

Report of: CHIEF PLANNING OFFICER Derek McKenzie
Report to: PLANNING COMMITTEE **Date of Meeting:** 24th July 2024

Subject: [DC/2023/00065](#)
[Land Bounded by Poverty Lane to The South, A Railway Line to The West, Whinny Brook to The North and The M58 Motorway to The East Maghull](#)

Proposal: Variation of condition 2 pursuant to planning permission DC/2017/01532 allowed on appeal ref APP/M4320/W/20/3257252 date: 22/02/2021 - to be changed to: No more than 498 dwellings shall be occupied until the distributor road between Poverty Lane and School Lane, as shown on drawing A083347 91-18-C001-rev-E (or a subsequently approved version thereof), is constructed and available for use by the public.

Applicant: Countryside Partnerships and Persimmon Homes **Agent:**

Ward: Sudell Ward **Type:** Variation of Condition

Reason for Committee Determination: Discretion of Chief Planning Officer

Summary

This application seeks to vary condition 2 so that an additional 248 homes can be built and occupied before completion of the distributor road connecting Poverty Lane to School Lane.

The main issues to consider are principally highways-related but also involve impacts on living conditions and the phasing of the development such as the provision of housing (including affordable housing) and public open space across the site.

The report concludes that the proposal is acceptable and, on balance, it is recommended that the permission can be varied to allow occupation of an additional 248 homes.

Recommendation: Approve with conditions subject to the completion of a Section 106 deed of variation to secure highways improvements

Case Officer Diane Humphreys

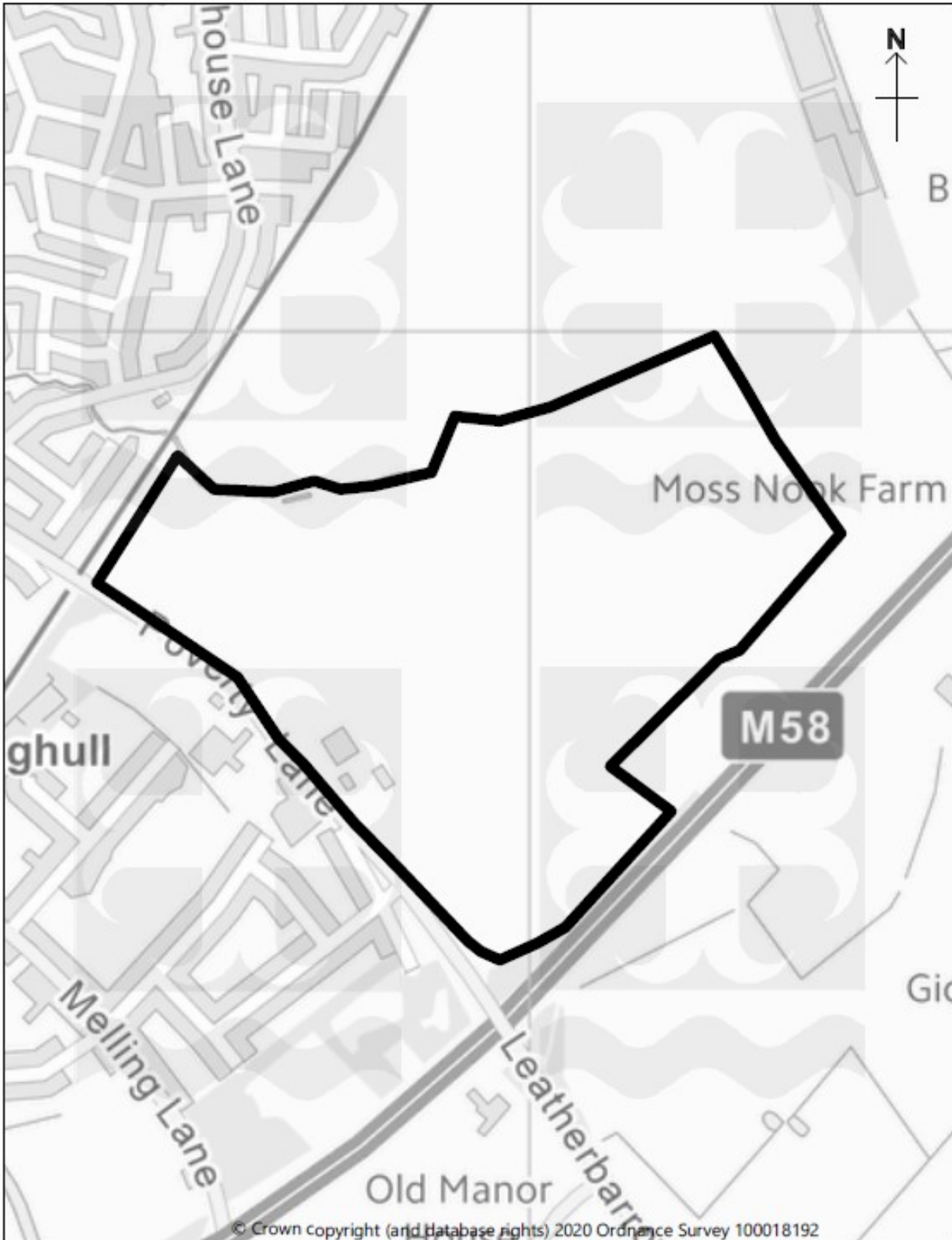
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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ROEZKINWM3V00>

Site Location Plan



The Site

The application site is bordered by Whinny Brook to the north, arable fields to the north-east and south-east, the M58 motorway to the south-east, Poverty Lane to the south-west and the Liverpool to Ormskirk railway line to the north-west.

The site is part of the largest single allocation in the Sefton Local Plan known as 'Land east of Maghull' and has planning permission for the erection of 841 homes which are currently under construction.

