

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 5th June 2024

Subject: [DC/2023/01041](#)
[Land At Durants Cottages Melling Lane Maghull L31 3DG](#)

Proposal: Erection of 4 No. semi detached dwellings (plots 1, 2, 3 and 4) following the demolition of No's 1 and 2 Durants Cottages. Erection of 2 No. detached dwellings (plots 5 and 6) and erection of replacement dwelling following demolition of No. 4 Durants Cottages. Conversion and reinstatement of No. 4 Melling Lane including two storey extension to the rear to form a dwellinghouse. Creation of a communal garden, with a new access road from Melling Lane and associated car parking

Applicant: Mr Harry Foster **Agent:** Philip Seddon Associates Ltd

Ward: Sudell Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Cllr Hardman

Summary

Permission is sought for redevelopment of the existing residential site, consisting of the erection of seven dwellings, following the demolition of three existing properties. The property to the front of the site, 4 Melling Lane, would also be reinstated, with a two storey extension to the rear. The proposal would include the widening of the access road.

The site is designated as residential area, and the principle of the development is therefore accepted. The main issues to consider in respect of the application are design and character, impact on trees, amenity matters, highway safety, flooding and drainage and ecology issues.

It is considered that the proposal, subject to conditions, complies with the Maghull Neighbourhood Plan, the adopted Local Plan and, in the absence of any other material considerations, the application is recommended for approval subject to conditions.

Recommendation: Approve with conditions

Case Officer Louise Everard

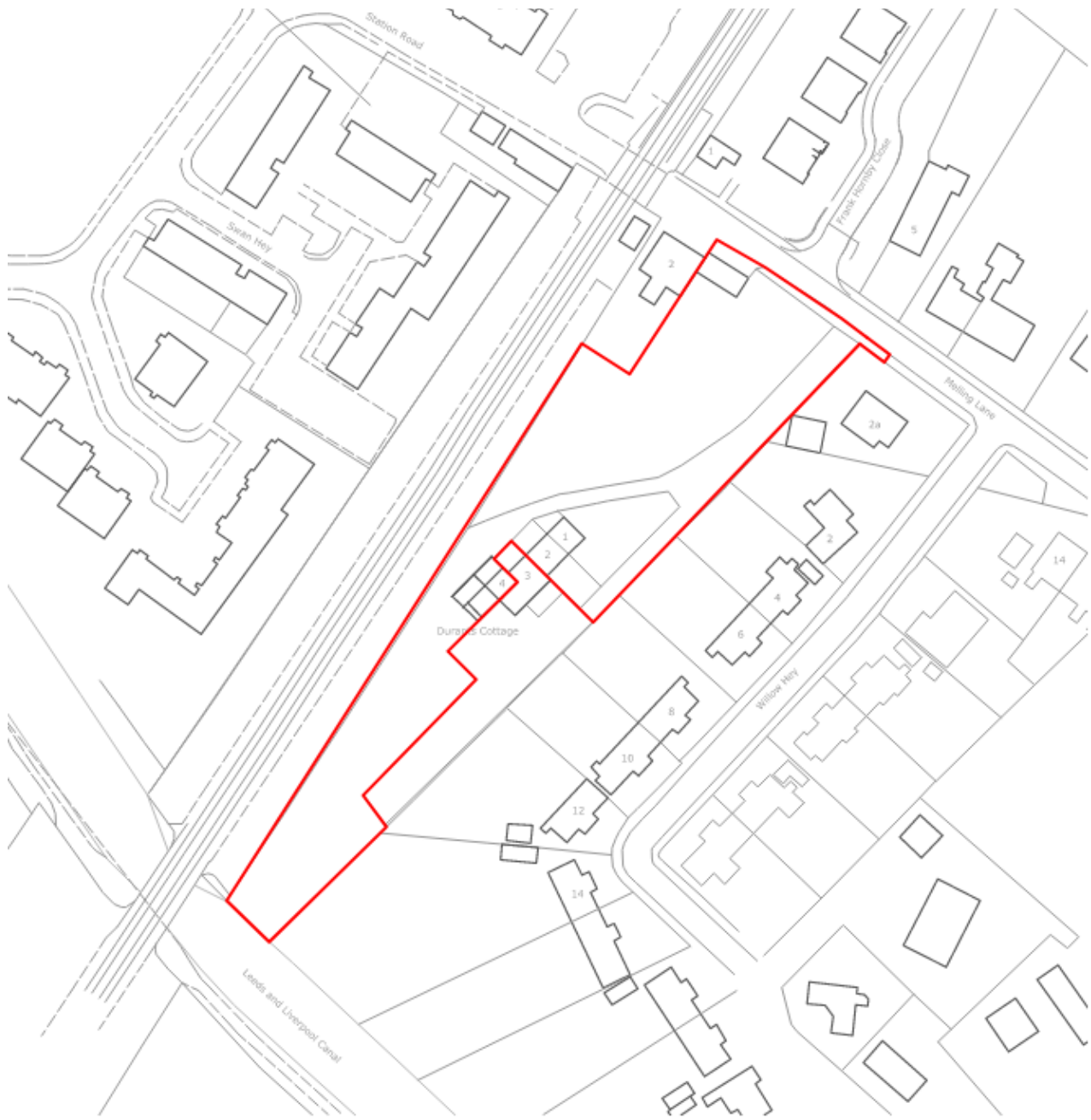
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RWAFQENW06E00>

