

**Report of:** CHIEF PLANNING OFFICER Derek McKenzie

**Report to:** PLANNING COMMITTEE **Date of Meeting:** 18<sup>th</sup> September 2024

**Subject:** [DC/2021/00015](#)  
[Land To The South Of Deyes Lane Maghull L31 6DJ](#)

**Proposal:** Erection of 74 homes including new vehicular access off Deyes Lane, car parking, landscaping and associated site works following demolition of existing buildings.

**Applicant:** Mr Sean McBride  
Castle Green Homes and  
Parkhaven Trust

**Agent:**

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

**Reason for Committee Determination:** Application previously considered by Planning Committee

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## Summary

This application seeks full planning permission to build 74 houses at the Parkhaven Trust site on Deyes Lane, Maghull. The scheme involves an amended layout to that considered by Planning Committee on 15 March 2023 which has arisen due to a change in applicant.

The main issues to consider include the principle of the development, its design and impacts on the character of the area, living conditions, highway safety, ecology, trees and flood risk. Matters relating to affordable housing, housing mix and planning obligations are also relevant.

The report concludes that the proposal complies with adopted Development Plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions, a Section 106 legal agreement and the concerns raised by the Environment Agency being addressed.

**Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement and delegated authority to address the concerns raised by the Environment Agency**

**Case Officer** Diane Humphreys

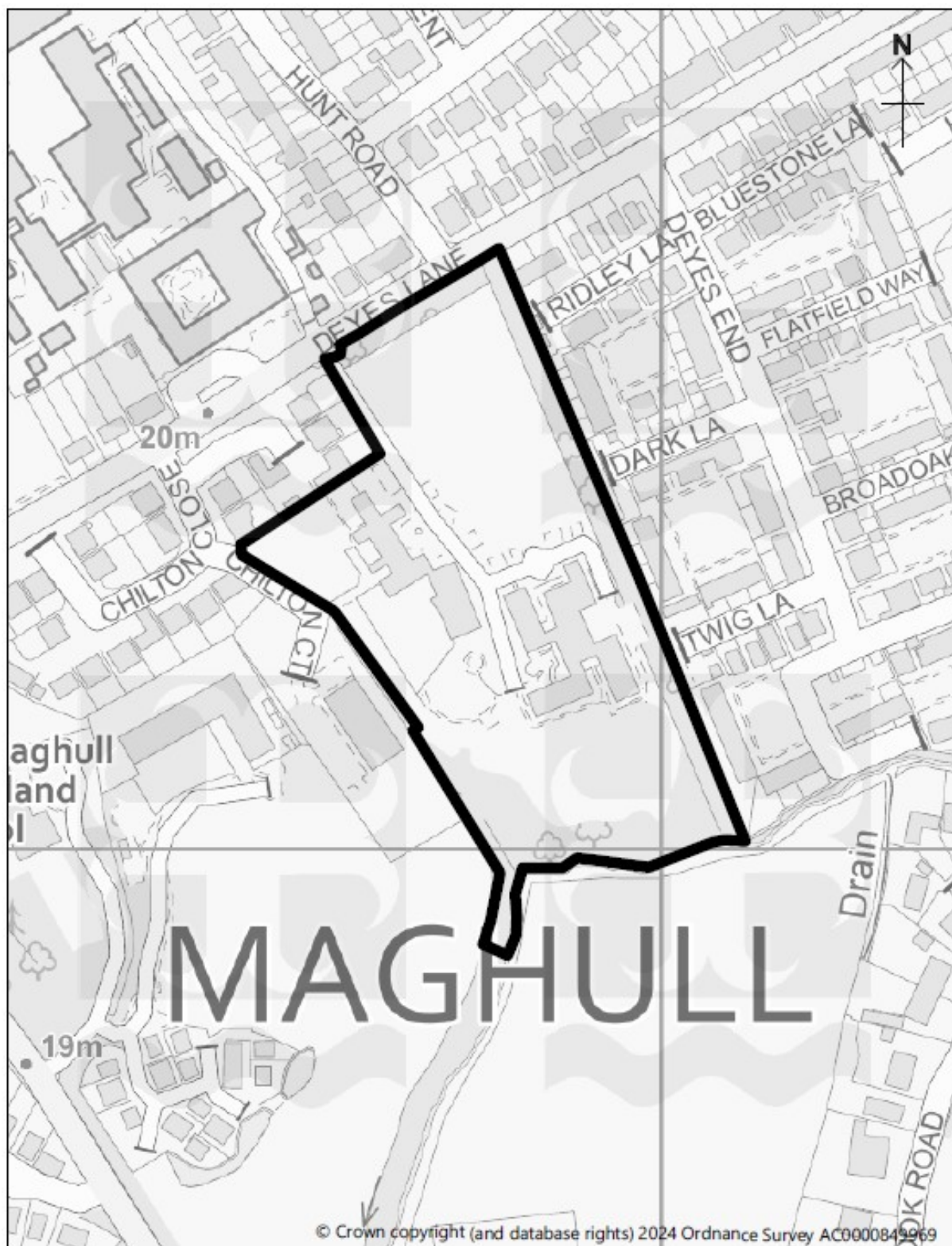
**Email** [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone** 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QMGWAVNW00600>

## Site Location Plan



## The Site

The 3.2 hectare site lies on the south side of Deyes Lane, Maghull, roughly opposite Deyes High School. It contains two care homes, one of these (Kyffin Taylor House) is vacant whilst the other (James Page House) is operated by the Parkhaven Trust as a care home.