History

Application Site

Planning permission was allowed on appeal on 22 February 2021 (DC/2017/01532) for a residential development of 841 homes plus outline planning permission for an older persons' housing scheme on the current application site.

Since that time there have been numerous applications submitted to approve the details reserved by planning conditions as well as two applications for 'non-material amendments' to the approved scheme.

An application for a residential care home (DC/2023/02111) is presently being assessed on part of the site and is being considered elsewhere on this agenda.

Neighbouring Site north of Whinny Brook

Outline planning permission was granted on 12 October 2021 (DC/2017/01528) for a residential development of up to 855 homes, an older persons' housing scheme and a mixed-use local centre on land directly north of the application site and also within the larger 'Land east of Maghull' allocation. This decision gave full planning permission for a new vehicular access from School Lane, a distributor road through the site and a flood relief channel. These latter two works connect through to the current application site.

A 'reserved matters' application (DC/2023/01962) is presently under consideration relating to a development of 249 homes on part of this site.

Consultations

Highways Manager

Initial comments received on 16.02.23 objecting to the proposal as the traffic impact note did not properly assess the impact of increasing the number of dwellings using the Poverty Lane access from 250 to 498 before the spine road is fully built.

Whilst the Highways Manager has not provided final comments on the updated traffic impact note submitted in June 2024, they have identified several inaccuracies.

National Highways

No objection

Active Travel England

No comment

Maghull Town Council

Object on the grounds that the proposal is contrary to development plan policy, it would contribute to the delay in the delivery of necessary infrastructure including the spine road and bus route and the traffic assessments contain inaccuracies

Melling Parish Council

Object on the grounds of extra disruption to roads and residents from construction traffic

Councillor Desmond

Concerned about delivery of the homes and spine road on this important site and question if the Council has any powers to resolve this; proposal will add to traffic congestion in Maghull

Local Plans Manager

No objection

Environmental Health Manager

No objection

Flooding and Drainage Manager

No objection

Merseyside Environmental Advisory Service

No comments

Tree Officer

No objection

Natural England

No comments

Building Control Manager

No objection

Fire and Rescue Service

No objection

Knowsley Council

No comments

Network Rail

No comments

Neighbour Representations

A petition has been submitted to speak at Planning Committee and is endorsed by Councillor Murphy. The application has also been 'called in' to be considered by Planning Committee by Councillors Hardman and Hart.

Under the Council's constitution, this type of application (a variation of condition) does not need to be considered at Planning Committee irrespective of any petition or 'call-in' request. However, this particular application is brought to Planning Committee at the discretion of the Chief Planning Officer.

Individual objections have been received from approximately 40 residents of Maghull and Melling as well as one from Bill Esterson MP.

The grounds of objection are summarised below:

Highways

- Traffic report doesn't consider full impact of the proposal on Poverty Lane which is already at capacity and beyond at peak times
- More damage to roads from construction traffic
- Increased traffic and Maghull roads already saturated
- Impact on school children on Poverty Lane
- Lack of pedestrian crossings

Living Conditions

- More traffic and noise disturbance to local residents of Maghull and Melling as well as Summerhill Primary School during the extended construction period
- Increased light pollution

Infrastructure

- More strain on medical services
- Increased pressure on train station car park
- Infrastructure already over-stretched
- No extra amenities

Planning Policy

- Contrary to Local Plan policy and Masterplan

Other Issues

- Loss of green fields and prime agricultural land
- Loss of character and identity
- Greater disruption to wildlife
- No need for more houses
- Too many new houses

Policy Context

The application site lies within an area designated as a Strategic Mixed-Use Allocation 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. Introduction

1.1 The application site forms a significant part (roughly one third) of the largest single allocation in the Sefton Local Plan. It has planning permission to build 841 homes and much of the first phase comprising 250 homes has been completed.

1.2 The development is subject to a condition (condition 2 of application DC/2017/01532) such that no more than 250 dwellings can be occupied until the distributor/spine road extending through the larger allocated site connecting Poverty Lane and School Lane is built and ready for use.

1.3 The current application seeks to vary condition 2 so that an additional 248 homes (498 homes in total) can be occupied before completion of the spine road.

2. Reason for the Application

2.1 The developers on the subject application site have delivered most of the shared infrastructure on their site, namely the spine road from Poverty Lane to Whinny Brook (except for a 50m stretch at the northern end), the whole flood relief channel and spine road connection over it, and a further 10m stretch of road into the northern site. The spine road on the adjacent site between Whinny Brook and School Lane has not been built. Construction of the spine road by the consortium on the adjacent development site north of Whinny Brook had been expected to be much more advanced at this stage but works have not commenced and this is outside the control of the current applicants/developers. The southern site cannot progress with the remaining 591 homes until the spine road is completed.

2.2 The developers on the current application site have almost completed Phase 1 (250 homes, the flood relief channel and spine road) within their site but will shortly need to vacate the site if they cannot progress further causing significant risk to provision of the remaining housing on this strategic housing allocation site.

2.3 Approval of the current application would allow the developers to progress with the delivery of an additional 248 homes already granted planning permission under application DC/2017/01532.

3. Policy Background

3.1 The Sefton Local Plan and Maghull Neighbourhood Plan together make up the development plan for the application site. The over-arching theme throughout the relevant 'land east of Maghull' development plan policies and additional planning guidance documents referred to below is to deliver a comprehensive high quality and well-designed sustainable urban extension.

Local Plan

3.2 The application site is subject to policy MN3 'Land East of Maghull' in the adopted Sefton Local Plan which sets out detailed policy requirements for the site.

3.3 Part 2 of the policy requires proposals on the site to be consistent with a single detailed master plan for the whole site which is approved by the Council.

3.4 Part 6 of the policy states that certain phasing requirements will be applied to ensure that the

required infrastructure is provided alongside new development. Part 6c states that no more than 250 dwellings will be served from Poverty Lane and no more than 250 dwellings will be served from School Lane / Maghull Lane, prior to the completion of the internal bus route / distributor road.