Site Location Plan



The Site

The site address is land at Durants Cottages, Melling Lane, Maghull. The north west boundary of the site is adjacent to the railway, while the Leeds and Liverpool Canal runs along the rear of the site. On the opposite side of Melling Lane and to the southeast of the site there are existing residential dwellings.

There is currently a row of five terrace cottages accessed by an existing vehicular access point off Melling Lane. Two of the mid terrace houses are in separate ownership and do not form part of this application. The site also includes the existing residential dwelling, 4 Melling Lane.

The section of site between the existing row of dwellings and Melling Lane contains a dense covering of trees covered by a woodland Tree Preservation Order (TPO).

History

S/1992/0209. Proposal: Erection of two detached two storey cottages, formation of a new vehicular and pedestrian access to Melling Lane and full refurbishment, conversion and extension to the side and rear of the existing two storey barn to form a new dwelling. Refused 6 October 1992

S/2010/0457. Proposal: Tree Preservation Order Consent to prune 8 trees on land to the rear and side of 2a Melling Lane (lies within TPO NO 243 Land adjacent to and south of 2 Melling Lane, Maghull). Approved 24 May 2001

S/2011/0257. Proposal: Tree Preservation Order Consent for remedial pruning works to multiple Sycamore, Birch and Chestnut trees (part of TPO73 &243) marked Site 6 on the plan. Approved 20 April 2011

Consultations

Merseyside Environmental Advisory Service

No objection subject to conditions

Highways Manager

Raised concern over the proposal access arrangements. No objections to the internal layout and parking provisions.

Environmental Manager

No objections subject to conditions

Flooding & Drainage Manager

No objection subject to condition on surface water drainage

Canal And River Trust

No objection subject to conditions for a risk assessment and method statement relating to the construction of foundation on plots 5&6, plus a Construction Environment Management Plan to ensure protection of the waterway during construction.

Contaminated Land Team

No objections subject to conditions

Local Planning Manager

No comments

Conservation Manager

No objections

United Utilities

No objection subject to condition

Waste Disposal Team

No objections to the layout and advised the site could continue to be served by the smaller refuse vehicle which currently accesses the site.

Neighbour Representations

The neighbouring properties were notified on the 3/07/23 when the application was submitted and again on 7/11/23 when additional information was submitted. They were notified one final time on the current revision of the scheme on the 18/04/24.

As a result of this notification, 14 letters of objection were received from a total of 6 different addresses. The reasons for objections are summarised below.