The site is bordered on three sides by residential properties of various styles whilst its southern edge is formed by Whinny Brook with open fields beyond.

## History

None relevant

## Consultations

### **Local Plans Manager**

No objection subject to conditions and a Section 106 agreement

### **Maghull Town Council**

Amendments should be sought in respect of phasing, affordable housing and housing mix

### **Environmental Health Manager**

No objection subject to conditions

### **Highways Manager**

No objection subject to conditions

### **Flooding and Drainage Manager**

No objection

### **Environment Agency**

Object due to insufficient details

### **United Utilities**

No objection subject to a condition

### **Merseyside Environmental Advisory Service**

No objection subject to conditions and a Section 106 legal agreement

### **Natural England**

No objection subject to mitigation

**Tree Officer**

No objection subject to a condition

**Building Control Manager**

No objection

**Fire and Rescue Service**

Objection in relation to the furthest plots with shared driveways

## Neighbour Representations

Local residents were notified of the latest proposals on 17 May 2024 and 10 written objections have been received. The reasons for objecting are summarised below:

- Historic lack of maintenance of trees along the eastern boundary of the application site causes problems for adjacent residents including loss of light and damage to gardens
- How and who will maintain these trees and will a fence be built?
- Loss of trees and hedges out of character with the area
- Impact on wildlife including hedgehogs which are an endangered species
- Overlooking and loss of light
- Extra traffic and pollution
- Object to the proposed new layby due to highway safety issues caused by school traffic
- History of poor drainage and flooding in the area
- Can money be spent on replacing trees in our green spaces?

Councillor Hardman has also drawn attention to the long-standing problems experienced by residents to the east of the site relating to maintenance of the trees.

A representation has been received from the Merseyside and West Lancashire Bat Group on the basis that updated dusk emergence bat surveys are required.

## Policy Context

The application site lies within an area designated as an Education and Care Institution 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 current proposal is an amended scheme to that considered at Planning Committee on 15 March 2023 when it was resolved to approve the application subject to conditions and the completion of a Section 106 legal agreement. The scheme considered at that meeting involved a residential development of 53 houses and 22 apartments totalling 75 new homes.
- 1.2 Due to a change in applicant (Redrow Homes replaced by Castle Green Homes) the legal agreement was not completed therefore the planning permission could not be issued.
- 1.3 The new applicant wishes to provide a residential development of 74 houses. The amended scheme involves a revised layout to that considered by committee with the introduction of new house types and associated amendments to landscaping proposals.
- 1.4 The main issues to consider include the principle of the development, its design and impacts on the character of the area, living conditions, highway safety, ecology, trees and flood risk. Matters relating to affordable housing, housing mix and planning obligations are also relevant.

### 2. Principle

- 2.1 The principle of residential development on the site was considered acceptable for the earlier proposal as it complied with Development Plan policy comprising the Sefton Local Plan and Maghull Neighbourhood Plan.

#### Local Plan

- 2.2 The site is designated as a care institution in the Sefton Local Plan and the proposal is considered to comply with policy HC7 'Education and Care Institutions' as a site in former use as a care institution. This is because whilst one of the care homes on the site (Kyffin Taylor House) is vacant, the other (James Page House) will be replaced by a new facility at the Parkhaven Trust site at Liverpool Road South.
- 2.3 A phasing plan submitted with the earlier application showed the area occupied by James Page House including a large garden amenity area for its residents would be developed as a second phase. A condition was to be imposed to ensure the development was carried out in accordance with the submitted phasing plan thereby retaining the amenity space whilst the care home remained operational and satisfying part 3 of policy HC7.

- 2.4 For the latest proposal, the applicant plans to construct the development as a single phase and has suggested a condition could be imposed preventing the commencement of development (other than site clearance and demolition of Kyffin Taylor House) prior to the vacant possession of James Page House which is expected to occur 18 months from acquisition of the site. This would ensure compliance with policy HC7 part 3.
- 2.5 The proposal for residential use is generally compatible with the surrounding area thereby satisfying that test in part 3 of policy HC7.
- 2.6 As the proposal is for residential use outside a designated primarily residential area, Local Plan policy HC3 'Residential development and primarily residential areas' is applicable, specifically part 3. The proposal does not conflict with this policy subject to it providing an acceptable residential environment and being consistent with other local plan policies, matters which will be discussed elsewhere within this report.