Neighbourhood Plan

3.5 Maghull Neighbourhood Plan policy MAG 6 'Land East of Maghull Master Plan' specifies that planning applications submitted for the land east of Maghull site must accord and adhere to the terms of the Approved Master Plan.

Supplementary Planning Document

3.6 Additional guidance is provided in the 'Land east of Maghull' Supplementary Planning Document.

Masterplan

3.7 A masterplan for the development of the 'Land east of Maghull' allocation was approved in January 2019. Section 9 outlines phasing requirements and section 10 covers infrastructure delivery.

4. Principle of the Development

4.1 Whilst the principle of building an 841 home residential development on the application site has been established through planning application DC/2017/01532, the proposal to alter the phasing requirement specified in condition 2 does not fully accord with Local Plan policy MN3 (part 6c). However, an assessment of the proposal's impacts must be made to establish the level of harm caused, in particular in relation to impacts on highway safety, living conditions and phasing requirements.

5. Highway Safety

5.1 A Traffic Impact Note was submitted with the application and reviewed by the Highways Manager. The note assessed the impact of accessing the additional 248 homes from Poverty Lane before completion of the spine road through to School Lane.

5.2 The Highways Manager accepted that there would be no adverse highway safety impacts at the access to the development site as the new Poverty Lane roundabout junction had been designed to accommodate more than 500 dwellings.

5.3 However, the Highways Manager raised an objection on the grounds that the impact note did not properly assess the impact of the proposal on the wider area, citing reasons such as out-of-date data usage and the need to undertake more junction modelling and updated junction

modelling.

5.4 The applicants have since held discussions with the Highways Manager and have agreed the scope of their Traffic Impact Note with a second updated version submitted in mid-June 2024. This updated traffic impact note concludes that:

- The Poverty Lane/site access junction would operate under-capacity during peak times with development traffic from the combined Phase 1 and Phase 2 developments
- Other road junctions in the area, namely the Poverty Lane/Foxhouse Lane, Hall Lane/Station Road, Hall Lane/Damfield Lane, Northway/Eastway, Eastway/Deyes Lane, Northway/Kenyons Lane and A59/Damfield Lane junctions, would all operate within their respective design capacities, with negligible increases in traffic queues at some of the junctions, and these impacts would not be 'severe'
- The proposed Sefton Council scheme for one-way (eastbound) traffic distribution along Hall Lane would result in the Hall Lane/Damfield Lane junction operating over-capacity during the morning peak hour. It would also significantly increase queue lengths along the A59/Hall Lane junction by up to 21 PCUs (passenger car units) during the morning but only 3 PCUs during the evening peak hour
- One existing junction would be adversely affected should the existing two-way traffic distribution be retained, namely the A59/Hall Lane junction with two of the six arms at this junction operating above the theoretical capacity

5.5 In order to mitigate the impacts identified, the updated traffic impact note recommends that the proposed one-way system along Hall Lane is delayed and advises that the developers would be willing to make a financial contribution to potential improvements at the A59/Hall Lane junction. This would be in addition to the financial contribution they have already made towards improvements at this junction and could be secured through a deed of variation to the completed Section 106 legal agreement. The modelling concludes that on this basis the proposal would not result in unacceptable highways impacts.

5.6 The traffic note concludes that the proposal to build and occupy an additional 248 homes accessed from Poverty Lane before completion of the spine road through to School Lane is unlikely to have a severe impact on any of the junctions within the study area. This is subject to the implementation of junction improvements at the A59/Hall Lane junction and a delay to the implementation of the proposed one-way system on Hall Lane.

5.7 In terms of planning policy, based on the above conclusions set out within the applicant's updated traffic impact note, the proposal would not conflict with paragraph 115 of the National Planning Policy Framework (December 2023) which states that development should only be refused on highways grounds if the impact on the road network would be severe.

5.8 The proposal also complies with Local Plan policy EQ3 'Accessibility' in respect of its impacts on the local highway network.

6. Living Conditions

6.1 The applicants have confirmed that construction works commenced on the site in January 2023. Countryside Partnerships completed and sold their 125 homes in the first 18 months and Persimmon Homes are due to complete their 125 units by March 2025. This equates to a construction period of 26 months for the 250 dwellings in Phase 1.

6.2 They further advise that whilst Phase 1 included major engineering works, such as the whole of the flood relief channel and the southern half of the spine road, the proposed Phase 2 construction works would not include any further major engineering works resulting in less intensive construction activity and a shorter build period. The developers anticipate it would take them no more than 2 years to complete the 248 homes in Phase 2.

6.3 Local residents have objected on the grounds of additional pollution, including noise, disturbance and light pollution, caused by the extended period of construction which would need to be served from the Poverty Lane access rather than from School Lane.

6.4 This would mean construction traffic continuing to access the site through Melling in accordance with the approved Construction Environmental Management Plan (CEMP) for Phase 1.

6.5 Whilst it would be preferable for construction traffic to access via School Lane, it is accepted that this would not be possible until a spine road is built through the northern portion of the wider allocated development site.

6.6 It is also noted that the Environmental Health Manager has not raised any objections to the proposal and that impacts on local residents' living conditions would be temporary in nature and could be controlled and minimised by planning conditions.

7. Phasing including Housing Delivery

Phasing

7.1 The latest phasing plan submitted with the current application shows delivery of the development in 3 phases:

- Phase 1 – 250 homes including 71 affordable units and approximately 4.8 hectares of public open space
- Phase 2 – 248 homes including 92 affordable units and approximately 0.86 hectares of public open space
- Phase 3 – 343 homes including 100 affordable units and approximately 0.48 hectares of public open space

7.2 The phasing plan demonstrates that delivery of the affordable units and public open space would take place in a proportionate manner and by the end of Phase 2 (occupation of 498 dwellings) the scheme would provide 163 affordable homes (over the 30% policy requirement) and approximately 5.6 hectares of public open space out of a total of 6.1 hectares.

