

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th October 2024

Subject: **DC/2023/01492**
Former Old Roan Public House Copy Lane Netherton L30 8RD

Proposal: Erection of a 3 storey block of residential apartments, associated works and landscaping following the demolition of the existing vacant public house.

Applicant: 2M Developments (Old Roan) Limited **Agent:** Mr Brad Wiseman
Savills (UK) Limited

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

Reason for Committee Determination: Discretion of Chief Planning Officer

Summary

The main issues to consider include the principle of the development, heritage and design matters, and impacts on living conditions and highway safety.

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 and a Section 106 legal agreement.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement.

Case Officer Diane Humphreys

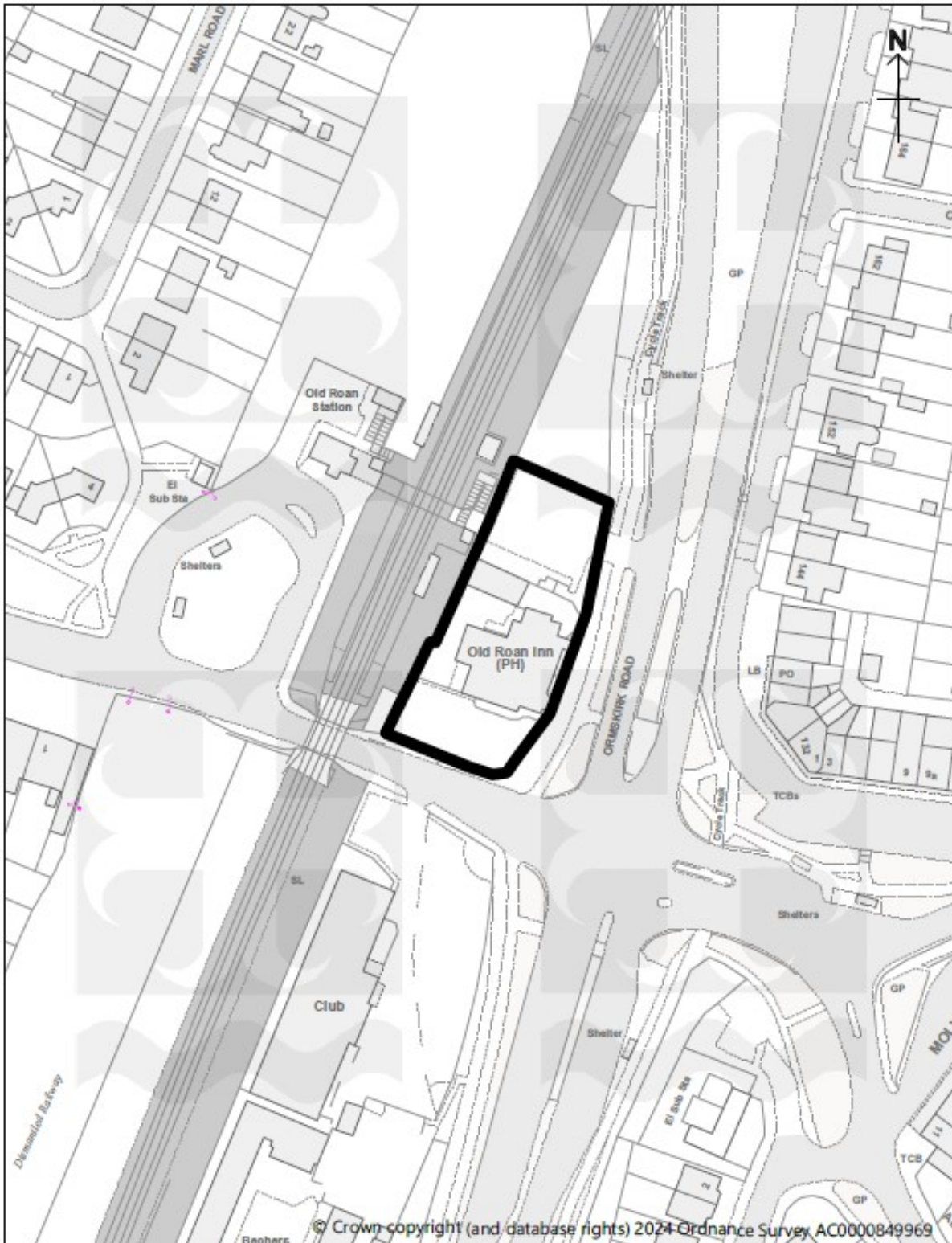
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZWH1QNWHW700>

Site Location Plan



The Site

The application site occupies a prominent position on the corner of Ormskirk Road (A59) and Copy Lane adjacent to the Old Roan railway station. The existing two storey public house on the site has been vacant for over 10 years and has fallen into disrepair.

