

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 24 July 2024

Subject: **DC/2023/02111**
Land To The North East Of Poverty Lane North West Off Harrier Close, Poverty Lane, Maghull

Proposal: Erection of a residential care home (C2) with associated parking, infrastructure and landscaping.

Applicant: Mr Richard Hoggart **Agent:** Mr. Luke Hunter
North Bay (Liberty) Ltd Jackson Design Associates Limited

Ward: Sudell Ward **Type:** Full application - major

Reason for Committee Determination: Called in by Councillors' Phil Hart and Judy Hardman

Summary

This application seeks full planning permission to construct a 76-bed residential care home within the strategic site allocated for residential and business development, known as Land East of Maghull. The principle of a care home has previously been established under a decision granted on appeal in February 2021.

The main issues to consider include the principle of the development, design, effects on living conditions (of both existing and future residents) and highway safety as well as ecology, energy efficiency, land contamination, air quality, flooding and drainage and other matters.

The proposal complies with adopted local plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions and the completion of a Section 106 legal agreement to ensure that the impact of the proposal on the recreational pressures of recognised sites of ecological importance has been appropriately addressed, and the provision of a travel plan.

Recommendation: Approve with Conditions subject to the completion of a Section 106 Legal Agreement.

Case Officer Catherine Lewis

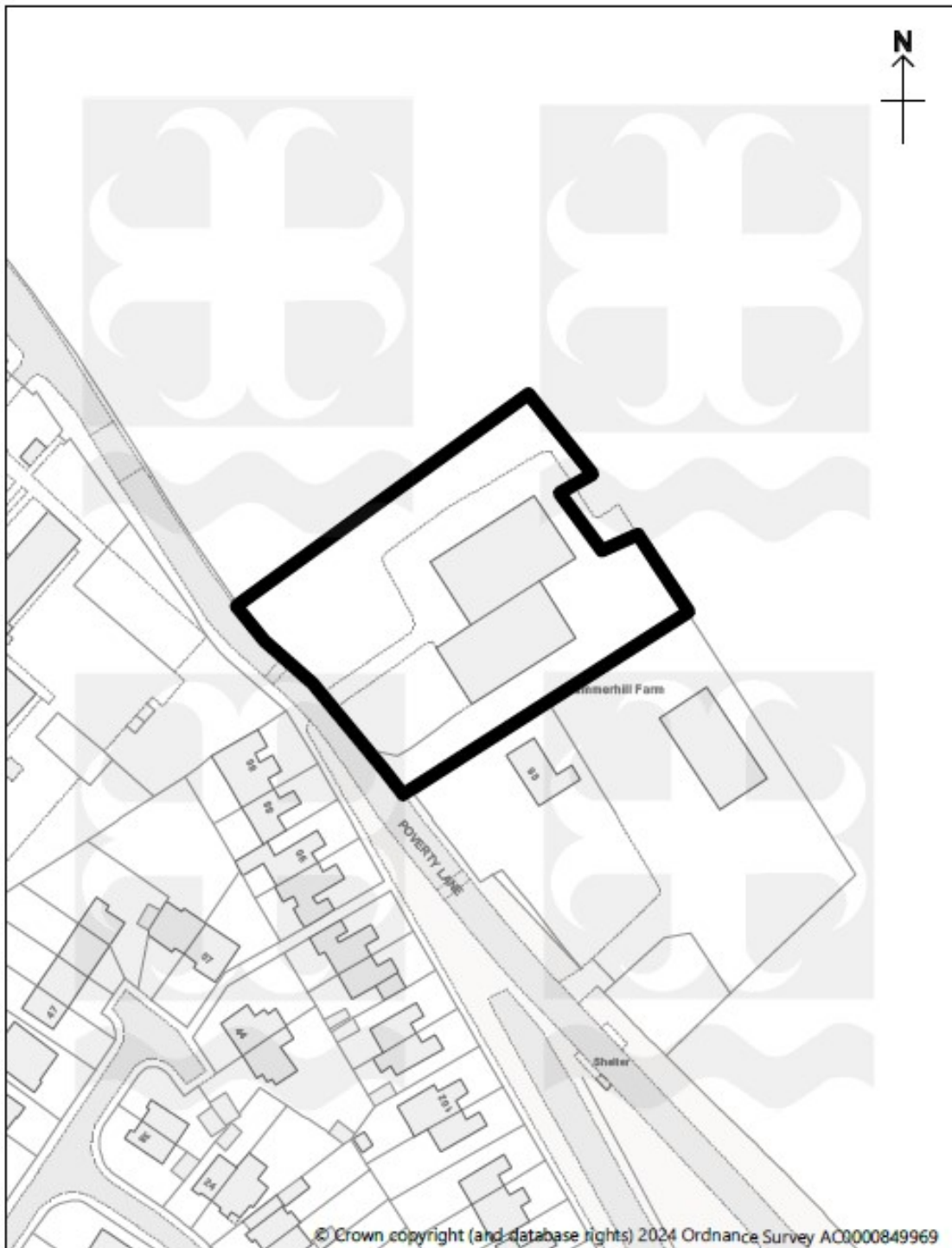
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S57KILNWIWH00>