Ecology/Trees

The loss of protected trees not justified

Further development on green space area not welcome

Knotweed on the site needs to be treated

The community garden would need to be properly maintained

Removal of trees/hedgerow would have an impact on wildlife

Protected trees previously lost in Maghull area

Impact on roosting bats

Design

Height of buildings and proposed design not in keeping

Amenity

Overlooking to neighbouring properties

Electric gates will restrict access for parking at a neighbouring property

Affect levels of light to neighbouring properties

Proposed community garden will become a place for people to congregate, potential for anti social behaviour

Highways/Access

Extra traffic at the junction will cause a hazard, particularly by the level crossing/Maghull Station

No details to ensure waste collection and deliveries will be possible within the site

Parking provisions not adequate

Other matters

No pressing need for more housing

Surface water flows are incorrect

Developer has a history of being difficult and not finishing projects

The application claims part of someone else's land

Remaining cottages need all services maintained. Their structural integrity should not be threatened and cost of party wall or loss of rental should be covered by developer

On 27th July 23 a petition, with 129 signatures, was submitted objecting to the removal of trees protected by a woodland Tree Preservation Order. The application was called in to planning committee by Cllr Hardman on 9th November 2023, who also endorsed the petition.

An objection was received by Landor Planning Consultants on behalf of Maghull Town Council on 11th September 23. Their objections are summarised as:

- Access, servicing and highway safety
- Unacceptable tree loss
- Harm to non-designated heritage assets
- Negative impact on the character and appearance of the area
- Insufficient supporting information

Policy Context

The application site lies within an area designated as Primarily Residential 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. The proposal

- 1.1 Permission is sought for the erection of a total of 7 dwellings, following the demolition of the existing three dwellings at the centre of the site, increasing the overall number of properties within the site by 4.
- 1.2 The proposal seeks to demolish the three terrace properties within the site, shown as 1,2 and 4 Durants Cottages, which are vacant and in poor state of repair. In place of 4 Durants Cottage a replacement three storey dwelling is proposed, with a similar footprint to the existing dwelling. A pair of 2-storey semi-detached dwellings with accommodation in the roof would be erected in a similar location to the current 1 and 2 Durants Cottages, with a further pair of semi-detached properties proposed further forward in the site. Two detached dwellings are proposed toward the rear of the site.
- 1.3 Finally, the development would also seek to refurbish and add a two-storey rear extension to the dwelling at the front of the site, 4 Melling Lane, which is currently vacant. A communal woodland would be created at the front of the site.

2. Principle of Development

- 2.1 The site is within the primarily residential area and so residential development would be acceptable in principle in line with policy HC3 'Residential Development and Primarily Residential Areas', subject to compliance with other Local Plan Policies.

3. Design and impact on the character of the area

- 3.1 Local Plan Policy EQ2 requires that new developments respond positively to the character, local distinctiveness and form of its surroundings. The site is linear in nature and the proposed dwellings will be set back a considerable distance from Melling Lane. They will also be significantly screened from Melling Lane by the existing trees and proposed replaced trees which front the site. There would be some views of the detached dwelling from the canal along the rear of the site.
- 3.2 The site is located within the Hall Lane character area as set out in the Maghull Town Council Residential Character Assessment, which forms part of the Maghull Neighbourhood Plan. In the assessment it states that this is one of the oldest parts of Maghull with a mixture of established and imposing Victorian Villas. However, the immediate surrounding area includes a mixture of property styles, including the relatively new housing development on the opposite side of Melling Lane.

- 3.3 The development would consist of modern style dwellings. The semi-detached dwellings would be two storeys with dormer features in both the front and rear elevations. These properties echo the design of the dwellings on the opposite side of Melling Lane. The detached dwellings to the rear of the site would be two storey with pitched roof dormer in the front elevation and a gable feature in the rear creating a covered balcony area, within the second floor. This elevation would face the canal and is sufficiently detailed to provide visual interest towards the public area.
- 3.4 The dwelling proposed to replace 4 Durants Cottage would be three storeys in height, with a two storey and single storey element projecting to the side and front. The ridge height would link into the adjoining properties, nos 3/5. The layout and scale of this property is largely similar to the dwelling it would replace, with the exception of an increased width of the two-storey side element to create a master bedroom at second floor.
- 3.5 The extension to 4 Melling Cottage would be located to the rear of the dwelling and would respect the character of the property, as would the proposed alteration to the front to reinstate the dwelling.
- 3.6 Overall, the scale and design of the development are considered acceptable for the site. It would bring a mostly derelict site back into use and would respond positively to the character of the area. Therefore, it would comply with Policy MAG4 'Residential Character Areas' in the Maghull Neighbourhood Plan and Local Plan Policies EQ2 'Design' and HC3 'Primarily Residential Areas'.