### Neighbourhood Plan

- 2.7 The Maghull Neighbourhood Plan policy MAG4 'Residential character areas' shows the application site as being in the Hall Lane character area. The proposal should respond to the character of that area which the plan states "is one of the oldest parts of Maghull with a mixture of established and imposing Victorian buildings. The building materials used are also a mixture which is dependent on the age of the building but include red and sandstone coloured bricks, stone, tiles and slate. The roads are narrow and tree lined with the boundary treatments being mostly high sandstone walls."
- 2.8 The applicant's 'Supplementary Planning and Design Justification Statement' sets out how the latest proposal responds positively to the character of the area thereby according with Neighbourhood Plan policy.

## **3. Design and Character**

- 3.1 The proposal involves a residential development of 74 homes comprising a mix of two-storey two, three and four bed terraced, semi-detached and detached houses. The houses will be built in red brick with some white render detailing and grey or red roof tiles.
- 3.2 The mix of house types and the use of materials add interest to the scheme which relates positively to the character and form of its surroundings thereby complying with Local Plan policy EQ2 'Design' and Neighbourhood Plan policy MAG4 'Residential Character Areas'. The applicant's supplementary statement advises that lower density detached housing located close to the Deyes Lane frontage reflects the character of existing properties in the area with a higher density and greater range of house types within the development site.

- 3.3 Much of the site's character is formed by the trees and hedges which provide a natural setting to the proposed development with the new houses set back from the Deyes Lane frontage. Whilst the proposal involves some loss of trees and hedgerows (see section 7 below) it is considered that the landscaping proposals provide suitable replacement planting and retain the site's natural character.
- 3.4 The current and previously considered proposals achieve a net density of approximately 31 dwellings per hectare in compliance with Local Plan policy HC3 'Residential development and primarily residential areas' part 4.

#### **4. Living Conditions**

- 4.1 The impact of the proposal on the living conditions of residents surrounding the site and those who will occupy the site in the future needs to be assessed against Local Plan policies HC3 part 3 and EQ2 'Design' and the guidance set out in the 'New Build Homes' Supplementary Planning Document (SPD).

##### Existing Residents Surrounding the Site

- 4.2 There are residential properties bordering the site to the north, east and west. Distances between these dwellings and the proposed dwellings are in accordance with the guidance and therefore sufficient to prevent harmful impacts on existing residents' living conditions through overlooking, overshadowing or loss of outlook.
- 4.3 A condition is recommended in accordance with advice from the Environmental Health Manager to secure a Construction Environmental Management Plan (CEMP). This will control matters such as noise, dust and vibration during the demolition and construction phases.



### Future Occupiers of the Site

- 4.4 The application has been assessed against the guidance contained in the 'New Build Homes' SPD in respect of interface distances and garden sizes and all relevance guidance is met.
- 4.5 The scheme satisfies Local Plan policies HC3 and EQ2 and relevant guidance in respect of impacts on residents' living conditions.

### **5. Highway Safety**

- 5.1 A Highways Technical Note has been submitted with the amended layout and reviewed by the Highways Manager.
- 5.2 The applicant has demonstrated that the proposal will generate a similar level of traffic to the previous scheme and the Highways Manager is satisfied that this is not expected to have a severe impact on the highway network.
- 5.3 The proposed access road into the site from Deyes Lane will be 5.5 metres wide with 2 metre wide footways either side. There are several shared private driveways within the site; these have widths of either 4.8m or 5.5m and are in line with current Council guidance and considered acceptable.
- 5.4 The level of car parking for the development accords with the Council's guidance contained in the 'Sustainable Travel and Development' Supplementary Planning Document. A section of lay-by parking for four vehicles will be introduced on Deyes Lane to help accommodate on-street parking demand. This will enable additional safe parking in the area without adversely impacting on the flow of traffic on Deyes Lane or the inter-visibility along Deyes Lane between vehicles and pedestrians crossing the road at the uncontrolled pedestrian crossing in the speed table.
- 5.5 The Highways Manager has raised no objections to the proposal subject to conditions to secure off-site highway improvements, parking provision, visibility splays, a travel plan, access provision and a Construction Traffic Management Plan (CTMP). The CTMP should take account of the on-going redevelopment at Deyes High School opposite the site and minimise impacts on residents both locally and within the wider Maghull area.
- 5.6 The Fire and Rescue Service has raised an objection in respect of access for fire appliances to some of the plots. This matter would be considered under the Building Regulations and the Building Control Manager has commented that reasonable provision appears to have been made for fire brigade access.

5.7 The proposed scheme meets Local Plan policy EQ3 'Accessibility' and relevant guidance in respect of issues relating to highway safety.

## **6. Ecology**

6.1 The applicant has submitted an updated ecological 'walkover' (searches for signs of protected plant and animal species on the application site) to supplement the various ecological reports previously submitted alongside the application and these have been reviewed by Merseyside Environmental Advisory Service (MEAS).