Site Location Plan



The Site

Located to the south east of Maghull, the site previously consisted of part of Summerhill Farm but is now vacant. Measuring approximately 0.53 hectares it comprises a parcel of land within the Land East of Maghull development, on the eastern side of Poverty Lane. The site is bounded by residential development currently being constructed to the north, south, and east. Vehicular access to the site would be taken from within the housing development and Poverty Lane would form the western boundary with Summerhill Primary school beyond.

History

The site currently forms part of a wider planning application granted planning permission at appeal in February 2021 (planning application reference: DC/2017/01532) for the development of 841 residential dwellings and an older person's housing scheme (application site). The appeal decision letter is ref: APP/M4320/W/20/325752.

The description of the development is: DC/2017/01532 Hybrid application seeking full planning permission for the demolition of existing buildings and the erection of 841 residential dwellings (C3), new vehicular accesses off Poverty Lane, public open space and ancillary infrastructure and outline planning permission for an older persons housing scheme (C2, C3) and ancillary infrastructure with all matters reserved.

Consultations

The following consultee comments have been received:

Highways Manager

No objection subject to conditions

Environmental Health Manager

Air Quality

No objection subject to a condition to control dust during construction.

Contaminated Land

No objection subject to conditions.

Environmental Health

No objections subject to conditions to provide a Construction and Environmental Management Plan, acoustic glazing and ventilation and an acoustic barrier to the car park required.

Environment Agency

No objection subject to conditions to control ground contamination.

Flooding and Drainage Manager

No objection subject to conditions.

Local Plans Manager

No objections subject to the occupancy being restricted to those to 55 or over.

Merseyside Environmental Advisory Service

No objection subject to condition. Have carried out an updated Habitats Regulations Assessment and the Appropriate Assessment report concludes that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of European sites.

Tree Officer

No objections

Housing

The proposal does not align with the strategic plans for older persons housing.

Neighbour Representations

A site notice and advert in the Metro newspaper have been posted together with notification of adjacent neighbouring properties. Following the submission of revised plans site notices were posted, further re-consultation and re-notification has been undertaken which expired on 13 July 2024.

One letter of objection has been received which raises the summarised points:

- Initial plans to develop aged over 55 years residential properties implied independent living. Such properties with appropriate parking would be consistent with existing Poverty Lane properties and the new house developments.
- The care home proposal should be rejected in favour of independent living properties with Poverty Lane vehicle access - which with lower traffic volumes and allocated residential parking could be accommodated.
- Concern about the access from Falcon Avenue which is narrow and should be from Poverty Lane.

- A 76 room care home commercial business is very significantly different and would create high volumes of traffic and parking within a newly created residential area. Any street or pavement parking would be highly intrusive and restricts access to existing residential properties.

The application has been called in by Cllrs Hardman and Hart.

Councillor Hardman

Raises concerns that the care home is not a housing scheme of up to 25 dwellings for elderly people but is a residential care home. Requires the view of the Adult and Social Care team about the type of accommodation most needed for older people in Sefton and that the planning committee consider the application in the light of the advice needed.

Councillor Hart

The proposal would be harmful to residential amenity, highway safety, would have a poor design, and impact upon the quality-of-life of future occupants.

Policy Context

The application site is allocated as a strategic mixed-use allocation under policy MN3 Land East of Maghull in the Sefton Local Plan which was adopted by the Council in April 2017.

Policy MN2 of the Sefton Local Plan identifies housing allocations with the application site forming part of site MN2.47 land east of Maghull. Housing policies HC1, HC2 and HC3 are concerned respectively to secure affordable housing, a mix of dwellings, and (as a general rule) a minimum density of 30 dwellings per hectare (dph).