The site is bordered by non-residential uses with the elevated station platforms and railway line to the west, the Oldy Club to the south on the opposite side of Copy Lane, and the Old Roan local centre on the opposite side of Ormskirk Road to the east. There are residential properties on the opposite side of Ormskirk Road (a dual carriageway) and to the west of the site beyond the train station and bus interchange.

The site has two existing vehicular accesses, one from Copy Lane and one from Ormskirk Road.

History

Two 'Certificate of Lawful Development' applications (DC/2018/01343 and 01561) confirmed the lawful use of the public house as a drinking establishment and a drinking establishment with expanded food provision.

A subsequent planning application (DC/2018/01631) to change the use of the property to a restaurant with an extension and demolition of the coach house was approved in May 2019. This permission was never implemented and has since expired.

Consultations

Local Plans Manager

No objection subject to conditions and a Section 106 legal agreement

Conservation Manager

Contrary to local plan policies but recommend a condition if the public benefits are considered to outweigh the building's total loss

Environmental Health Manager

No objection subject to conditions relating to noise, air quality and contaminated land

Highways Manager

No objection subject to conditions

Tree Officer

No objection subject to conditions

Flooding and Drainage Manager

No objection subject to a condition

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

Network Rail

Applicant should liaise with Network Rail

Fire and Rescue Service

No objection

Neighbour Representations

Local residents were notified of the latest proposals on 31 May 2024 and written objections from 4 residents have been received. The main points of objection are summarised below:

Principle of the Proposal

- Object to the loss of a local landmark with a rich history which has been allowed to deteriorate to such a state of disrepair
- Site would be better in a leisure or community use or as a park and ride facility for the adjacent bus and rail interchange

Living Conditions

- Overlooking from the balconies
- Can trees be planted to improve impacts on existing residents?
- High levels of pollution in the area

Design

- Building does not fit with the local area
- Eyesore if residents hang washing on balconies

Highway Safety

- Dangerous accesses for traffic and pedestrians
- Increased traffic
- Traffic congestion and narrow road and pavements under railway bridge

Other Issues

- Impact on local facilities eg GPs and schools
- How will asbestos be removed?

Policy Context

The application site lies within an area designated as a Primarily Residential Area in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

1. Introduction

- 1.1 The proposal for a three-storey building accommodating 26 apartments involves an amended scheme (submitted in May 2024) to that originally applied for in August 2023 (a part three/part four storey block of 31 apartments).
- 1.2 The main issues to consider include the principle of the development, heritage and design matters, and impacts on living conditions and highway safety.

2. Principle

- 2.1 The application site is located within a 'primarily residential area' as defined in the Sefton Local Plan and the principle of residential development is acceptable under Local Plan policy HC3 'Residential development and primarily residential areas' subject to compliance with other Local Plan policies.

3. Heritage

- 3.1 The Old Roan Inn is a public house dating back to around 1908 and considered to be a non-designated heritage asset (NDHA). NDHAs are identified as having a degree of significance meriting consideration in planning decisions. The building is an NDHA due to its age and value as a local landmark. It has low to medium architectural merit.

- 3.2 The proposal involves the demolition of the existing building resulting in the total loss of the NDHA. A Heritage Statement has been submitted with the application. This advises that the site is in a poor condition as it has been vacant for over ten years and that no viable use has been found despite attempts to secure alternative uses. Public benefits associated with the proposal include significant regeneration improvements for the area and the provision of 26 one and two bed apartments including 4 affordable units.
- 3.3 Local Plan policy NH15 'Non-designated heritage assets' advises that development affecting such assets will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced.
- 3.4 The National Policy Planning Framework (NPPF) offers guidance in respect of the historic environment. Of particular relevance is paragraph 209 which advises that a balanced judgement is required when weighing the merits of a proposed development against the scale of any harm or loss and the significance of a non-designated heritage asset.
- 3.5 The NPPF also states that local planning authorities should not permit the loss of a heritage asset without taking reasonable steps to ensure the new development takes place. If it were concluded that the loss of the public house was justified a condition would be required to secure a historic and photographic analysis of the asset in line with policy NH9 'Heritage Assets' and advice from the NPPF and the Conservation team.
- 3.6 The loss of the building is weighed in the planning balance at section 13 below.