6.2 The development is adjacent to Whinny Brook local wildlife site and MEAS recommends a condition to secure reasonable avoidance measures for the watercourse and bank habitats during demolition and construction. These measures can be included in a Construction Environmental Management Plan secured by condition. Further conditions are recommended by MEAS to protect potential bat and breeding bird habitats as well as badger and hedgehog.

6.3 The applicant has submitted a Ground Level Tree Assessment and Dusk Emergence Survey report. MEAS has reviewed the report and commented that the 29 trees of low bat roost potential must be identified so that soft felling techniques (where the tree is carefully dismantled in sections and each section slowly lowered to the ground) can be employed. The survey report has since been updated to identify the 29 trees and MEAS advise that a condition requiring soft felling is acceptable. This is recommended within the condition for a Construction Environmental Management Plan.

6.4 The updated layout has resulted in a net loss of biodiversity on the site. In addition to the landscaping proposals, the applicant has suggested that measures such as invasive species management, bat and bird nesting boxes, hedgehog refuges and bug hotels will provide biodiversity enhancements on the site. MEAS has advised that this proposal is acceptable and can be secured by a condition requiring the submission and approval of a biodiversity enhancement plan. The application is not subject to the 10% biodiversity net gain requirement as it was submitted before these regulations were introduced.

6.5 MEAS states that the proposal will lead to increased visits to the Sefton Coast which comprises sites designated as of ecological importance. Due to potential impacts on these sites, the proposal requires Habitats Regulations Assessment for 'likely significant effects'. MEAS has undertaken the assessment which concludes that, without mitigation measures, there will be 'likely significant effects' on the designated sites. In accordance with Regulation 63 (Habitats Regulations 2017) MEAS has prepared an Appropriate Assessment report which concludes there will be no adverse effect on the integrity of the site provided mitigation measures are secured. These take the form of a condition requiring an information leaflet to be given to new residents and a commuted sum payment to manage recreational pressure secured by a section 106 legal agreement.

6.6 The Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton. The applicant has confirmed their agreement to the 'opt-in' approach comprising a commuted sum payment of £76 per home, at 2024/25 prices, as the site is in the outer zone, away from the Coast. This gives a total commuted sum of £5,624.

6.7 Natural England has been consulted on the outcome of the Appropriate Assessment (AA) and has raised no objections subject to the appropriate mitigation being secured. The AA forms Annex 1 to this committee report and Natural England's comments are at Annex 2.

6.8 The proposal satisfies Local Plan policy NH2 'Nature', relevant guidance and the Habitats Regulations in relation to impacts on ecology.

## **7. Trees and Landscaping**

7.1 The majority of the tree cover on the site is located around its perimeter with a number of smaller ornamental trees located within the site.

7.2 The application has been reviewed by the Council's Tree Officer. The proposal involves the loss of 36 individual trees and 9 groups as well as the removal of sections of hedgerow including the removal of the hedgerow along the Deyes Lane frontage. This hedgerow does have good amenity value and adds to the character of the area. However, its removal would facilitate the improvement and widening of the footpath along the Deyes Lane frontage which is necessary to provide safe access to the site.

7.3 The landscaping proposals involve the planting of 94 new trees and hedgerows with the remaining trees shown to be adequately protected during construction. This is considered acceptable and the Tree Officer raises no objections to the proposals subject to the submitted arboricultural documents being listed as approved documents.

7.4 Local residents have raised concerns about an historic lack of maintenance of trees along the eastern boundary of the application site causing problems including loss of light and damage to gardens. The applicant has agreed to a condition requiring the submission and approval of a landscape management plan to address this issue.

7.5 The proposal satisfies Local Plan policies EQ2 'Design' and EQ9 'Provision of public open space, strategic paths and trees' in respect of impacts on trees and landscaping proposals.

## **8. Flood Risk**

- 8.1 The application is accompanied by a Flood Risk Assessment and Drainage Strategy (FRA & DS) which has been reviewed by the Flooding and Drainage Manager and United Utilities. The majority of the site is located in Flood Zone 1, where there is a low risk of flooding, with a narrow corridor along the southern boundary adjacent to Whinny Brook being in a higher risk category. No development is proposed within this higher risk corridor.
- 8.2 The plans show a sustainable drainage (SuDS) pond in the south-west corner of the site. Consultees raise no objections subject to a condition requiring the development to be carried out in accordance with the submitted foul and surface water drainage design drawing and limiting the rate of surface water drainage to 8.9 litres per second.
- 8.3 The Environment Agency (EA) has been consulted as Whinny Brook is designated as a 'main river'. The EA has requested additional information from the applicant to clarify whether any works will take place within 8 metres of Whinny Brook and ascertain whether the EA is likely to grant a permit. Any further information on this matter will be reported as late representations and delegated authority is requested to enable the issue to be resolved before the application is determined. The FRA & DS acknowledges that an Environmental Permit may be required from the EA. This can be added as an informative.
- 8.4 Subject to the EA's concerns being addressed, the proposed scheme satisfies Local Plan policy EQ8 'Flood risk and surface water'.