The Maghull Neighbourhood Plan was 'made' (i.e. adopted) on 24th January 2019 and carries full weight in decision making. Policy MAG 6 sets out the requirements for the Masterplan which has been prepared and adopted.

Land East of Maghull (LEM) Supplementary Planning Document (SPD) was adopted in 2017.

Assessment of the Proposal

1.1 This application seeks planning permission to construct a two-storey care home of 72 bedrooms. The proposal includes communal facilities such as a reception and café area to the ground floor including a dining area, activity room, hair salon and quiet lounge. The first floor provides accommodation, an activity/cinema room, laundry and staffrooms room, games room and dining area. The roof plan includes the provision of solar panels.

1.2 Vehicle access would be taken from within the currently constructed housing estate and a pedestrian access would be provided to link directly to Poverty Lane. Typically staffing levels would be approximately 18 during the day and 11 at night.

1.3 The main planning issues for consideration include the principle of the development, visual impacts, effects on living conditions and highway safety as well as ecology, energy efficiency, land contamination, air quality, flooding and drainage and other matters.

Principle

2.1 The application site is part of a wider allocation for a strategic mixed-use site under Policy MN3 'Land East of Maghull'. Policy MN3 Part 1 requires the development of this site to create a comprehensive, high quality, well designed, sustainable urban extension. Part 2 encourages the production of a single detailed masterplan, Part 4 that a Supplementary Planning Document relating to the site is adopted. Part 5a that the development of the site must provide for at least 2 dedicated older person housing schemes (reserved for residents of 55 and over) each comprising at least 25 dwellings.

Appeal Decision Letter

2.2 The site has been the subject of an allowed appeal which confirmed the use of the application site for an older person's housing scheme, granting it outline consent. The appeal decision letter ref: APP/M4320/W/20/325752 at the first paragraph states:

1. The appeal is allowed: full planning permission is granted for the demolition of existing buildings and the erection of 841 residential dwellings (C3), new vehicular accesses off Poverty Lane, public open space and ancillary infrastructure; and outline planning permission is granted for an older persons housing scheme (C2, C3) and ancillary infrastructure with all matters reserved; in both cases on land north-east of Poverty Lane, Maghull, in accordance with the terms of the application, Ref DC/2017/01532, dated 23 August 2017, subject to the conditions in schedule 1.

2.3 The Use Class C2 (residential institutions) relates to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres and Use Class C3 relates to houses, flats, apartments. This proposal is for a communal accommodation type of care home with 72 bedrooms, rather than individual units. This use is in line with the permission granted in the allowed appeal which referred to C2 and C3 and the Local Plans Manager has advised that the proposal is acceptable in principle subject to occupancy being restricted to those aged to 55 or over. The residential care home does not conflict with Policy MN3 of the Sefton Local Plan or the aims of Policy LM6 of the Land East of Maghull SPD.

2.4 One of the main objectives of the Maghull Neighbourhood Plan is to support housing development which meets identified needs where such housing is appropriate to its environment

with good design features and usable public green space for the benefit of all residents. The Land East of Maghull Supplementary Planning Document dated 2017 advises that the site would provide a range of house types and tenures to cater for all household types including retirement/older people's accommodation. Policy MAG 6 sets out the requirements for the Masterplan which has been prepared and adopted.

2.5 There is a strong housing strategy push for extra care accommodation and the Council's housing team are therefore not supportive of this proposal as the type of accommodation would not align with their strategic plans for older persons' housing.

2.6 The Adult and Social Care Team have advised that the ambition is to help people to remain in their homes rather than provide more residential care homes. The applicant has been in contact with Adult and Social Care to explain how the unit would run. Notwithstanding these discussions the appeal decision notice provides for the provision of accommodation for the over 55's to include the C2 use which is a care home. Therefore, the principle of the development is considered acceptable.

Conclusion on Principle

2.7 The application site forms part of a wider strategic mixed-use allocation under Policy MN3. The appeal decision letter provides outline approval of a C2 and or a C3 use.

2.8 The proposed development is acceptable in principle subject to a condition to restrict occupancy to those aged to 55 or over.