4. Trees and Landscaping

- 4.1 The site includes a large number of trees toward the front. The woodland within the site is covered by a Tree Preservation Order (TPO) which was first created in 1987 to protect the individual trees within the woodland. This was then updated in 2009 to protect all the trees within the woodland. The woodland comprises semi-mature and mature trees with a mix of species including mostly Sycamore, Horse Chestnut, Birch, Ash and Hawthorn. The development would result in the loss of a number of trees within the site and amendments have been made over the course of the application to limit the tree loss, including alterations to the access.
- 4.2 The latest revisions would involve the loss of 18 individual trees and part of G33 and G32 groups of trees, resulting in a total of 39 Trees. The Council's Tree Officer has advised that the trees proposed for removal are in poor form, with this section of the woodland suffering from little to no maintenance. The majority of the trees proposed for removal have been categorised within the arboriculture assessment as either category U, where the condition is such that any existing value would be lost within 10 years, or category C which denotes trees of low quality and value. There is also Japanese Knotweed present in this area of the site.

- 4.3 The current plans propose 28 replacement trees. However, to acceptably mitigate the loss, at least 11 additional trees are required, including a variety of scales, which could be accommodated within the site. The replacement planting would be focused within the woodland to the front of the site and in particular would boost the tree coverage on the eastern side of the woodland. This area of the woodland is currently more sparsely covered and the additional trees in this area would create an attractive frontage, as this section of woodland is more visible from Melling Lane, than the trees that would be lost in place of plot 1 and 2 which is set further into the site. The trees being retained also include those along the edge of the woodland, which are the most prominent along Melling Lane. A condition is therefore recommended to secure sufficient replacement planting.
- 4.4 A woodland management plan has also been submitted with the application which seeks to ensure the existing and replacement trees are maintained, securing the continuation of the woodland block for the long-term. Subject to this being updated to include the appropriate level of replacement trees, the woodland management would ensure the longevity of the woodland and retain the tree frontage of the site. It is therefore considered that the development would not conflict with the aims of Policy EQ9 with regards to trees and landscaping.

5. Residential Amenity

5.1 Living Conditions of Future Occupiers

- 5.2 The application is subject to Local Plan Policy HC3 and the accompanying guidance with the 'New Housing' Supplementary Planning Document (SPD). The proposed layout would achieve the minimum separation distances between all the new homes in line with the standards set out in the 'New Housing' SPD.
- 5.3 In relation to the proposed garden sizes, the Council's SPD requires that a minimum of 50sqm is provided for 2 bed homes and 60sqm minimum for the 3 and 4 bed houses. The garden sizes for all the dwellings would also accord with these guidelines.
- 5.4 The application was submitted with an accompanying noise assessment. The Council's Environmental Health Officer reviewed the proposal and concluded that subject to the mitigation measures set out within section 6.2.4 of the report, the internal noise levels of the properties would be acceptable. These measures could be secured by condition.
- 5.5 The noise report was not conclusive about the impact of noise from the railway on the garden of the properties adjoining the railway line (plots 1,2 and 5). The applicants were requested to provide noise predictions which included suitably designed acoustic barriers but did not submit any updated predictions. However, the Environmental Health Officer has noted that the inclusion of acoustic barriers may not provide any significant improvement on the current predictions and if that was the case the existing proposal would be acceptable

without acoustic barriers. Therefore, as a precautionary approach a condition could be attached to secure acoustic barriers for the dwellings adjacent to the railway, unless revised modelling can be provided which demonstrates the acoustic barriers are not necessary.

5.6 Given the above, it is considered that the development would provide a good standard of living for future residents in accordance with Local Plan Policy HC3.

5.7 *Impact on surrounding properties*

5.8 The dwellings mostly likely to be affected by this proposal are those properties on Willow Hey, which back onto the site, as well as 3 and 5 Durants Cottage which would be retained and 2 Melling Lane at the front of the site. The proposed dwellings are all set at a sufficient distance from the existing surrounding dwellings, and meet the standards set out in the 'New Housing' SPD.