Archaeology

- 3.7 Merseyside Environmental Advisory Service (MEAS) has considered information held on the Merseyside Historic Environment Record and reviewed the Heritage Statement submitted with the planning application.
- 3.8 The site is considered to have the potential to contain below-ground archaeological remains associated with the mid-eighteenth-century public house and smithy previously located on the site. This would warrant further investigation in the form of an archaeological watching brief during remediation or ground works across the site and can be secured by condition.

4 Design and Visual Impact

- 4.1 The proposal involves the erection of a three-storey apartment block of rectangular form to replace a predominantly vacant two storey public house.
- 4.2 Local Plan policy EQ2 'Design' states that development will only be permitted where the proposal responds positively to the character, distinctiveness and form of its surroundings. The policy also requires, in terms of site design, that the arrangement of buildings, structures and spaces within the site, including the density and layout, and the alignment and

orientation of the buildings, relate positively to the character and form of the surroundings and achieve a high quality of design. Part 4 of the policy advises that for major and urban edge sites key landmarks should be retained and new landmark features provided to ensure locally distinctive developments.

- 4.3 The application site is located in an area containing a range of uses, including the Bleasdale shopping area, the Oldy Club, Old Roan railway station and bus terminus as well as residential properties. It is a prominent site located on a key transport route for many forms of transport.
- 4.4 The majority of the buildings in the area are two storeys in height, except for the shopping centre and the building located behind the Oldy Club, which are three storey developments. The railway platform adjacent to the site is elevated. The proposed three storey apartment building responds positively to the character of the area in terms of its height which is considered appropriate for this prominent corner location.
- 4.5 It is proposed to construct the building in red brick with the use of white render for the internal balcony walls and grey zinc cladding for the roof. These materials are characteristic of the area which includes commercial buildings. The building's mass and bulk have been broken up by vertical column features either side of each apartment and its scale reduced by the use of a mansard roof with individual dormer windows. The proposed mansard roof will fit in with the local area which contains a variety of roof styles including hipped, gabled and flat roofs.
- 4.6 The proposed design of the apartment building and the site layout are considered to make a positive contribution to the character of the area and to achieve the appropriate high-quality design for this prominent site. Final details of the materials can be secured by condition. The proposal therefore complies with Policy EQ2.

Landscaping

- 4.7 The Council's Tree Officer has reviewed the application which includes an arboricultural survey, impact assessment and method statement as well as a tree protection plan. The proposal would result in the loss of two trees on the site but these are of a low category and their loss can be mitigated by replacement planting secured by condition. It is also confirmed that the proposals would not have an adverse impact on trees situated on neighbouring land.
- 4.8 The Tree Officer raises no objections to the proposal subject to conditions to secure the replacement tree planting. The plans indicate landscaping to the front and side of the building which will soften the appearance of the development and a detailed landscaping scheme for the site can be controlled by condition.

5 Living Conditions

- 5.1 Due to the site's location the proposed development would not have any significant direct impacts on the living conditions of existing residents in the surrounding area. The main impacts on living conditions would be those associated with future occupiers of the development itself.

Air Quality

- 5.2 Due to potential air quality impacts on existing and future residents an Air Quality Assessment (AQA) has been provided with the application and reviewed by the Environmental Health Manager. The AQA has considered the air quality impacts during the demolition/construction phase, impacts associated with the future operational phase and the impact of road traffic emissions on future residents. The AQA is considered acceptable, and no objections are raised on air quality grounds subject to a condition to control dust emissions during demolition and construction.

Noise

- 5.3 The Environmental Health Manager has reviewed the applicant's noise assessment report.
- 5.4 In respect of noise impacts on nearby residents from demolition and construction, the Environmental Health Manager recommends that these could be minimised by a condition to control any piling works through a Construction Environmental Management Plan.
- 5.5 Noise impacts for future occupiers of the flats could be minimised by the use of conditions to secure a scheme of acoustic glazing and ventilation, an acoustic barrier for the outdoor amenity space and a scheme of noise control for any plant and equipment.
- 5.6 Whilst noise levels are likely to be relatively high within the balconies facing Ormskirk Road, the applicant has advised that these areas will provide additional valuable and functional outdoor space and that residents will also have access to communal outdoor garden space with lower levels of noise. The provision of outdoor amenity space is discussed in more detail in paragraphs 5.10 and 5.11 below.