Design, Visual Impact

3.0 The application site is surrounded on three boundaries by residential properties with access taken from within the residential estate. One of the challenges of the design is to provide interest to Poverty Lane and an acceptable design to the main entrance off Harrier Close, whilst minimising the impact upon the living conditions of the residential properties.

3.1 The proposal comprises an 'H' shaped building measuring 52 metres in length by 60 metres in width with a maximum height of 11.6 metres to the ridge and 5.8 metres to the eaves. Whilst predominantly constructed in multi red facing brick with a grey tiled roof there are elements of off-white render to add interest. Further architectural details include a stone plinth, stone headers to the windows, a stone string course to the elevations and recessed brick work. A glazed recessed balcony with a balustrade is proposed to the main elevations. A condition to seek further detail of the materials could be imposed.

3.2 The main elevation is in effect the rear elevation of the building which fronts Poverty Lane. It would have an attractive appearance that, due to the height, use of similar materials and design

would sit comfortably with the street scene of mostly residential properties, but which would provide a strong presence along Poverty Lane.

3.3 Following the initial submission, revised plans were submitted to address concerns raised by the Highways Manager. The footprint of the has been relocated 800mm to the south-west in order to achieve parking spaces and 2m wide footpaths typically to public areas. Within the landscaped garden areas footpaths are a minimum of 1.5m wide with passing places (increased width to 1.8m) at suitable locations for the occasions where two wheelchairs would pass. These narrower widths are considered appropriate within a private site and where maximising biodiversity is an important objective.

3.4 Alterations to the front elevation (Harrier Close) have been made to enable a 2m wide footpath within the site. The design of the roof line has changed from gable to hipped roofs to reduce the impact of the building mass on neighbouring properties, the two-storey elevation with a hipped roof sloping away from residential neighbour's results in an acceptable relationship. The external bin store has been enclosed to provide for an 'internal' single storey extension to the north-west elevation. The windows to corridor ends facing existing / proposed residential dwellings have been changed to obscure glass up to 1.7m from finished floor level.

3.5 The boundary treatment includes 2.2-metre-high black vertical metal railings to Poverty Lane with tree hedge and shrub planting. An internal path would run around the building. The southern and northern boundary treatment would consist of a 1.8-metre-high close boarded timber fence. Details include proposed native hedge and tree planting to the boundaries of the internal garden space. The design of the fencing provides for small mammals to enter and exit. To the front of the site there would be some grassed areas with limited planting due to the car parking requirements.

3.6 The design of the care home is considered acceptable and would meet the aims of Part 1 a of Policy EQ2 Design of the Local Plan and also Policy MAG4 of the Maghull Neighbourhood Plan.

Living Conditions

Surrounding residential dwellings.

4.1 There are some residential properties constructed and occupied on Harrier Close whose rear gardens would back on to the site. Other properties are currently under construction, and some have not yet started on the northern boundary. The guidance within the "New Housing" Supplementary Planning Document (SPD) 12 metres encourages a minimum of 12 metres between a blank wall and a habitable room window. The building has been designed as a 'H' shape to limit impacts in terms of loss of light and overlooking.

4.2 There would be approximately 18.4 metres between the southeastern elevation of the proposed building to the residential properties on Harrier Close. The only windows on this elevation within 21 metres of the residential properties would be to communal corridors. Similarly, there would be 12.8 metres between the northwestern elevation of the proposed building and the

approved properties to be constructed. A condition could be imposed so that these windows in the flank elevations would be obscurely glazed to avoid overlooking of the neighbouring gardens. The windows all serve communal corridors where obscure glazing is appropriate and would not harm residents' outlook from within the building.

4.3 In terms of the distances from habitable rooms in the care home to the residential dwellings these would be more than 32 metres. These distances all exceed the minimum separation distances set out in Council's guidance.

4.4 The Environmental Health Manager recommends that an acoustic barrier is provided for any boundary with residential dwellings abutting the car park areas and a condition could be imposed to secure the provision of an acoustic barrier along relevant boundaries of the site.

Occupiers of the site

4.5 All habitable rooms would have a window with a reasonable outlook and prospect. In terms of outdoor communal amenity space there would be two large secure outdoor courtyard spaces over 500sqm each which provide a useable space for residents. As the guidance recommends 10m² per resident, this would exceed the minimum standards and provide an attractive outlook. There would be further landscaped spaces and a pathway around the building.