5.9 The semi-detached dwellings in plots 3 and 4 would be located to the side of 3/5 Durants Cottage and would have no significant impact in terms of outlook or overshadowing. The replacement of no.4 Durants Cottage would have a similar footprint to the existing building. The original proposal has been amended to step in the first and second floor, to ensure the building would not unduly affect the outlook or level of light experienced by the north west facing elevation of the adjoining property.

5.10 The extension to the rear of 4 Melling Lane, would be located to the side of the adjacent dwelling no.2 and would be set in approximately 5m from the shared boundary. Therefore, it would have no significant effect on the outlook or privacy and would not cause overshadowing of the adjacent dwelling.

5.11 Overall, the development would protect the living conditions of the surrounding residents, in accordance with Policy EQ2.

6. **Highway Safety**

6.1 The site is current accessed by a narrow access road with no footway. This existing arrangement serves the existing 5 dwellings within the centre of the site and also provides access to the parking to the rear of 2 and 4 Melling Lane.

6.2 The proposal is to widen the access road from 3m to 5.5m plus a 2m wide footway on the west side for the first half of its length and then reduce to a width of 4.5m without the footway for the remaining length. The Highways Manager accepts this but, as there are no existing physical constraints, suggests a footway should also be provided on the eastern side of the site access for at least 30m into the site.

- 6.3 Various revised layouts were considered in an attempt to accommodate the footway on both sides. However, this would have resulted in a greater loss of trees, some of which are highly prominent within the street scene and would have caused undue harm the character of the area. The site already contains dwellings and while a number are currently vacant, they could be reinstated without requiring permission. The development would result in a total of 4 additional dwellings.
- 6.4 While the Highways Manager is not satisfied with the proposed access, a balanced view has been taken that the proposed access arrangement is a significant improvement to the existing access arrangement which already serves 5 dwellings.
- 6.5 The footway would extend into the site as far as plot 3. After this point the access route would turn into a shared surface, which would serve the remaining 4 dwellings located towards the rear of the site. The shared surface for up to four dwellings is considered acceptable and would not raise a highway safety concern.
- 6.6 The layout and provision of parking spaces in relation of each dwelling accords with Sefton Council's Parking Standards. Each property would have access to a private garden area, where bicycles would be securely stored.
- 6.7 The site is currently served by a smaller refuse vehicle. The Waste Disposal Team have confirmed that this could continue following the completion of the development. Tracking details of the smaller vehicle have been provided to demonstrate it can manoeuvre within the site.
- 6.8 While the development would not provide a footway along both sides of the access, due to the constraints of the trees, the proposed access improves on the current arrangement. On balance it is considered that the scheme satisfies Policy EQ3 'Accessibility'.

7. Drainage

- 7.1 The Local Lead Flood Authority have raised no objections to the proposal subject to a condition securing a sustainable drainage system, which would ensure the proposal complies with Local Policy EQ8 Flood Risk and Surface water.

8. Ecology

- 8.1 The application was supported by a bat survey report, which has been reviewed by Merseyside Environmental Advisory Service (MEAS). Bat roosts were found in one of the buildings and therefore a licence will be required by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 to authorise the development. This can be secured by condition, as well as a lighting scheme for external lights to protect the adjacent habitats from excessive light spillage.

8.2 A number of invasive species (Japanese Knotweed, Variegated Yellow Archangel, Montbretia and Rhododendron) have been identified within the site. A method statement would be required to demonstrate how the invasive species would be dealt with. This could be secured via condition. Further conditions have also been requested by MEAS to ensure appropriate Reasonable Avoidance Measures are undertaken during the construction in relation to amphibians, reptiles and hedgehogs, as well as matters to do with vegetation removal and mitigation measures for bats and birds. Subject to the appropriate conditions the development would comply with Local Plan Policy NH2 'Nature'.

9. Contaminated Land

9.1 The site is likely to include Made Ground deposits associated with the historical buildings and their subsequent demolition, and there is the potential for contamination if any part of the site has been used for any purpose associated with the adjacent railway. Due to the sensitivity of the proposed residential development and the potential for the land to be affected by contamination, a suite of contamination conditions is required to ensure appropriate assessment and remediation of the site is carried out. Subject to conditions the development would comply with Local Plan Policy EQ6 'Contaminated Land'.