7.3 The proposed phasing would be acceptable and would negate the risk of delaying the provision of a large proportion of affordable homes to the final phase of development.

7.4 Whilst it is acknowledged that approval of the proposal would not provide the bus route through the allocated site, it is also recognised that this cannot take place while the spine road remains incomplete.

7.5 The delivery of the 248 homes in Phase 2 would secure the relevant financial contributions set out in the completed Section 106 legal agreement (see Section 8 below).

Housing Delivery

7.6 Whilst the Council presently has a good supply of housing land (over 8 years' worth in 2023) the loss of 248 homes would equate to the loss of almost half a year's supply of housing on developable land in Sefton. Should delivery of the 248 homes be delayed beyond the next 5 years the Council's supply position would be less robust and this would also impact on housing delivery figures in future years since the application site forms part of the largest housing allocation in Sefton.

7.7 It should also be noted that if the Council fails to demonstrate a sufficient supply or delivery of housing, the housing policies in the Sefton Local Plan would be deemed out-of-date (paragraph 11 National Planning Policy Framework) meaning it would be difficult to resist proposals in unsuitable locations.

8. Planning Obligations

8.1 The original planning permission (DC/2017/01532) is subject to a Section 106 legal agreement committing the developer to a range of measures such as the ongoing maintenance and management of open space and flood relief areas on the site, the provision of affordable housing, and financial contributions towards a wide range of infrastructure projects such as Maghull North train station, the M58 junction 1 improvements, a bus route through the allocated site, the expansion of Summerhill Primary School and a new healthcare facility in Maghull.

8.2 The financial contributions are payable on a phased basis so a greater proportion would be due for payment as more homes are delivered.

8.3 Part 5 of the Section 106 legal agreement provides for these requirements to apply to any subsequent Section 73 applications (such as the current application) granted on the site. There

would therefore be no need to complete a new Section 106 legal agreement for this proposal. The further junction works identified in paragraph 5.5 above could be secured via a deed of variation to the completed Section 106 agreement..

9. Other Matters

9.1 Other matters raised as objections by local residents include the strain on medical services and other infrastructure as well as the loss of green fields and prime agricultural land, the impacts on wildlife and the lack of need for new homes.

9.2 These matters were all taken into account when the initial planning application (DC/2017/01532) was assessed and do not need to be re-evaluated for this current variation of condition application.

10. Equality Act Consideration

10.1 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.

10.2 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.

11. Planning Balance and Conclusion

11.1 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

11.2 It is accepted that the proposal does not fully comply with the development plan due to its conflict with Sefton Local Plan policy MN3 part 6c and Maghull Neighbourhood Plan policy MAG 6. This relates to the cap of 250 dwellings to be served from Poverty Lane prior to the completion of the internal bus route / distributor road and the requirement to adhere to the masterplan in terms of phasing and provision of infrastructure.

11.3 However, the application site already has planning permission to build a total of 841 homes so the principle of the development is established. The delivery of all of the homes, including affordable units, on this part of the allocated site would contribute significantly to the Council's housing supply. This is a material consideration and carries significant weight in the consideration of this application.

11.4 The delivery of the Phase 2 homes (the additional 248 homes) which are the subject of this application) would secure the associated financial contributions towards infrastructure improvements set out in the completed Section 106 legal agreement and this can be given further weight in favour of the application.

11.5 It is accepted that there would be some harm caused to residents' living conditions and to highway safety matters due to the extended construction period accessed from Poverty Lane. However, these could be mitigated by the use of conditions and a deed of variation to the legal agreement to secure highways improvements.

11.6 Taking account of all the considerations discussed in the report above, it is concluded, on balance, that any harm caused to highway safety and living conditions would be outweighed by the need to continue the delivery of the new homes, including affordable units, on this important strategic mixed-use allocation.

11.7 Overall, it is considered that the proposal is acceptable and is recommended for approval subject to conditions. The conditions listed below represent an update on the conditions attached to the hybrid planning permission DC/2017/01532, allowed on appeal, including the varied wording for condition 2.

Recommendation - Approve with conditions subject to the completion of a Section 106 deed of variation to secure highways improvements

Conditions relating to both the full and outline planning permissions

- 1) The development shall be carried out in accordance with the plans and documents listed in schedule 2.
- 2) No more than 498 dwellings shall be occupied until the distributor road between Poverty Lane and School Lane, as shown on drawing A083347-91-18-C001-rev-E (or a subsequently approved version thereof), is constructed and available for use by the public.
- 3) No dwellings shall be occupied within the development such that more than 749 dwellings are occupied within any part of the Land East of Maghull allocation (as identified by Policy MN2 of the Sefton Local Plan) before the local shopping provision required by Policy MN3(6f) of the Sefton Local Plan has been constructed and made available for occupation.

4) No dwellings shall be occupied within the development such that more than 499 dwellings are occupied within any part of the Land East of Maghull allocation (as identified by Policy MN2 of the Sefton Local Plan) before the access and servicing into the business park, and the landscaping framework between the business park and the residential areas have been implemented in accordance with Policy MN3(6d) of the Sefton Local Plan.

5) The remediation strategy approved under application DC/2021/00869 shall be carried out in accordance with the approved timetable of works. Following completion of the remedial works, other than where the remediation works involve the provision of a ground cover system only, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to the local planning authority. None of the dwellings (other than those on areas of the site where the remediation works involve the provision of a ground cover system only) shall be occupied prior to the approval of the verification report by the local planning authority.

6) In the event that previously unidentified contamination is found 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 submitted to and approved in writing by the local planning authority.

Following completion of the remedial works a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to the local planning authority. None of the dwellings in the area subject to the remediation scheme shall be occupied prior to the approval of the verification report in writing by the local planning authority.