4.6 The application is accompanied by a Noise Impact Assessment dated 23rd October 2023. The report advises that mitigation measures in terms of acoustic glazing and acoustic ventilation would be required, and the Environmental Health Manager has confirmed that these aspects could be controlled by conditions. The site includes an on-site substation, at this stage the final design of the substation would be dependent upon the requirements of the utility providers and conditions to control these details could be added.

4.7 The proposal is considered acceptable in terms of living conditions for both the existing and future occupiers and complies with Policy EQ2 'Design' of the Local Plan.

Highway Safety

5.1 The main access to the site would be from the internal housing development and the estate roads are currently under construction. The application has been reviewed by the Council's Highways Manager and following concerns about the internal layout including the car park requirements, tracking drawings for larger vehicles and the need to provide pedestrian access to Poverty Lane revised plans have been received.

Traffic Impact

5.2 The appeal decision letter considered the impact of two access points from Poverty Lane for the wider development and concluded that subject to conditions to ensure the provision of the permanent highway works proposed on Poverty Lane and elsewhere on the local network, the

proposed development would not adversely affect highway safety or traffic movement (paragraph 21 and 37 of the decision letter). The vehicle movements associated with a development of 25 dwellings for the over 55's has previously been found acceptable and in consideration of the care home with the requirement of 34 car park spaces, it is considered that there would be no significant adverse impact on highway safety or traffic movement. The traffic impact for the full East Maghull development was assessed as part of the application reference DC/2017/01532 and the planning approval granted on appeal. The Highways Manager has advised that re-consideration of the traffic movements would not be required.

Access

5.3 Pedestrian and cycle access to the development for visitors, and vehicular access for everyone, would be via the residential development (Persimmon element) with a 5.5m wide service road, with 2m wide footways either side, to the care home. The service road to the site car park would be private as it is not standard practice to adopt commercial site access roads nor is it in the public interest to do so.

5.4 The Highways Manager has advised that the site would not provide direct access to Poverty Lane and the associated bus stops or cycle options for visitors which is not ideal as it is a longer route and would discourage sustainable travel. Although this aspect has been considered by the applicant due to site security reasons and potential vulnerable residents' full access is not encouraged. The applicant has, however, provided a pedestrian staff access from Poverty Lane with keypad or fob access for security. Given the nature of the use this is considered acceptable subject to a condition to require staff access for the lifetime of the development.

5.5 Additional tracking drawings have been provided which demonstrate large refuse vehicles can access the site safely.

Parking

5.6 The applicant has stated that there would be up to 18 staff on site at any given time and no resident staff. The Council's parking standards in the 'Sustainable Travel and Development' Supplementary Planning Document for a 76 bed care home are as follows:

- 1 car space per 2 non-resident staff (9 spaces based on 18 non-resident staff)
- 1 car space per 3 beds for visitors/care workers (25 spaces)
- Disabled parking - 5% of total car park capacity + 5% of total car park capacity as enlarged spaces of 3.6m x 6m (2 disabled spaces + 2 enlarged spaces based on a total of 34 spaces)
- 2 cycle spaces
- 2 motorcycle spaces
- Space for an ambulance, minibus or van

5.7 The Proposed Site Plan drawing no. 22-2426-(02)101 revision P07 shows there would be a total of 34 car parking spaces and an ambulance space which complies with the parking standards. Cycle and motorcycle parking locations are shown on the proposed site plan, but a planning condition is needed to agree the scheme details including securing mechanisms. Three of the standard car parking spaces would be available for electric vehicle charging.

5.8 Although neighbours have raised concerns about the access to and from the site and the level of parking associated with the use, the Highways Manager has confirmed that these aspects are acceptable.

Construction Traffic Management Plan (CTMP)

5.9 A Construction Traffic Management Plan would be needed which could be secured via a planning condition. It would need to be co-ordinated with the other elements of the wider development.

Travel Plan (TP)

5.10 The TP submitted for the development is generally acceptable but although staff travel is considered, it does not make reference to how visitors would travel to the site and does not include any measures to encourage sustainable travel to the site by visitors. These details could be covered by the Section 106 legal agreement.

Other Highway Matters.

5.11 The applicant has confirmed that the café and hairdressers would be solely for use by residents and this aspect can be controlled by condition. Concern has been raised about the types of trees proposed and their roots impacting within the highway. These details can be controlled by a landscape condition.