Internal Accommodation

- 5.7 The proposal involves a total of 26 apartments over 3 floors comprising 11 one bed units and 15 two bed units. All of the apartments satisfy the internal space standards set out in the Council's guidance ('New Build Homes' Supplementary Planning Document).
- 5.8 The building has been designed to achieve acceptable privacy levels for its residents with all apartments having a dual aspect, landscaping in front of the lower balconies and siting of the

building as far back from the public highway as possible. Pedestrian access to the individual apartments is via an external walkway at the rear of the building which passes bedrooms of other flats. Whilst not ideal, this arrangement is, on balance, considered acceptable. The rear elevation of the building is located over 10 metres from its boundary with the adjacent railway station and there is tree coverage within this area.

- 5.9 Given the constraints of the site located between a railway station and busy highway network, it is considered that the layout provides acceptable living conditions for future occupiers in terms of privacy and outlook from the apartments.

Outdoor Amenity Space

- 5.10 The Council's guidance on the provision of private outdoor amenity space for flats advises that an area of 20 square metres per flat should be incorporated into the development. For the current proposal of 26 flats, 520 square metres area of private outdoor amenity space would be required. This could be a shared communal space, accessible to all residents and of high quality, and/or private spaces such as balconies.

- 5.11 The applicant has demonstrated that the scheme complies with this guidance by providing a communal area of private outdoor amenity space exceeding 310 square metres at the rear of the building as well as individual balconies totalling over 230 square metres to the apartments. Whilst it is accepted that the balconies would be visible from the public realm and be subject to higher noise levels due to their location facing Ormskirk Road, it is considered that the applicant has maximised opportunities for outdoor amenity space and the level and quality provided is considered, on balance, acceptable. The proposal therefore complies with Local Plan policies EQ2, EQ4 and EQ5 in respects of noise, air quality and outdoor amenity space.

6 Highway Safety

- 6.1 The applicant has submitted a number of highways-related documents including a Transport Assessment (TA), Technical Design Note and a Construction Traffic Management Plan. The TA has considered the likely impact of the proposal on the existing highway network and the accessibility of the site for sustainable modes of transport.
- 6.2 The application has been reviewed by the Highways Manager who raises no objections subject to conditions.

Impact on the Highway Network

- 6.3 The Transport Assessment (TA) has demonstrated that the level of traffic generated by the proposal will be minimal when compared to the site's lawful use. In addition, a traffic survey was undertaken by the applicant in June 2022 at the Copy Lane/Ormskirk Road junction to

derive traffic flows and queuing lengths. This showed that traffic generated by the proposal would have a negligible impact on this junction.

Accessibility

- 6.4 The applicant has considered the accessibility of the site and completed a Minimum Accessibility Standard Assessment (MASA). This shows that the site is well located for bus and rail facilities and there is an existing cycle route on Ormskirk Road.
- 6.5 The Highways Manager points out that the section of footway on Copy Lane under the railway bridge is restricted in width and height clearance which could be a barrier to pedestrian movement. However, it is recognised that improvements would not be feasible, there is good forward visibility along the footway and the section of affected footway is short in length.
- 6.6 Improvements to the site accesses in the form of dropped kerbs and tactile paving are recommended to improve conditions for pedestrians and cyclists.

Access and Site Layout

- 6.7 The site has two existing vehicular access points, one from Copy Lane and one from Ormskirk Road. The proposal seeks to retain these with the Ormskirk Road access widened to accommodate two-way vehicle movements and the Copy Lane access made narrower with dropped kerbs provided to improve access for pedestrians. The Copy Lane access will serve two-way movements for service vehicles only, whilst the Ormskirk Road access will provide access to the residents' car park. A bin store will be located close to the access on Copy Lane within the proposed servicing zone.
- 6.8 A 1.8 metre wide walkway fronting the proposed building will provide pedestrian access to the site from Ormskirk Road.
- 6.9 Visibility splays and manoeuvring space for vehicles within the site are acceptable.

