with the surrounding area in transport terms. The Highways Manager is satisfied that the highways and transport requirements are met.

14.4 The Lead Local Flood Authority has recommended that the drainage plan is updated to confirm that the surface water is successfully managed.

14.5 Therefore, taking all of the above into account there are clear benefits to the proposal contributing to the Council's housing land supply, including affordable housing. The proposal complies with the National Planning Policy Framework, adopted Local Plan and guidance, and is therefore recommended for approval subject to conditions and the completion of a Section 106 legal agreement.

15. Equality Act Consideration

15.1 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.

15.2 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 - Approve with conditions subject to the completion of a Section 106 legal agreement to secure financial contributions to mitigate the impact of recreational pressure on the Sefton Coast, agree details of affordable housing, a travel plan and employment and skills plan.

The application has been recommended for approval subject to the following condition 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 reports:

Location Plan 1887-JMA-XX-OO-DR-A-0100
Proposed Site Plan 1887-JMA-XX-OO-DR-A-01 02 revision P13
Arboricultural Impact Assessment & Method Statement ref: 23/AIA/SEFTON/29
Phase I Desk Study & appendices
Phase II Interpretative Ground Assessment Sutcliffe ref: 33342-SUT-ZZ-00-RP-G-7202
Phase III Remediation & Validation Strategy Proposals ref: 33342-SUT-ZZ-00-RP-G-7301
Flood Risk Assessment and Drainage Strategy ref: 33342/LRD
Detailed Plot Landscape Plan ref: H23-0029_002A
Proposed Boundary Types ref: 1887-JMA-XX-OO-DR-A-0105 rev P02

House Types

Osprey wide variant ref: 1887-JMA-XX-OO-DR-A-0206 rev P01
Avocet ref: 1887-JMA-XX-OO-DR-A-0200 rev P02
Kingfisher 1887-JMA-XX-OO-DR-A-0204 rev P03
Sandpiper 1887-JMA-XX-OO-DR-A-0202 rev P03
Shearwater 1887-JMA-XX-OO-DR-A-0203 rev P03

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence, including any demolition works, 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.

- 4) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. The CEMP shall include:
- The proposed times when construction and demolition work shall take place.
 - Details of demolition and management of the activities associated with any demolition works.
 - Wheel washing/road sweeping measures.
 - Measures to control the emission of dust and dirt during construction and demolition.
 - Measures to control the emission of noise and vibration during demolition, slab break-up, piling and construction activities.
 - Details of external lighting to be used during construction and demolition.
 - The name and contact details of person(s) accountable for air quality and dust issues.
 - A programme for issuing information on demolition and 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.

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

Reason: To safeguard the living conditions of local residents, protect the amenity of the workforce on the adjacent site and safeguard the conservation of protected species.

- 5) No development shall commence until a preliminary investigation report has been submitted to and approved in writing with the Local Planning Authority. The report must include:
- Desk study
 - Site reconnaissance
 - Data assessment and reporting
 - Formulation of initial conceptual model
 - Preliminary risk assessment

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined National Planning Policy Framework, December 2023). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: The details are required prior to development or site clearance commencing 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.

- 6) No development shall commence until the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. Remediation shall proceed in accordance with the approved details.

Reason: The details are required prior to development or site clearance commencing 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.

- 7) No development shall commence until a remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, has been submitted to and approved in writing by the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development. The remediation strategy must be carried out in accordance with the approved details at all times.

Reason: The details are required prior to development or site clearance commencing 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.

- 8) 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 and occupiers during the course of construction.

- 9) No development shall commence until a method statement showing the extent of the Cotoneaster and Rhododendron ponticum, prepared by a competent person, 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 plants.
- ii. The method(s) that will be used to prevent the plants spreading further, including demarcation.
- iii. The method(s) of control what will be used, including details of post-control monitoring.
- iv. a timetable for its implementation.

The scheme shall be carried out in accordance with the approved details.