5.12 To conclude the highway section, further revised plans have been received which demonstrate access in to and out of the site for large refuse vehicles. Although there is no direct unrestricted access from Poverty Lane due to the nature of the use, the pedestrian access for staff is considered acceptable. The development would ensure that there is acceptable car parking provision within the site, whilst the layout would ensure that pedestrians and cyclists would be capable of accessing both this site and the wider housing development safely. The proposal therefore meets the aims of Policy EQ3 'Accessibility' of the Sefton Local Plan.

Ecology, Trees and Landscaping

Biodiversity Net Gain

6.1 The application was submitted and registered before the legislation required the mandatory 10% increase of biodiversity as part of new development.

Ecology

6.2 As recognised in the determination of the wider residential development, the development site is close to several national and international sites and Policy NH2 of the Local Plan applies. The residential development would result in increased visits (recreational pressure) to recognised sites of ecological importance and the application details have been the subject of a Habitats Regulations Assessment.

6.3 The Appropriate Assessment concluded that there would be no significant effects on the recognised sites subject to mitigation measures including the provision of an advisory leaflet within the sale pack of each resident. The provision of a household leaflet could be conditioned, and the proposal would comply with Policy NH2 'Nature' of the Local Plan.

6.4 The applicant has submitted an Ecological Addendum report dated November 2023, a Landscape Masterplan and a Landscape Ecological Management Plan. The information advises that the site does not provide suitable habitat for amphibians, but the Council's ecologist has advised that a condition to protect amphibians and mammals during construction is required.

6.5 A number of biodiversity enhancements including bird and bat boxes, and connections through site for amphibians and hedgehog is recommended within the Ecological report. A condition to control this aspect could be imposed together with a condition to control lighting to the site and the proposals would meet the aims of Policy NH2 of the Sefton Local Plan.

Trees

6.6 The applicant has submitted a detailed planting plan which includes planting with native hedgerows, tree planting and wildflower meadows, which would benefit biodiversity within the site and would help soften the appearance of the development in the wider street scene. The tree officer has advised there are no trees currently on the site, therefore no survey is required. The landscape details provide for 28 standard trees and 6 multi stemmed trees. As stated earlier in the report the proposed tree types would need to be revised and a landscape condition could be imposed to control these aspects. The proposal would meet the aims of Policy EQ9 'Provision of Trees' in the Sefton Local Plan.

Energy Efficiency and Sustainability

6.7 The design and access statement indicates that the proposal would include the following measures to mitigate climate change:

- allow for solar benefit through south and west glazing.
- the use of photo voltaics for solar electricity provision which will be set into the roof.
- inclusion of Electric Vehicle charging points and that the development would be designed to achieve a high energy performance rating.

These measures are sufficient to demonstrate compliance with Policy EQ7 'Energy Efficiency and Low Carbon Design'.

Land Contamination

6.8 The application is accompanied by a 'Phase 2 Ground Investigation Report' prepared by Ground Investigation Associates Limited and dated 1 December 2023 (Ref: 23110-1). The Environment Agency has advised that the site investigation revealed no contaminants that would impact either the Shirdley Hill Sands, the Sherwood Sandstone formation, or the Whinney Brook located north of the proposed development. Subject to a condition to address any contamination not previously identified, the proposal would meet the aims of Policy EQ6 'Land Contamination' of the Sefton Local Plan and paragraph 180 of the NPPF.

6.9 The land contamination officer has assessed the submitted information and has advised that a site investigation and risk assessment has been undertaken by Ground Investigation Associates and includes recommendations for remediation which will need to be detailed in a remediation strategy. It is not clear if the application area has continued in use as a site compound following completion of the site investigation, or if the site is still accessible for the deposit of materials that may include waste. Subject to the imposition of standard land contamination conditions the proposal would meet the aims of Policy EQ6 'Land Contamination' of the Sefton Local Plan.

Air Quality

7.1 Construction activities of this scale close of residential dwellings have the potential to cause temporary air quality impacts. A condition to address and control dust and particulates from construction activities would be required which would form part of a Construction Management Plan and would meet the aims of Policy EQ5 'Air Quality'.