10. Non-designated Heritage Assets

10.1 The land at Durants Cottages is near several Non-designated Heritage Assets which lie outside the site. These include the Milepost on the opposite side of the canal, the railway bridge and 7 & 9 Melling Lane, on the opposite side of the road from the application site. The Council's Conservation Officer has confirmed that the development will not cause any harm to the Non-designated Heritage Assets or their settings and the proposal complies with Local Plan policies NH9 'Heritage Assets' and NH15 'Non-designated Heritage Assets'.

11. Other Matters

11.1 Objections received refer to the development claiming part of someone else's land in relation to plot 1. A plan showing the deed plan overlaid with a topographical survey was supplied to demonstrate the boundary line as shown on the current application and the agent has advised the correct ownership certificate has been signed. There is no evidence to suggest the contrary. Any land disputes would be a civil matter between parties and would not constitute a material planning matter.

11.2 Any party wall agreement or structural impacts of adjoining properties would be covered under separate legislation and also are not a material planning matter. An informative is recommended to remind the applicant of their obligations under the Party Wall Act 1996.

12. Equality Act Consideration

12.1 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.

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.

13. **Planning Balance and Conclusion**

13.1 The site is designated as primarily residential within the Sefton Local Plan and therefore the principle of the development is acceptable.

13.2 The development would result in the loss of some of the TPO Woodland, however these trees have been noted to be of poor-quality, and the woodland has benefitted from very little maintenance. Adequate replacement planting could be secured within the site and a woodland management plan would be used to ensure the longevity of the woodland.

13.3 The layout and scale of the development is acceptable within the site. It would provide good quality living conditions for future residents and would not cause significant harm to the amenity of the surrounding residents. With appropriate conditions to secure replacement planting, it is considered that the development would not cause harm to the overall character of the area.

13.4 The proposal would fail to provide a footway along both sides of the access road; however, it would provide a widened access road and a designated footway along the western side, plus a further pedestrian access would be provided into the site through the woodland area. It is considered the proposal would significantly improve the existing substandard arrangement, which already serves 5 dwellings and therefore on balance it is considered acceptable.

13.5 All other matters relating to drainage, ecology and contaminated land can be satisfied by condition.

13.6 Overall, it is considered that the proposal complies with the Maghull Neighbourhood Plan, adopted Local Plan and guidance and therefore is recommended for approval subject to conditions.

Recommendation - Approve with conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents:

1552/08H - Site Plan as Proposed

1552/09 -No.4 Melling Lane Plans and Elevations as Proposed

1552/13B - Plot 5 &6 Plans and Elevations as Proposed

1552/14 A - Plots 1,2,3 &4 Plans and Elevations as Proposed

1552/15C - No.4 Durrant's Cottage Plans and Elevations as Proposed

1552/17D - Proposed Access from Melling Lane

Howell Acoustics Pace Homes Ltd. NOISE ASSESSMENT Project No. HA141. REF. HA141.
Report No. R01. DATE: 31/07/2023.

Arboricultural Implications Assessment - Ref: TRE/DCML, Date: 4 April 2024

Arboricultural Method Statement - Ref: TRE/DCML, Date 4 April 2024

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence until a preliminary investigation report has been submitted to and approved in writing by 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 in the 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.

- 4) No development shall commence until the approved scope of works for the investigation and assessment has been 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.

- 5) 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.

- 6) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority in conjunction with the Lead Local Flood Authority. Those details shall include:
- i. all components of the surface water drainage system including watercourses including:
 - (a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;*
 - (b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*
 - (c) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
 - (d) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*
 - (e) Foul and surface water shall drain on separate systems.*
 - ii. a timetable for its implementation,
 - iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout the lifetime of the development.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the surface water sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory management and maintenance of the approved surface water drainage facilities is provided for the site for the lifetime of the development in accordance with the National Planning Policy Framework, Paragraph 103 and Policy EQ8 of the Local Plan.