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

During Building Works

- 10) No development shall commence above slab level until the details of the pumping station as shown on plan 1887-JMA-XX-00-DR-A-102 P13 has been submitted and approved in writing by the local planning authority. The infrastructure shall be installed prior to occupation.

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

- 11) No development shall commence above slab level until details of the swept path analysis of a 12.2m long refuse vehicle at the turning head of plot 42 has been submitted and approved in writing by the Local Planning Authority. This shall be maintained throughout the lifetime of the development.

Reason: In the interests of highway safety.

- 12) No development shall commence above slab level until details of the visibility splays of 2.4m x 2.5m at all junctions on the site, including the site access junction and pedestrian intervisibility splays of 2m x 2m on both sides of each driveway/vehicular access have been submitted and approved in writing by the local planning authority. This shall be maintained throughout the lifetime of the development.

Reason: In the interests of highway safety.

Before the Development is Occupied

- 13) 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.

- 14) A brick boundary wall of 2.1m in height shall be installed prior to occupation of plots 13 and 14 and maintained throughout the lifetime of the development.

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

- 15) No dwelling shall be occupied until space has been laid out within the curtilage of all dwelling for cars to be parked and that space shall thereafter be kept available for the parking of vehicles during the lifetime of the development.

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

- 16) No dwelling shall be occupied until facilities for the secure storage of cycles have been submitted and approved in writing by the Local Planning Authority and retained for the lifetime of the development.

Reason: To ensure that enough cycle parking is provided for the development and ensure the safety of highways users.

- 17) No dwelling shall be occupied until details of the proposed external lighting scheme including measures to reduce light spill onto foraging habitats for bats are submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and retained throughout the lifetime of the proposal.

Reason: To safeguard conservation of bats in the area.

- 18) No dwelling shall be occupied until a scheme and appropriately scaled plan identifying suitable locations on the site for the erection of bat roosting boxes/bat roosting bricks and bird nesting boxes together with a timetable for implementation have been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed with the approved details and timetable and retained throughout the lifetime of the proposal.

Reason: To safeguard the conservation of bats and birds in the area.

- 19) No dwelling shall be occupied until the boundary treatment as shown on 1887-JMA-XX-OO-DR-A-0105 rev P02 is erected. The gaps of 13cm x 13cm as shown within the base of each length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehog shall be retained throughout the lifetime of the proposal.

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

- 20) No dwelling shall be occupied until a leaflet 'Respecting Nature in Sefton' is submitted and approved in writing by the local planning authority. The approved leaflet shall be provided to the first occupiers of each dwelling.

Reason: In order to comply with the Habitats Regulations Assessment Regulations and mitigate increased recreational pressure in international and regional sites.

- 21) No part of the development shall be occupied until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include: i) A statement setting out the design objectives and how these will be achieved; ii) earthworks showing existing and proposed finished levels or contours; iii) means of enclosure and retaining structures; iv) other vehicle and pedestrian access and circulation areas; v) hard surfacing materials; vi) minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, and vi) water features. Soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). Any trees or plants, which within a period of 5 years from the completion of the development die, are removed or become damaged or diseased shall be replaced in the next planting season with others of similar size.

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

Ongoing Conditions

- 22) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by condition 7.

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.

- 23) No tree felling is to take place between the period of 1st March to 31st August inclusive. If it is necessary to undertake any works during the bird breeding season then all trees are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard conservation of protected species.

- 24) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution

Informatives:

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4569 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.
- 3) No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions 6 & 7 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 9 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.

- 4) A Traffic Regulation Order (TRO) to introduce a 20 mph zone is required and a programme for its implementation shall be proposed. Please contact the Highways Development and Design Team on HDD.Enquiries@sefton.gov.uk for further information and to progress this process.
- 5) There is a requirement for the applicant to enter into a S278 Highways Act 1980 Legal Agreement to facilitate works to the adopted public highway. Please contact the Highways Development and Design Team on HDD.Enquiries@sefton.gov.uk for further information