## **9. Affordable Housing and Housing Mix**

### Affordable Housing

- 9.1 The affordable housing requirement for the site is 30% which equates to 22.2 dwellings, consistent with Local Plan policy HC1 'Affordable and Special Needs Housing'. However, the applicant has submitted a Vacant Building Credit (VBC) Statement requesting the application of eligible VBC to the site which contains a vacant building, Kyffin Taylor House.
- 9.2 The VBC statement demonstrates that the measurements for the vacant Kyffin Taylor House provided by the applicant and verified by the Council as part of the previous scheme enables a reduction from 22.2 to 19.0 affordable homes. This is in line with part 5 of policy HC1.
- 9.3 The proposal provides 19 affordable homes which is acceptable. In line with policy and government guidance two thirds of the 19 homes should be affordable or social rent and the remainder should be affordable home ownership properties. The Affordable Housing Layout shows that 12 of the affordable homes (63%) are for affordable rent and 7 are affordable home ownership properties (37%) which is acceptable. At least 25% of the affordable homes should be in the First Homes tenure, a type of affordable home

ownership. Therefore, of the 19 affordable homes, 5 of these should be made available as First Homes. These are provided.

9.4 The First Homes (and other discounted market homes) should be made available in line with Sefton's Local eligibility and price cap criteria, as set out in the 'Affordable and Supported Homes' Supplementary Planning Document. This can be secured in the section 106 legal agreement (see section 10 below).

9.5 The affordable homes are 'tenure blind' and reasonably dispersed throughout the site. The development will be constructed in a single phase as discussed in paragraph 2.4 above.

9.6 The proposed development meets Local Plan policy HC1 and relevant guidance.

### Housing Mix

9.7 Local Plan policy HC2 'Housing Type, Mix and Choice' part 1 requires that 25% of the market homes are provided as 1 or 2 bedroom homes and 40% of the market homes provided as 3 bed homes. Of the 55 market homes proposed, 14 have 2 bedrooms (25%) and 22 (40%) have 3 bedrooms.

9.8 Policy HC2 part 2 requires that 20% of the market homes are designed to meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings'. The proposal provides 14 such homes which equates to 25% of the market homes.

9.9 The proposal satisfies policy HC2 in respect of housing mix, type and choice.

## **10. Planning Obligations**

10.1 A section 106 legal agreement can secure the affordable housing units as well as management of the public open space. It can also secure a Travel Plan and require the developer to enter into a section 278 Highway Agreement with the Council to deliver off-site highway works and visibility splays to all junctions within the development site.

10.2 In terms of financial contributions, the site requires an education contribution to provide capacity in local schools to meet the needs of the new development. This is in line with Local Plan policy IN1 'Infrastructure and Developer Contributions' and the 'Contributions towards education provision – a guide for developers (2017)' information note. A financial contribution of £2,700 per dwelling at 2024/25 prices is required giving a total requirement of £199,800 which can be secured through the legal agreement.

10.3 The financial contribution of £5,624 to mitigate recreational pressure on the Sefton Coast, set out in section 6 above, can also be secured in the legal agreement.

10.4 The legal agreement will be subject to a monitoring fee equivalent to 15% of the planning application fee. The monitoring fee for this application will be £4,008.45.

## **11. Energy Efficient and Low Carbon Design**

11.1 Local Plan policy EQ7 'Energy Efficient and Low Carbon Design' states that major development should incorporate measures to reduce greenhouse gas emissions where practicable. The proposed development will be required to provide electric vehicle charging points for the new dwellings as part of the Building Regulations process. The proposal satisfies Local Plan policy EQ7.

## **12. Other Issues**

12.1 The previous recommendation in March 2023 included a condition for full fibre optic broadband. This is no longer referred to in the Council's guidance ('New Build Homes' Supplementary Planning Document May 2023) so the condition is not considered necessary or reasonable.

12.2 Merseyside Environmental Advisory Service (MEAS) has recommended conditions to secure suitable treatment of invasive plant species on the site and a programme of archaeological work due to the potential for archaeological remains to be present from the medieval pond. A waste audit is also recommended due to the scale and nature of the proposal.

12.3 The site lies within a Minerals Safeguarding Area and an assessment has been submitted as required by Local Plan policy NH8 'Minerals'. The assessment has been reviewed by MEAS and accepted that sand extraction is unlikely to be economically feasible thereby complying with policy NH8.

12.4 Objections raised on planning grounds by local residents have been addressed elsewhere in this report. There is no policy requirement or justification for spending money on replacing trees in green spaces elsewhere.

## **13. Equality Act Consideration**

13.1 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.

13.2 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. Whilst the proposal specifically affects older people due to the loss of two care homes on the site these have or will be replaced by new facilities at the Parkhaven Trust's site in Liverpool Road South.

#### **14. Conclusion and Planning Balance**

14.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for Sefton comprises the Local Plan, Neighbourhood Plan and the Minerals and Waste Local Plan.