- 7) No development shall commence until a method statement showing the extent of Japanese Knotweed, Variegated Yellow Archangel, Montbretia and Rhododendron and a scheme for its eradication from the site has been submitted to and approved in writing by the local planning authority. The method statement shall include:-
- i. A plan showing the extent of the invasive species,
 - ii. what methods of eradication will be used to prevent the plant spreading further,

- including demarcation,
- ii. what methods of eradication will be used and how the plants will be disposed of after treatment/removal,
- iv. a timetable for its implementation; and,
- v. details of ongoing monitoring.

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

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

- 8) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period and shall cover the usual matters, including hours of work, dust management and a scheme of piling methodology, which provides justification for the method chosen, plus details of noise and vibration-suppression methods, plus the following details:

Details in relation to the Canal :

- A plan showing the areas of storage of plant, fuel/chemicals and materials used in constructing the development;
- Include the steps to be taken to prevent the discharge of silt-laden run-off, construction site drainage, materials or dust or any accidental spillages entering the waterway;
- Details of the environmental pollution incident emergency response;
- Details of the location of temporary stockpiles and the covering of these;
- Details specifying how the inlet to culvert 53 and waterway corridor would be protected during the works and include any details of proposed protective fencing/netting with silt barrier to be erected to safeguard the waterway infrastructure during site clearance/construction.

Reasonable avoidance measures in relation to Amphibians and Reptiles :

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians or reptiles present to move away from the affected areas;
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians or reptiles from seeking shelter or protection within them;
- Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians or reptiles from seeking shelter beneath them; and

- Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians or reptiles.

Reasonable avoidance measures in relation to Hedgehogs

A pre-commencement check for hedgehog;

- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them.

Measures to check for the presence of nesting/roosting birds by a Licensed Barn Owl worker prior to commencement of works.

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

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

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

- 10) Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or evidence that the application site has been registered under the bat mitigation class licence (CL21).

Reason: To safeguard conservation of species/habitats.

- 11) The development shall not commence until a woodland management plan has been submitted and approved in writing by the Local Planning Authority. The Woodland management plan shall in detail show how the woodland copse will be actively managed over a minimum of 30 years, to ensure the biodiversity of the area.

Reason: To appropriately manage landscaping enhancements on site.

During Building Works

- 12) 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 19.

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

- 13) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the dwellings are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: These details are required prior to external construction to ensure an acceptable visual appearance to the development.

- 14) No development shall commence above slab level until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The provision of the site access and widening of the existing footway to 2.0m from east to west boundaries of the site including possible relocation of a lamp column and other street furniture
- The provision of dropped kerbs and tactile paving on both sides of the site access

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

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

- 15) No development shall take place within 15m of the canal unless a Risk Assessment and Method Statement (RAMS) outlining the construction of foundations of the buildings on plots 5 and 6 and construction works in proximity to the canal have first been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- The design, depth and means of construction of the foundations of the new buildings on plots 5 and 6 (including cross sections with relative levels and distance/offset in relation to the canal), together with any other proposed earth moving and excavation works required in connection with the development;
- Detail measures that will be taken to protect the canal and to limit any vibrations from any works on the site that could impact the canal structure during construction;
- Detail the location of stockpiles and construction equipment on site; and
- Include details of any protective fencing to be erected to safeguard the waterway infrastructure during construction from vehicles tracking too close to the canal and to prevent the storage of materials within 5m of the canal edge;

The development shall thereafter be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: In the interests of safeguarding the stability of land adjacent to the canal in accordance with the aims of paragraphs 180(e) of the National Planning Policy Framework.

- 16) Prior to the erection of any external lighting, a light mitigation strategy, including measures to reduce light spillage onto foraging and commuting habitats for bats, shall be submitted to and approved in writing by the local planning authority. The approved lighting shall be implemented in accordance with the approved scheme and thereafter retained in perpetuity.

Reason: To safeguard existing habitats.

- 17) The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the dusk survey report (Tyrer Ecological Consultants Ltd, September 2023) which details the methods for maintaining the conservation status of common pipistrelle, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

Reason: To safeguard conservation of species/habitats.

- 18) No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations shall take place during the period 1st March to 31st August inclusive.

Reason: To protect birds during their breeding season.