7) The development shall not be occupied until a detailed scheme of highway works, together with a programme for their completion, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i) The enhancement of the Maghull No 13 Footpath to a shared cycleway/footway with lighting.
- ii) The construction of a three-arm roundabout junction on Poverty Lane.
- iii) The construction of a priority junction to from a secondary access on Poverty Lane.
- iv) Traffic calming measures on Poverty Lane in the vicinity of Summerhill Primary School.
- v) The construction of a continuous pedestrian footway along the north-eastern side of Poverty Lane across the frontage of the site.
- vi) The relocation of two existing bus stops on Poverty Lane.
- vii) The introduction of a pedestrian crossing on Poverty Lane in the form of a set of dropped kerbs and tactile paving in the vicinity of the secondary access.
- viii) The widening to 2m of a section of existing footway on the south side of Poverty Lane east of the railway bridge.
- ix) The introduction of a Toucan crossing on Poverty Lane outside Summerhill Primary School.

- x) The relocation of two street lighting columns on the approach to the railway bridge to ensure that the footway on the southern side of Poverty Lane is well lit.
- xi) Amendments to the A59/Hall Lane signal controlled junction to provide increased capacity for right turning movements from the A59 in a northwards direction.
- xii) Introduction of measures to enable the Hall Lane canal bridge to be one way for vehicular traffic.
- xiii) Introduction of the required measures including signage and lineage to support an amended traffic regulation order to extend the 30mph zone on Poverty Lane to the southeast of the roundabout junction with the distributor road.

The highway works shall be constructed in accordance with the approved scheme and programme.

- 8) Prior to the demolition of the existing buildings at Summerhill Farm, three bat boxes (2f Schwegler or equivalent) plus one winter box (Schwegler 1FS or equivalent) shall be installed on retained and undisturbed trees. The boxes shall be installed at least 3m from the ground, facing north, south-east and south-west respectively and retained thereafter.
- 9) Prior to the demolition of buildings at Summerhill Farm, a search of each building shall be undertaken by a licensed bat ecologist and features such as slipped lifted roof slates and ridge tiles shall be removed. In the event that bats are found during the works, they shall be allowed to disperse naturally or be transferred to a bat box by a licenced bat ecologist.
- 10) During construction, a Schwegler (or equivalent) bat tube shall be placed in a new dwelling in the vicinity of the former Summerhill Farm buildings. The bat tube or replacement thereof shall be retained thereafter.
- 11) All works to existing on-site trees and hedges must be undertaken outside of the bird nesting season of 1 March to 31 August inclusive.
- 12) The information pack approved under application DC/2021/01638 must be provided to future residents on first occupation of each dwelling.
- 13) The annual occupancy survey approved under application DC/2021/01638 shall be carried out within 12 months of its approval and the results provided to the local planning authority for information purposes. Subsequent surveys shall be undertaken for the next four years and the results submitted to the local planning authority prior to the completion of 12 months from the date of the previous submission.
- 14) The potential impacts and any mitigating measures to protect and prevent damage to the water supply infrastructure both during construction and during the operational life of the development shall be implemented in full in accordance with the details approved under applications DC/2021/01365 and DC/2021/01966 and retained thereafter.

15) The development shall be carried out in accordance with the detailed scheme and programme for the method of flood mitigation and disposal of surface water within the whole of the flood relief channel approved under application DC/2021/01405.

16) The tree protection measures outlined in the approved *Arboricultural Impact Assessment (Report No: 7707.001 v3 July 2019)* shall be implemented in full throughout the period of demolition, remediation and construction.

Conditions relating to the full planning permission only

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

18) The development shall be built out in accordance with the phasing details approved under application DC/2021/00869.

19) The Construction Environmental Management Plans approved under applications DC/2021/01365 and DC/2021/02236 shall be implemented throughout the period of demolition, site remediation and construction.

20) The development shall be carried out in accordance with the landscape and ecological management plan approved under application DC/2021/01754.

21) No development shall take place within 200m of Whinney Brook during the months of October to January inclusive, nor shall any occupation of dwellings take place within 200m of Whinney Brook, until the mitigation measures set out in the *Pink-Foot Goose Mitigation Strategy ref 5795.006 v3 of August 2018* have been put in place.

22) Measures to mitigate potential impacts on water voles, as set out in paragraphs 4.15 to 4.23 of the *Water Vole Mitigation Strategy (ref: 5795.005 v6 September 2018)*, shall be implemented in accordance with the details approved under application DC/2021/00869.

23) The reasonable avoidance measures to avoid impacts on roosting bats approved under application DC/2021/00869 shall be implemented in full.

24) The common toad mitigation works shall be carried out in accordance with the strategy and programme approved under application DC/2021/00869.

25) Prior to commencement of development within any phase or sub-phase (except for Phase 1), a red squirrel survey for that phase or sub-phase shall be undertaken, and the results of the survey submitted to the local planning authority. Should red squirrel be recorded within that phase or sub-phase, a mitigation strategy, including a programme for implementation, shall be submitted for the approval in writing by the local planning authority. The mitigation works shall be carried out in accordance with the approved strategy and programme for that phase and for Phase 1 shall be carried out in accordance with the details approved under application DC/2021/00869.

26) Prior to the occupation of dwellings within a particular phase or sub-phase (except for the Countryside Properties phases), details of bird boxes to include their number, type and location as

well as timing of installation, shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The bird boxes within the Countryside Properties phases shall be implemented in accordance with the details approved under application DC/2021/01638.

27) The swallow mitigation method statements shall be implemented in accordance with the details and programme approved under applications DC/2021/01643 and DC/2021/01966.