Flooding and Drainage

8.2 The application is accompanied by a SuDS proforma and a Drainage Strategy dated November 2023. The foul drainage would connect to the existing infrastructure on Poverty Lane (subject to agreement with United Utilities). A drainage strategy has been implemented for the wider housing development site based on a connection to Whinney Brook which is to be re-modelled and a flow control structure provided to its outfall. The application details propose to discharge surface water to the existing spur connection that has been provided within the development site. The Flood Risk Manager has confirmed the submitted information is acceptable subject to conditions to control the Sustainable surface water scheme in accordance with the Drainage Layout Drawing Number 6392-DR-R01-Rev P4, dated 12 Dec 2023 and the principles outlined in the SuDS Pro-Forma, the Flood Risk Assessment and Drainage Strategy Reports and details of how any un-adopted SuDS systems would be managed and maintained for the lifetime of the development.

It is considered that the proposed development would be acceptable in this regard and complies with Policy EQ8 'Flood Risk and Surface Water' of the Local Plan.

Other Matters

Affordable Housing.

9.1 New developments that create 15 or more residential units should provide affordable housing.

In

Maghull the requirement is for 30% of the scheme to be affordable housing. However, as the proposal does not relate to residential units this requirement does not apply.

Conclusion

10.1 The application relates to a full planning application for a 76 bed, two storey, care home on a strategic site, rather than the reserved matters element following the appeal decision. The principle of a care home for over 55's on the application site has previously been established by the appeal decision. A condition to control the age restriction is recommended.

10.2 Subject to conditions, the development would not give rise to concerns relating to highways flooding/drainage, land contamination, living conditions (of both existing and future residents) ecology, design, trees and landscaping.

10.3 A section 106 legal agreement would be required to ensure that the impact of the proposal on the recreational pressures of recognised sites of ecological importance has been appropriately addressed and also to provide for a travel plan. The application meets the aims of the policies in the Sefton Local Plan, Maghull Neighbourhood Plan and the guidance set out in Land East of Maghull Supplementary Planning Document. The National Planning Policy Framework advises that there is a presumption in favour of sustainable development. There are no other material considerations to outweigh the granting of planning permission therefore the proposal is recommended for approval subject to conditions and the signing of the section 106 legal agreement.

Equality Act Consideration

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

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership,

pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;

- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

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

Recommendation - Approve with Conditions subject to the completion of a Section 106 legal agreement.

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 hereby granted shall be carried out strictly in accordance with the following details and plans: -

Drawing No. 22-2426 (02) 001 P03
Drawing No. 22-2426 (02) 002 P03
Drawing No. 22-2426 (02) 003 P03
Drawing No. 22-2426 (02) 005 P03
Drawing No. 22-2426 (02) 006 P03
Drawing No. 22-2426 (02) 101 P07
Drawing No. 1641 001E Landscape Masterplan
Drawing No. 22-2426-(02)201 P01

Reason: To ensure a satisfactory development.

Before the Development is Commenced

3 No development shall take place until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, water pollution, ecology and site lighting. The

plan should provide for:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- Proposed Construction hours
- Measures to control the migration of mud from the site by vehicles during construction
- Mitigation measures to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants, including a dust management plan in order to minimise the impacts of construction dust.
- Measures to prevent pollution of control waters during construction.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development.
- the control and removal of spoil and wastes.
- A scheme of piling methodology, which provides justification for the method chosen and details of noise and vibration suppression methods proposed
- Mitigation measures for the protection of amphibians' mammals, breeding birds, hedgerows and retained vegetation;
- Measures to control flooding on site during construction
- Waste audit

The development shall be implemented in accordance with the approved CEMP.

Reason: To ensure a satisfactory development and to protect adjacent residential amenity

4. No development shall take place until a site-specific Construction Traffic Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The development shall be implemented in accordance with the approved CTMP.

Reason: To ensure a satisfactory development and to protect adjacent residential and highway amenity

5.No development shall commence until a preliminary investigation report has been submitted to and approved in writing with the Local Planning Authority. The report must include:

- Desk study
- Site reconnaissance
- Data assessment and reporting
- Formulation of initial conceptual model
- Preliminary risk assessment

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a

detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person (as defined in the DCLG National Planning Policy Framework, March 2012). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

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

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

6. No development shall commence until the approved scope of works for the investigation and assessment 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.

7. Prior to commencement of development a detailed 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, must be prepared and is subject to the approval in writing of the Local Planning Authority.

a) 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 and commencement of its use.

b) In the event that the proposed remediation scheme involves the provision of a ground cover system a plan indicating the existing and proposed external ground levels on the application site shall be submitted for approval to the Local Planning Authority.

c) The development shall proceed in accordance with the external ground levels approved under (b) unless the Local Planning Authority gives its prior written approval to any variation.