Before the Development is Occupied

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

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

- 20) No dwelling shall be occupied until the access road shown on plan 1552/08G has been constructed to the base course level to enable access to the dwelling(s).

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

- 21) No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling for cars to be parked, in accordance with Drawing No.1552/08G and that space shall thereafter be kept available for the parking of vehicles in perpetuity.

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

- 22) Prior to the occupation of the dwellings, the noise measures outlined in section 6.2.4 of Howell Acoustics - Pace Homes Ltd. NOISE ASSESSMENT Proposed Residential Development: Durrants Cottages, Melling lane, Maghull, L31 3DG. Project No. HA141. REF. HA141. Report No. R01. Date:31/07/2023 shall be installed and retained thereafter.

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

- 23) Prior to the occupation of the development hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority.

The boundary treatments for the gardens adjacent to the railway line shall be suitably designed acoustic barriers, unless updated noise modelling showing acoustic boundaries are provided and demonstrate that the acoustic boundaries would not provide any significant improvement on the current predictions as stated in the Howell Acoustics Pace Homes Ltd. Noise Assessment Project No. HA141. REF. HA141. Report No. R01. DATE: 31/07/2023.

Where acoustic fencing is not required, a gap of 13cm x 13cm shall be shown within the base of each length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehogs.

The boundary treatment shall be completed as approved before the dwellings are occupied.

Reason: To ensure an acceptable visual appearance to the development, to ensure that the privacy of neighbouring occupiers/land users is retained at all times, to ensure acceptable living conditions

for future residents and to protect species.

24) No dwelling shall be occupied until a scheme and appropriate scaled plan identifying suitable locations on the site for the erection of bird nesting boxes (including a barn owl box) together with a timetable for implementation has been submitted to and approved in writing by the local planning authority. The approved scheme of nesting and bat boxes shall be installed in accordance with the approved details and timetable.

Reason: To safeguard conservation of species/habitats.

25) Before the development hereby permitted is first occupied, the first floor windows in the north facing side elevation of plot 1 and first and second floor windows in the east facing side elevation of plot 6 shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale and any part of the window[s] that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

26) Prior to occupation of any dwelling, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:

- Details of soft landscaping and hard surfaces
- The location, size and species of all trees to be planted
- The location, size, species and density of all shrub and ground cover planting
- A schedule of implementation.

Reason: To ensure an acceptable visual appearance to the development and in the interest of conservation.

Ongoing Conditions

27) Within the first planting/seeding season following completion of the development, all planting, seeding or turfing comprised in the approved details of the woodland management plan, covered by condition 11 and the landscaping covered by condition 26 shall be carried out.

Any trees or plants, outside of the woodland area, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The trees within the woodland management plan, shall be managed over the 30 years plan as per the approved management plans.

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

Notes to Applicant

Highways

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.

Piling

- 3) There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy.

Pressed-in methods, e.g., Hydraulic jacking.

Auger / bored piling

Diaphragm Walling

Vibratory piling or vibro-replacement

Driven piling or dynamic consolidation

Should the contractor propose to use a method which is not the preferred lower impact option, then satisfactory justification will need to be provided to demonstrate the piling method that is utilised meets Best Practicable Means (BPM). Please note vibration monitoring will be required for all piling projects. For further advice on what to include in your piling methodology scheme and current standards please contact Sefton's Pollution Control Team.

Fire safety

- 4) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.

Water supplies for fire-fighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.

Housing

Housing developments with units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant.

* The premises should comply with Section 55 of the County of Merseyside Act 1980

Canal and River Trust

- 5) The applicant/developer is advised to contact the Canal and River Trust Infrastructure Services Team on 01782 779909 or email Enquiries. TPWNorth@canalrivertrust.org.uk in order to ensure that and necessary consents are obtained and that the works comply with the Canal and River Trust "Code of Practice for Works affecting the Canal and River Trust" to ensure the waterways are protected and safeguarded.
- 6) The applicant/developer is advised to contact the Canal and River Trust Utilities team at the utilitiesenquiry@canalrivertrust.org.uk to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that and necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement.

Party Wall Act

- 7) The applicant is reminded of their obligations under the Party Wall Act 1996.