28) No development shall take place within any phase or sub-phase where invasive plant species have been recorded, until a method statement for control of invasive plants has been submitted to and approved in writing by the local planning authority. The method statement shall include a plan showing the extent of the plants, and the methods of control to be used for remediation. Remediation works shall be carried out in accordance with the approved method statement.

No development shall commence within an area of the site that is subject to remediation until a validation report which demonstrates that the site has been free from invasive plant species for 12 consecutive months has been submitted to and approved in writing by the local planning authority.

29) Foul and surface water shall drain on separate systems and no surface water shall discharge to the public sewer either directly or indirectly.

The development shall be carried out in accordance with the schemes for the disposal of foul and surface water approved under applications DC/2021/00832 and DC/2021/01966.

30) No development shall take place within any phase or sub-phase until full details of the existing and proposed ground levels within and around that phase or sub-phase and on land around that phase or sub-phase, by means of spot heights, cross sections, and finished floor levels, have been submitted to and approved in writing by the local planning authority. The development of that phase or sub-phase shall be carried out in accordance with the approved level details.

31) The development shall be carried out in accordance with the approved infilled pond remediation measures and programme approved under application DC/2021/01638.

32) Archaeological investigation shall be carried out in accordance with the scheme and programme approved under application DC/2021/01405.

33) The development shall be carried out in accordance with the local construction employment schemes approved under applications DC/2021/01365 and DC/2022/00998.

34) Prior to the occupation of any dwellings within a particular phase or sub-phase (except for the Countryside Properties phases), infrastructure for electric vehicle charging points shall be installed in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The electric vehicle charging points within the Countryside Properties phases shall be installed in accordance with the details approved under application DC/2021/00832.

35) The broadband infrastructure serving a dwelling shall be installed prior to occupation of that dwelling and made available for use immediately on occupation of that dwelling in accordance with the details approved under applications DC/2021/00832 and DC/2021/01966.

36) The materials to be used in the construction of the dwellings shall be in accordance with drawing numbers SK438-MAT rev H and PLM.MS.01 revision A.

37) The boundary treatments shall be completed in accordance with drawing numbers SK438-BP-01F, PLM.302.1 rev B and PLM.302.02 rev C before the dwelling to which they relate is occupied.

38) No construction above finished floor level of the dwellings within a particular phase or sub-phase shall take place until details of materials to be used in the construction of all road surfaces, footways and parking areas, including kerbs, within that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The surfaces shall be constructed in accordance with the approved details.

39) No construction above finished floor level of any dwelling within a particular phase or sub-phase (except for the Countryside Properties phases) shall take place until a detailed scheme of street lighting within that phase or sub-phase, alongside a timetable for its implementation, have been submitted to and approved in writing by the local planning authority. The approved scheme shall comply with the requirements of BS5489 and shall be implemented in accordance with the approved timetable. The lighting scheme for the Countryside Properties phases shall be implemented in accordance with the details approved under application DC/2021/00832.

40) No dwelling within a particular phase or sub-phase (except for the Countryside Properties phases) shall be occupied until a detailed scheme of lighting within the proposed public open space within that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The approved scheme shall comply with the requirements of BS5489, accord with paragraph 7.9 of the approved *Bat Mitigation Strategy (Report No: 5795.003 v2 May 2018)*, and shall be implemented in full prior to the public open space within that phase or sub-phase being available for use. The lighting scheme for the Countryside Properties phases shall be implemented in accordance with the details approved under application DC/2021/00832.

41) A minimum of 20% of new market properties shall meet Building Regulation Requirement M4(2) for accessible and adaptable dwellings.

42) Before any dwelling is occupied within a particular phase or sub-phase, visibility splays of 2.4m by 25m shall be provided clear of obstruction to visibility above a height of 1m above the carriageway level at all junctions that serve that dwelling within that phase or sub-phase. Once created, these visibility splays shall be maintained clear of any obstruction.

43) Before any dwelling is occupied, all of the areas required for vehicle parking, turning and manoeuvring for that dwelling must be laid out, levelled, and drained in accordance with the approved plans and retained thereafter for the passage and parking of vehicles.

44) The landscaping scheme for the flood relief channel, as shown on drawings refs 5529.01 revision H and 5529.02 revision F shall be implemented in full within the first planting/seeding season following completion of the flood relief channel, and any trees or plants which within a

period of 5 years from the completion of the flood relief channel die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

45) No dwellings within a particular phase or sub-phase (except for the Countryside Properties phases) shall be occupied until landscaping details for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full in accordance with a timetable to be submitted to and approved in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development within that phase or sub-phase 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 landscaping scheme for the Countryside Properties phases shall be implemented in accordance with the details approved under application DC/2021/01638.

46) The glazing and ventilation standards for habitable rooms shall meet the minimum specifications detailed on drawings SK05 and SK06 of the *WYG Noise Assessment Report (A083347 rev 5, dated July 2019)*.

47) No more than 25 residential dwellings within a particular phase or sub-phase (except for the Countryside Properties phases) shall be occupied until a full travel plan (based on the submitted *Framework Travel Plan, report no: A083347 FTP July 2017*) for that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The provisions of the approved travel plan shall be implemented and operated in full and in accordance with the timetable contained therein. The travel plan for the Countryside Properties phases shall be implemented in accordance with the details approved under application DC/2021/01365.

Conditions relating to the outline planning permission only

48) Application for the approval of the details of the appearance, scale, means of access, landscaping and layout (herein called 'the reserved matters') in respect of the older persons housing scheme shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

49) The development shall begin no later than two years from the approval of the final reserved matter and shall be carried out in accordance with the approved details.

50) No development shall commence, including any works of demolition, until a construction environmental management plan (CEMP) for that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- i) The proposed times construction works shall take place.
- ii) Details of temporary construction access.
- iii) Parking arrangements for vehicles of site operatives and visitors.
- iv) Arrangements for the loading, unloading and storage of plant and materials.
- v) The location of the site compound.