14.2 Whilst the proposal does not fully comply with Local Plan policy HC7 at present, it is capable of complying provided the houses are not built before both care homes become vacant. This can be controlled by condition.

14.3 The scheme's design is in character with the local area and residents' living conditions are protected both within the site and in the surrounding area. Consultees have not raised objection in respect of issues relating to highway safety, ecology, trees and flood risk. Policies relating to affordable housing and housing mix are satisfied.

14.4 Overall, the proposal complies with adopted development plan policy and, in the absence of any other material planning considerations, the application is recommended for approval subject to conditions and a section 106 legal agreement.

### **Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement and delegated authority to address the concerns raised by the Environment Agency**

#### **Time Limit for Commencement**

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

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

## Approved Plans

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

Drawing No. DLM-SLP.01 rev A	Location Plan
Drawing No. DLM-SP-01 rev I	Proposed Site Plan
Drawing No. DLM-MCL.01 rev A	M4(2) Compliant Layout
Drawing No. DLM-AHL.01 rev A	Affordable Housing Layout
Drawing No. DLM-MP.01 rev A	Materials Plan
Drawing No. WCL-CCP.01 rev A	Waste Collection Layout
Drawing No. DLM-CCP.01 rev A	Car Charging Point Plan
Drawing No. 7385.01 rev D	Landscape Proposals Sheet 1 of 2
Drawing No. 7385.02 rev E	Landscape Proposals Sheet 2 of 2
Drawing No. 7385.04 rev C	Landscape Proposals Hard Landscape Sheet 1 of 2
Drawing No. 7385.05 rev C	Landscape Proposals Hard Landscape Sheet 2 of 2
Drawing No. 7385.06 rev A	Tree Protection Plan
Drawing No. SCP-240210-S104-0500-001 rev C	S104 Drainage Layout
Buckingham House Type Floor Plans and Elevations	
Cambridge House Type Floor Plans and Elevations	
Drawing No. EAT.E.TF.1-PD-00	Planning Floor Plans
Drawing No. EAT.E.TF.1-PD-01	Elevations (Brick)
Drawing No. EAT.E.TF.1-PD-02	Elevations (Render)
Drawing No. EAT.M.TF.1-PD-00	Planning Floor Plans
Drawing No. EAT.M.TF.1-PD-01	Elevations (Brick)
Drawing No. EAT.M.TF.1-PD-02	Elevations (Render)
Drawing No. EVE.TF.1.PD-00	Floor Plans
Drawing No. EVE.TF.1.PD-01	Elevations (Brick)
Drawing No. EVE.TF.1.PD-02	Elevations Render
Drawing No. CHA.TF.1-00	Floor Plan
Drawing No. CHA.TF.1-01	Elevations Brick
Drawing No. HEA.TF.1.PD-00	Floor Plans
Drawing No. HEA.TF.1.PD-01	Elevations (Brick)
Drawing No. HEA.TF.1.PD-02	Elevations (Render)
Drawing No. HEN.TF.1.PD-00 rev A	Floor Plans
Drawing No. HEN.TF.1.PD-01	Elevations (Brick)
Drawing No. HEN.TF.1.PD-02	Elevations (Render)
Drawing No. OAK.E.A.TF.1.PD-01	Floor Plans
Drawing No. OAK.E.A.TF.1-02	Elevations (Brick Hipped)
Drawing No. OAK.E.A.TF.1-03	Elevations (Render Hipped)
Drawing No. OAK.E.A.TF.1-04	Elevations (Brick Gable)
Drawing No. OAK.E.A.TF.1-05	Elevations (Render Gable)



Drawing No. WIL.TF.1.PD-00 rev B Floor Plans  
Drawing No. WIL.TF.1.PD-01 Elevations (Brick)  
Drawing No. WIL.TF.1.PD-02 Elevations (Render)  
Drawing No. WIN.TF.1.PD-00 rev A Floor Plans  
Drawing No. WIN.TF.1.PD-1 Elevations – Brick  
Drawing No. WIN.TF.1.PD-2 Elevations – Render  
Drawing No. SinGar-01 rev A and SinGar-02 rev A Single Garage Plans  
Drawing No. SD-700 Screen Fencing 1.8m Standard Effect  
Drawing No. SD-701 Gate Within Screen Fence 1.8m High  
Report No. MG/7385/AIA&AMS/REV A/MAY24 Arboricultural Impact Assessment and Method Statement (Revision A)

Reason: For the avoidance of doubt.