Parking

- 6.10 The proposals include 16 car parking spaces, including one space for the disabled, within the site. The sizes of the individual spaces satisfy the Council's guidance ('Sustainable Travel and Development' Supplementary Planning Document). However, the number of spaces falls short of the guideline figures which, for this type of development, recommend 47 spaces.
- 6.11 The number of parking spaces proposed equates to 34% of the required provision. The applicant has justified this shortfall by demonstrating that the site is accessible to sustainable modes of transport, is close to local amenities such as shops, medical facilities and schools, and that a relatively low proportion of Sefton residents in flats do not own a car. It is

considered that these factors would indicate lower levels of car ownership for future occupiers of the flats and that the amount of parking provision is justified.

- 6.12 Storage for 28 cycles is shown within the building on the ground floor. This satisfies the guidelines for cycle parking.

Conditions

- 6.13 Whilst the applicant has submitted a travel plan and a construction traffic management plan, these are framework documents and more detailed reports will be required and can be secured by condition.
- 6.14 Further planning conditions are recommended to secure provision of the car and cycle parking areas and the accesses. The off-site highway works, including alterations to the footway and kerb alignment at the site access on Copy Lane, dropped kerbs and tactile paving at each site access, will be delivered under the Highways Act as part of a legal agreement under Section 278. This can be secured as a planning obligation (see section 9 below). The proposal complies with relevant highways policy in Local Plan policy EQ3.

7 Drainage

- 7.1 The application has been reviewed by the Flooding and Drainage Manager and by United Utilities and no objections are raised subject to a condition requiring installation of the drainage system in accordance with the submitted drainage strategy drawing. The proposal complies with Local Plan policy EQ8.

8 Ecology

Habitats Regulations Assessment

- 8.1 The proposal for 26 dwellings will lead to increased visits (recreational pressure) on the Sefton coast, which is designated for its ecological importance, potentially leading to significant effects on habitats and species.
- 8.2 Applications for 10 or more homes must meet the requirements of the Habitats Regulations in relation to recreational pressure on the Sefton coast, in line with Local Plan policy NH2 'Nature' and the 'Nature Conservation' Supplementary Planning Document. Applicants may 'opt in' to the approach set out in the Information Note 'Managing and mitigating the impact of recreation pressure on the Sefton Coast – Sefton's Interim Approach for housing development' May 2023. As the application site is in the 'outer zone', the opt in approach would mean a contribution of £76 per new home (at 2024/25 prices).
- 8.3 The applicant has confirmed agreement within the Planning Statement (paragraph 6.57) to the opt in approach. This would involve a financial contribution of £1976 (26 x £76) towards

mitigating recreational pressure on the Sefton coast and can be secured through a Section 106 legal agreement (see paragraph 9.5 below).

- 8.4 Merseyside Environmental Advisory Service (MEAS) has reviewed the application and carried out an 'Appropriate Assessment' as required by the Habitats Regulations. This is attached to this report as Annex 1 and concludes that the proposal will have no adverse effect on the integrity of the Sefton coast provided the financial contribution is secured by legal agreement and a condition is imposed to secure distribution of an advisory leaflet to first-time occupiers of the new homes.
- 8.5 Natural England raises no objection to the proposal and their comments form Annex 2 to this report.

Bats

- 8.6 The applicant has provided an updated bat survey report which has been reviewed and accepted by MEAS. The report states no evidence of bat use or presence was found, therefore the Council does not need to consider the proposals against the three tests (Habitats Regulations).

Conditions

- 8.7 MEAS recommends conditions to protect bats and breeding birds.
- 8.8 The proposal satisfies Local Plan policy NH2 'Nature'.

9 Planning Obligations

Affordable Housing

- 9.1 Proposals that create 15 or more new homes are subject to the Council's affordable housing policy set out in Local Plan policy HC1 'Affordable and special needs housing'.
- 9.2 The applicant has submitted vacant building credit calculations which demonstrate that the affordable housing requirement can be reduced from 30% to 17.1%, or a total of 4.4 dwellings. This would normally require 5 affordable dwellings. However, as the applicant has agreed to provide all affordable homes as First Homes, which places a greater burden on the applicant, the proposal for 4 affordable homes is considered acceptable. First Homes are a preferred tenure of affordable housing in a block of flats as registered providers are unlikely to purchase affordable rented homes.
- 9.3 The affordable housing provision can be secured through a Section 106 legal agreement.

Education

- 9.4 The site is in a location where financial contributions are sought towards local primary school provision. In line with the Council's 'Contributions towards education provision – A guide for developers' updated May 2023 and Local Plan policy IN1 'Infrastructure and developer contributions' a financial contribution of £2,700 will be required for each of the 15 proposed two bed flats making a total contribution of £40,500 towards education.