- vi) Wheel washing/road sweeping measures.
- vii) Measures to control the emission of dust and dirt during construction.
- viii) Measures to control the emission of noise during construction.
- ix) Details of external lighting to be used during construction.
- x) The name and contact details of person(s) accountable for air quality and dust issues.
- xi) A programme for issuing information on construction activities to the occupiers of nearby dwellings.
- xii) A construction traffic routing plan which shall exclude the use of residential roads to the west of the site.
- xiii) The times of the movement of heavy goods vehicles to and from the site.
- xiv) A site waste management plan.
- xv) Details of any piling and the days and times when piling activity is proposed.
- xvi) Details of measures to avoid off-site flooding during site remediation and construction.
- xvii) Details of earthworks and landscaping adjacent to the M58 motorway and the means for protection of the boundary fence to the motorway during the construction period.

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

51) No development shall take place until a detailed landscape and ecological management plan, based on the *Land north of Poverty Lane and Land south of School Lane, East Maghull Landscape and Biodiversity Management Plan by The Environment Partnership of July 2017 (ref 6265.04.001 v3)*, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved landscape and ecological management plan.

52) Prior to commencement of development, a red squirrel survey shall be undertaken, and the results of the survey submitted to the local planning authority. Should red squirrel be recorded, a mitigation strategy, including a programme for implementation, shall be submitted for the approval in writing by the local planning authority. The mitigation works shall be carried out in accordance with the approved strategy and programme.

53) No development (including demolition, ground works and site clearance) shall take place until a method statement to mitigate potential impacts on swallow nesting habitat has been submitted to and approved in writing by the local planning authority. The method statement shall include: measures to avoid harm to swallows, the extent and location of proposed swallow nesting provision, and a programme for implementation of replacement swallow nesting provision. The method statement shall be implemented in accordance with the approved details and programme.

54) No development shall take place (other than demolition, site clearance or remediation) until detailed schemes (including ground and finished floor levels above ordnance datum) for the

disposal of foul and surface water have been submitted to and approved in writing by the local planning authority.

The schemes shall be in accordance with the *Proposed Residential Development Land north of Poverty Lane, Maghull Flood Risk and Drainage Assessment by WYG Engineering Ltd of October 2017 (ref A083347 rev A), Addendum No 1 of October 2018 (ref A083347), Addendum No 2 of June 2019 (ref A083347)*, the updated foul and surface water drainage strategy required by condition No 15, and the non-statutory technical standards for sustainable drainage systems (or any subsequent replacement).

Foul and surface water shall drain on separate systems and no surface water shall discharge to the public sewer either directly or indirectly.

The schemes shall include a construction phase drainage management plan to show how surface water and pollution prevention will be managed during the construction period.

The development shall be carried out in accordance with the approved schemes for the disposal of foul and surface water.

55) No dwelling shall be occupied until a validation report demonstrating that the necessary connections for the drainage scheme have been carried out in accordance with the details approved under condition No 57 has been submitted to and approved in writing by the local planning authority.

56) No development shall take place within any phase or sub-phase until a written scheme of investigation for archaeological work, including a programme for implementation, has been submitted to and approved in writing by the local planning authority. Archaeological investigation shall be carried out in accordance with the approved scheme and programme.

57) No development shall take place within any phase or sub-phase until details of a local construction employment scheme have been submitted to and approved in writing by the local planning authority. The scheme shall explain how reasonable endeavours shall be made to use local suppliers, contractors and labour during the construction phase of the development. The development shall be carried out in accordance with the approved scheme.

58) Prior to the occupation of any dwellings, infrastructure for electric vehicle charging points shall be installed in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

59) Details of full fibre broadband connections to all proposed dwellings within a particular phase or sub-phase shall be submitted to and approved in writing by the local planning authority. The infrastructure serving a dwelling shall be installed prior to occupation of that dwelling and made available for use immediately on occupation of that dwelling in accordance with the approved details.

60) No development shall take place until full details of the existing and proposed ground levels and on adjacent land, by means of spot heights, cross sections, and finished floor levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved level details.

61) No erection of external lighting shall take place until a detailed design of the lighting unit, supporting structure and the extent of the area to be illuminated, has been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details.

62) None of the dwellings shall be occupied until a scheme for protecting their occupants from the potential adverse effects of traffic noise has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the submitted noise assessment (*ref: A083347 rev 5 July 2019*) and include details of noise barriers, building insulation, window glazing and alternative ventilation strategy for the proposed dwellings. Works which form part of the scheme approved by the local planning authority shall be completed for each dwelling prior to occupation of that dwelling.

63) Prior to the occupation of 10 dwellings, a full travel plan (based on the submitted *Framework Travel Plan, ref: A083347 FTP July 2017*) shall be submitted to and approved in writing by the local planning authority. The provisions of the travel plan shall then be implemented and operated in full and in accordance with the timetable contained therein.

64) No dwelling shall be occupied until cycle parking facilities have been provided in accordance with a scheme which has been submitted to, and approved in writing by, the local planning authority. The cycle parking infrastructure shall be installed in accordance with the approved details prior to occupation and shall be retained thereafter.