### Before the Development is Commenced

- 3) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include the following:
- The proposed construction hours
  - Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - Arrangements for liaison with the Council's Pollution Control Team
  - Measures to control the emission of dust and dirt during construction
  - Measures to control the emission of noise during construction
  - A scheme of piling methodology which provides justification for the methods chosen and details proposed noise and vibration suppression methods.
  - Details of external lighting to be used during construction
  - Reasonable avoidance measures to protect water vole, otter, badger and hedgehog and their habitats
  - Pollution prevention measures for watercourse and bank habitats during construction
  - A method statement for tree felling in relation to bats
  - A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

- 4) No development shall commence, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include the following:

- The proposed construction hours
- Details of temporary construction access
- The parking of vehicles of site operatives and visitors
- The loading, unloading and storage of plant and materials
- The location of the site compound
- A construction traffic routeing plan
- The times of the movement of heavy goods vehicles from the site
- Wheel washing facilities

Reason: To ensure the safety of highway users.

- 5) No development or site clearance shall commence until a written scheme of investigation for archaeological work has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: The details are required prior to development or site clearance commencing to ensure that investigation takes place at an appropriate period during the development process.

- 6) No development shall commence until a method statement showing the extent of Himalayan Balsam, wall cotoneaster and field horsetail and a scheme for their eradication from the site has been submitted to and approved in writing by the local planning authority. The method statement shall include:
  - i. A plan showing the extent of the invasive species,
  - ii. What methods of eradication will be used to prevent the plant spreading further, including demarcation,
  - iii. What methods of control will be used including details of post-control monitoring, and
  - iv. What methods will be used to dispose of the plants after treatment/removal.

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

Reason: The details are required prior to commencement to ensure that Himalayan Balsam, wall cotoneaster and field horsetail are eradicated from the development site and to prevent the spread of the plant through development works.

- 7) No development shall commence until a detailed biodiversity enhancement plan, which shall include a programme for the implementation of the works and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and programme and the management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason: The details are required prior to the commencement of development to safeguard conservation of species/habitats both during the construction period and following the development's completion and to provide biodiversity enhancements on the site.

8) No development shall commence, other than site clearance and demolition of Kyffin Taylor House, prior to the vacant possession of James Page House.

Reason: To protect the recreational space on the site until such time that the remaining care home becomes vacant.

### **During Building Works**

9) No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations shall take place during the period 1st March to 31st August inclusive unless checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

Reason: To protect birds during their breeding season.

10) Prior to the erection of any lighting on the site a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats, shall be submitted to and approved in writing by the local planning authority. The approved mitigation strategy shall be implemented prior to the erection of any lighting on the site and thereafter retained in perpetuity.

Reason: To safeguard conservation of species/habitats.

### **Before the Development is Occupied**

11) No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling for car(s) to be parked and that space shall thereafter be kept available for the parking of vehicles in perpetuity.

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

12) No dwelling shall be occupied until facilities for the secure storage of cycles have been provided for that dwelling 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.

- 13) No dwelling shall be occupied until the access road shown on drawing no. DLM-SP-01 rev I has been constructed to the base course level to enable access to the dwellings.

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

- 14) No dwelling shall be occupied until a colour copy of the information leaflet 'Respecting Nature in Sefton: A voluntary code for responsible recreation' which sets out information about the Sefton Coast has been provided by the developer to the first-time occupiers of that dwelling.

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

- 15) No dwelling shall be occupied until a gap of 13cm by 13cm has been provided within the base of each length of boundary fencing serving the respective plot in order to maintain connectivity for hedgehog. The gap shall be maintained free of obstruction at all times.

Reason: To secure biodiversity enhancement.

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

Reason: To safeguard conservation of species/habitats.

- 17) Within the first planting/seeding season following completion of the development, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 18) Prior to the occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management shall be carried out in accordance with the approved plan over the period specified.

Reason: To ensure an acceptable long term visual appearance to the development

- 19) No dwelling shall be occupied until the drainage scheme for the development has been completed in accordance with Drawing No. SCP-240210-S104-0500-001 rev C. For the avoidance of doubt, surface water shall drain no greater than the restricted rate of 8.9 litres per second and no surface water shall drain into the public sewer. The approved drainage infrastructure shall be permanently retained thereafter.

Reason: To promote sustainable development, in order to secure proper drainage and to manage the risk of flooding and pollution.

- 20) No dwelling shall be occupied until visibility splays of 2.0 metres x 2.0 metres measured down each side of the driveway to that property have been provided clear of obstruction to visibility at or above a height of 1.0 metres above the footway level of the new development. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

### **Informatives**

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail [snn@sefton.gov.uk](mailto:snn@sefton.gov.uk) to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk) for further information.
- 3) There will be a requirement for the applicant to enter into a s278 Highways Act 1980 Legal Agreement to facilitate the works on the adopted public highway and a s38 Highways Act 1980 Legal Agreement to have the proposed new carriageways and footways within the development adopted by the Council. Please contact Sefton's Highway Development and Design team in this respect - email: [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk)
- 4) Traffic Regulation Orders (TROs) will be required for a 20mph speed limit on the proposed access roads within the development site and to introduce waiting restrictions on the new access road and amend and introduce waiting restrictions along Deyes Lane.
- 5) The applicant is advised to contact the Environment Agency for advice on carrying out works close to a 'main river'.
- 6) This permission is subject to a Section 106 legal agreement.