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.

8 No development shall commence until a sustainable surface water drainage scheme (including timetable for implementation), has been submitted to and approved in writing by the local planning authority. This drainage scheme shall be in accordance with the Drainage Layout Drawing Number 6392-DR-R01-Rev P4, dated 12 Dec 2023 and the principles outlined in the SuDS Pro-Forma, the Flood Risk Assessment and Drainage Strategy Reports.

The scheme shall be implemented in accordance with the approved details and timetable and retained thereafter in perpetuity.

Reason: These details are needed prior to the commencement of development in order to promote sustainable development, in order to secure proper drainage and to manage risk of flooding and pollution.

9 No development shall commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter, managed and maintained in perpetuity in accordance with the approved details.

Reason: These details are needed prior to the commencement of development in case design changes are necessary; to promote sustainable development, in order to secure proper drainage and to manage risk of flooding and pollution.

During Building Works

10 a) The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than development required to carry out the remediation.

b) Following completion of the remedial works identified in the approved remediation strategy, a verification report that demonstrates compliance with the agreed remediation objectives and criteria must be produced and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

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

11 a) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

b) Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by Condition 10.

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.

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

Reason: In order to safeguard the living conditions of nearby occupiers and to safeguard the character and appearance of the area.

13 A suitable scheme of acoustic glazing for the care home shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the care home becomes first occupied and retained thereafter.

Reason: In the interest of residential amenity.

14 A suitable scheme of acoustically treated ventilation for the care home shall be agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the care home becomes first occupied and retained thereafter.

Reason: In the interest of residential amenity.

15 A suitable scheme of alternative ventilation of the care home based upon Section 4.2 and 5 of the Noise Impact Assessment Report Ref: 101139-V2 dated 23 October 2023 shall be submitted to and approved in writing with the local planning authority. The approved scheme shall be implemented before the care home becomes first occupied and retained thereafter.

Reason: In the interest of residential amenity.

16 No development above slab level shall take place until details of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: In the interest of visual amenity.

Before the Development is Occupied

17 The development shall not be occupied until details including the height, length, width and materials of the substation have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full.

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

18 No development shall be occupied until a suitable scheme of 1) assessment and 2) noise control for any plant and machinery has been submitted to and approved in writing by the local planning authority. The approved scheme must be installed before the plant becomes operational and retained thereafter.

Reason: In the interests of residential amenity.

19 No development shall be occupied until details in respect to the proposed boundary treatment including details for an acoustic fence between the car park and adjacent residential properties has been first submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in full accordance with the approved details.

Reason: In the interest of visual and residential amenity.

20 The development shall not be occupied until a landscaping plan based upon the principles of the Landscape Masterplan Drawing Reference: 1641-001 Rev E and Section 3.3 of the Ecological Addendum November 2023 has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented within the first planting season following the first use of the building.

Reason: In the interest of visual amenity and ecological enhancements.

21 Prior to first occupation of the care home hereby approved, a colour copy of a leaflet, produced by MEAS and approved by Natural England, to inform residents about the Sefton Coast and the importance of the European sites, and responsible user code and the locations of suitable alternative natural greenspaces shall be included in the sales pack.

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

22 Prior to the first occupation of the care home all windows in the east and west elevations to corridors shall be obscurely glazed to Pilkington code level 3.

Reason: To protect the living conditions of adjacent residential properties.

23 The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

24 No development shall be occupied until space has been laid out within the site in accordance with drawing no Drawing No. 22-2426 (02) 101 P07 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for the parking of vehicles such purposes in perpetuity thereafter.

Reason: In the interests of highway safety.

Ongoing Conditions

25 The hairdressers and café that form part of the care home shall only be used by staff, residents and their visitors in the care home.

Reason: To ensure control over the operation of such facilities in the interests of highway amenity and neighbouring/ adjacent occupiers and land users.

26 If within a period of 5 years from the date of the planting of any tree proposed as part of the land scaping scheme, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree.

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

27. The development shall only be occupied by persons over 55 years of age.

Reason: To provide appropriate facilities and ensure a satisfactory form of development for the over 55's.

28 The pedestrian access to Poverty Lane shall remain available for the lifetime of the development.

Reason: To support sustainable travel options.