Schedule 2 – plans and documents referred to in condition No 1

Plans

Drawing No. 2016.006.025 Site Location Plan

Drawing No. 2016.006.026 Buildings to be Demolished

Drawing No. 2016.006.027 Indicative Phasing Plan

Drawing No. A083347-91-18-C001-E Potential Spine Road Alignment between School Lane and Poverty Lane

Drawing No. A083347-91-18-C007-A Proposed Southern Access Roundabout onto Poverty Lane / Leatherbarrows Lane

Drawing No. A083347-91-18-C008 Proposed Secondary Access onto Poverty Lane (Priority Junction)

Drawing No. SK438-BP-01F Boundary Plan

Drawing No. NSD 9001 Wall Types 1 to 4

Drawing No. NSD 9102 Fence Types A to D

Drawing No. NSD 9202 Hooped Top Metal Railings

Drawing No. PLM.302.01 rev B Boundary Treatment – Phase 1

Drawing No. PLM.302.02 rev C Boundary Treatment – Phase 3
Drawing No. ACO.FEN08.01 1.8m High Timber Acoustic Fence
Drawing No. SDF05 rev A 1800mm High Screen Fence
Drawing No. SDW08/04 1.8m High Brick Screen Wall Detail (Artstone Piers)
Drawing No. SDW09 2.1m High Brick Screen Wall Detail (Artstone Piers)
Drawing No. SDF12 600mm High Timber Knee Rail
Drawing No. ASHP(14) The Ashop – Floor Plans and Elevations
Drawing No. BBDGE(14) The Baybridge – Floor Plans and Elevations
Drawing No. DEE-01 The Dee – Floor Plans
Drawing No. DEE-6.0-SEMI(A) The Dee – Elevations: 6.0 Brick (Semi) Alt
Drawing No. DEE-02 The Dee SA - Floor Plans
Drawing No. DDSA-6.0-SEMI(A) The Dee / Dee SA - Elevations: 6.0 Brick (Semi) Alt
Drawing No. DUN-B(14) The Dunham – Floor Plans and Elevations
Drawing No. ELLES(14)-01 The Ellesmere – Floor Plans and Elevations
Drawing No. ELLE-01 The Ellesmere (Sigma) – Floor Plans
Drawing No. ELLE-6.0-SEMI(A) The Ellesmere (Sigma) – Elevations: 6.0 - Brick (Semi) Alt
Drawing No. ESK-01 The Esk – Floor Plans and Elevations
Drawing No. GRWE-01 The Grantham / Weaver - Ground Floor Plans
Drawing No. GRWE-02 The Grantham / Weaver – First Floor Plans
Drawing No. GRWE-6.1-SEMI The Grantham / Weaver – Elevations: 6.1 Brick / Render (Semi)
Drawing No. IRWL-01 The Irwell – Floor Plans
Drawing No. IRWL-6.0(SEMI) The Irwell – Elevations: 6.0 Brick (Semi)
Drawing No. LONG(14) The Longford – Floor Plans and Elevations
Drawing No. LYMI(14) The Lymington – Floor Plans and Elevations
Drawing No. NEWASH-01 The New Ashbourne – Floor Plans and Elevations
Drawing No. NSTAM(14) The New Stamford – Floor Plans and Elevations
Drawing No. NWALT-01 The New Walton – Floor Plans and Elevations
Drawing No. OAK-01 The Oakham Floor Plans and Elevations
Drawing No. STRA-01 The Stratford FCT – Floor Plans and Elevations
Drawing No. WEAV(UP)-01 The Weaver Underpass – Floor Plans
Drawing No. WEAV(UP)-6.0-3Blk) The Weaver Underpass – Elevations: 6.0 Brick (3 Block) Drawing
No. WEAV(UP)-6.0-4Blk) The Weaver Underpass – Elevations: 6.0 Brick (4 Block)
Drawing No. TGDP/PLMM/ALN Alnwick House Type
Drawing No. TGDP/PLMM/CHE Chedworth House Type
Drawing No. TGDP/PLMM/CLA+ Clandon Plus House Type
Drawing No. TGDP/PLMM/CLA CORNER Clayton Corner House Type
Drawing No. TGDP/PLMM/HAN Hanbury House Type
Drawing No. TGDP/PLMM/HAT Hatfield House Type
Drawing No. TGDP/PLMM/KEN Kendal House Type
Drawing No. TGDP/PLMM/MOS Moseley House Type
Drawing No. TGDP/PLMM/ROS Roseberry House Type
Drawing No. TGDP/PLMM/RUF Rufford House Type
Drawing No. TGDP/PLMM/SOU Souter House Type
Drawing No. TGDP/PLMM/TIV Tiverton House Type

Drawing No. TGDP/PLMM/WIN Winster House Type
Drawing No. LPH.SGD.WD01B Single and Double Garage
Drawing No. D6265.07.001D Landscape Masterplan
Drawing No. D6265.07.002B Landscape Masterplan – Whinny Park
Drawing No. 5529.01H Landscape Structure Plan Phase 1
Drawing No. 5529.02F Landscape Structure Plan Phase 3
Drawing No. SK438-MAT rev H Materials Schedule
Drawing No. PLM-MS-01 rev A Materials Schedule
Drawing No. SK438-DL-01 rev X1 Site Layout
Drawing No. TGDP/PLMM/PL-P1 rev M Planning Layout Phase 1
Drawing No. TGDP/PLMM/PL-P3 rev L Planning Layout Phase 3
Drawing No. SK438-CSP-01 rev N Composite Site Plan
Drawing No. SK029 rev P2 Flood Relief Channel General Arrangements Plan (Site A only)

Documents

Report No. A083347 FTP Framework Travel Plan July 2017
Report No. 7707.001 v3 Arboricultural Impact Assessment July 2019
Report No. 3670810002 Phase 1 Geo-environmental Assessment February 2017
Report No. A083347 rev A Flood Risk and Drainage Assessment (Site A) October 2017
Report No. A083347 Flood Risk and Drainage Assessment Addendum No 1 October 2018
Report No. A083347 Flood Risk and Drainage Assessment Addendum No 2 May 2019
Report No. 5795.003 v2 Bat Mitigation Strategy May 2018
Report No. 5795.013 v4 Bat Roost Assessment November 2020
Report No. 5795.006 v6 Pink-footed Goose Mitigation Strategy August 2018
Report No. 5795.005 v6 Water Vole Mitigation Strategy September 2018
Report No. A083347 rev 5 Noise Assessment July 2019
Report No. 6265.04.001 v3 Landscape and Biodiversity Management Plan July 2017