## **Annex 1 – Appropriate Assessment**

**Appendix 2: Appropriate Assessment – Sefton ref. DC/2021/00015, Land To The South Of Deyes Lane, Maghull. L31 6DJ**

Introduction

36. Appropriate Assessment determines if the proposals will have an adverse effect on the integrity of European sites. A clear distinction has been made between embedded mitigation measures, which are essential features and characteristics of the proposals and additional avoidance and mitigation measures that are solely designed to avoid significant effects on European sites.

Assessment of Effects carried through to Appropriate Assessment:

**Operational phase - noise and visual disturbance effects**

*Habitat degradation, noise and visual disturbance through increased recreational pressure*

37. Sefton Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton. Proceeds will be used on enhancing existing visitor management measures and in creating new provisions such as signage, education and increased ranger presence.

**Additional mitigation**

38. Respecting Nature in Sefton Information Leaflet to be provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.

Receptor	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
Qualifying features of: <ul style="list-style-type: none"> <li>Sefton Coast SAC (dune habitat and European protected species);</li> <li>Ribble &amp; Alt Estuaries SPA (non-breeding birds); and</li> </ul>	Increased in-combination recreational pressure causing habitat degradation and increased disturbance to qualifying species. This is a significant threat to the conservation status of Internationally protected species and nationally and internationally important bird species. This medium-sized project for 74 additional dwellings is one of a	Sefton Council has adopted an Information Note on mitigating the impact of recreational pressure within Sefton <sup>22</sup> . In order to ensure that recreational pressure effects are adequately mitigated, the applicant can opt-in to both of the following mitigation measures: <ul style="list-style-type: none"> <li><b>Commuted sum contribution for each new home</b></li> </ul>	Provided the commuted sum of £5,624 is secured via <u>Section 106 legal agreement</u> and that the Sefton Information Leaflet is implemented in full and is <u>secured by planning condition</u> there will be <b>no adverse effect on the integrity of the European sites.</b>

<sup>22</sup> <https://www.sefton.gov.uk/media/4485/202112-recpressureinonote-draft.pdf>

<ul style="list-style-type: none"> <li>Ribble &amp; Alt Estuaries Ramsar site.</li> </ul>	<p>number of developments in the Maghull area, as well as larger allocated site residential developments, such as Land East of Maghull (Poverty Lane), as included in the Local Plan. Therefore, the development will contribute to recreational pressure in combination with these developments.</p> <p>The town of Maghull is resourced in terms of public open space, with Leeds to Liverpool canal providing a significant draw for daily recreation such as walking and dog walking.</p>	<p>A commuted sum contribution will be required for each new home (net new home) of:</p> <ul style="list-style-type: none"> <li><b>£76 per new home in the core zone</b> (outer zone as shown on map 1 of the Information Note). This includes Maghull, in which the proposal lies. In this instance a commuted sum of £5,624 is required for the 74 dwelling proposal.</li> <li><b>Leaflets for new householders</b></li> </ul> <p>A colour copy of the leaflet<sup>23</sup> setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England. Applicants may also make this leaflet available in digital form to all first-time occupiers.</p> <p>The applicant has agreed to progress via this mitigation package, as confirmed in the document S106 Heads of Terms, which lists payment of £5,624 for recreational pressure impacts prior to first occupation.</p>	
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**Table 2: Summary of Appropriate Assessment**

<sup>23</sup> [http://www.meas.org.uk/media/11047/lcr\\_leaflet\\_sefton.pdf](http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf)



## Integrity Test

39. On the basis of the above information, it is Sefton Council's opinion that the proposed project to which this screening opinion relates:
- a. is not directly connected with or necessary to the management of the sites; and
  - b. will not lead to an adverse effect upon the integrity of each of the following European sites:
    - Sefton Coast SAC;
    - Ribble & Alt Estuaries SPA; and
    - Ribble & Alt Estuaries Ramsar site.
40. **Accordingly, no assessment of alternatives to the project or consideration of IROPI is required to be made under Regulations 64 of the Habitats Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.**
41. This HRA report has assessed the project as submitted for planning permission. If there are changes to the project e.g. type of build, location, timing, that may affect the conclusions then the project will require further assessment. This is part of the iterative process of undertaking HRA.

## **Annex 2 – Natural England Response**

Date: 19 August 2024  
Our ref: 483964  
Your ref: DC/2021/00015



[planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**BY EMAIL ONLY**

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam,

**Planning consultation:** DC/2021/00015

**Location:** Erection of 74 homes with access, parking, landscaping and associated works following demolition of buildings. Land To The South Of Deyes Lane, Maghull, L31 6DJ

Thank you for your consultation on the above dated 31 July 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated sites,

- Sefton Coast SAC;
- Ribble and Alt Estuaries SPA;
- Ribble and Alt Estuaries Ramsar site

It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those

European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of [its conservation objectives](#)) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

**Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.**

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

M. Clements

Martin Clements  
Consultations Team