Recreational Pressure

- 9.5 As detailed in section 8 above, a financial contribution of £1976 is required for mitigating recreational pressure impacts on the Sefton coast.

Highway Works

- 9.6 The section 106 agreement can secure the off-site highway works by requiring the applicant to enter into a Section 278 legal agreement under the Highways Act 1980 (see paragraph 6.14 above).

Monitoring Fee

- 9.7 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 £2148.30..

10 Energy Efficient and Low Carbon Design

- 10.1 The applicant has provided a statement to demonstrate how the proposal satisfies Local Plan policy EQ7 'Energy Efficient and Low Carbon Design'. Each of the proposed dwellings is of dual-aspect design, maximising the opportunities for solar gain. The proposal adopts a 'fabric first approach' to reducing energy demand which prioritises energy efficiency from the start of the development process and incorporates low carbon technologies to comply with the Building Regulations. In addition, the proposal will provide electric vehicle charging points for residential car parking. Waste minimisation during the construction phase can be secured through a Construction Environment Management Plan. Overall, it is considered that the proposal complies with policy EQ7 in relation to sustainability and low carbon design.
- 10.2 The site is within a highly accessible location on brownfield land within the urban area and is located within easy walking distance of shops, services and public transport, maximising opportunities to travel without having to use a car.

11 Other Issues

Regeneration

11.1 The site is currently vacant and in a deteriorating condition and the application states that the public house closed in 2013 with no economically beneficial use found or operating since this time. It is recognised that redevelopment of the site with 26 new homes will help to regenerate this area.

Housing Mix, Type and Choice

11.2 Local Plan policy HC2 'Housing type, choice and mix' part 1 requires a minimum proportion of dwellings to be one, two and three bed units for schemes of 25 or more dwellings. However, this does not apply to wholly flatted developments so is not relevant for this proposal.

11.3 Part 2 of the policy requires a minimum proportion of the dwellings to be 'accessible and adaptable dwellings' but this is only for schemes of 50 or more units so does not apply to this proposal.

Waste

11.4 The proposal comprises 'major development' which is likely to generate significant volumes of waste during the demolition and construction phases. In accordance with policy WM8 of the Waste Local Plan a condition is recommended to secure sustainable waste management through a Construction Environmental Management Plan.

Minerals

11.5 The Local Plan places the site within a 'Minerals Safeguarding Area' and the applicant has provided a minerals statement in accordance with policy NH8 'Minerals'. The site has previously been in use as a public house for a significant period and it is accepted that it is unsuitable for mineral extraction. Given the size of the site, and its brownfield status, it would not be practicable to extract any minerals prior to development.

Contaminated Land

11.6 Due to the potential for the land to be affected by contamination, the Environmental Health Manager recommends that standard contaminated land conditions are attached to any approval.

Neighbour Representations

11.7 Most of the concerns raised by local residents have been addressed elsewhere in this report. However, matters relating to alternative uses for the site cannot be considered as part of this application which has to be assessed on its own individual merits. Asbestos removal is not a material planning consideration and is controlled under separate legislation.

12 Equality Act Consideration

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

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

12.2 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.

13 Conclusion and Planning Balance

13.1 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 this site comprises the Sefton Local Plan and the Minerals and Waste Local Plan

13.2 The proposal will provide important regeneration benefits for this prominent site which has fallen into a state of disrepair. It will also provide 26 new homes including 4 affordable units. These factors weigh in favour of the development.

13.3 Whilst the total loss of the public house, a non-designated heritage asset, does not comply with policy NH15, the application demonstrates that the loss of the building is outweighed by the public regeneration benefits associated with the high-quality residential development.

13.4 Policies relating to affordable housing, drainage, landscaping, and ecology have been satisfied subject to conditions and a section 106 legal agreement. Whilst levels of parking provision are below guideline figures, this has been justified due to the site's accessible

location. Despite relatively high levels of noise for the balcony areas, other areas of outdoor amenity space would be quieter, and overall living conditions for future residents are considered acceptable given the constraints of the site.

13.5 Overall, and on balance, 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.

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. BEE_037(00-)_A100 rev T2 - Site Location Plan
Drawing No. BEE_037(00-)_A103 rev T3 - Proposed Site Plan
Drawing No. BEE_037(02-)_A200 rev T1 - Proposed Ground Floor Plan
Drawing No. BEE_037(02-)_A201 rev T1 - Proposed First Floor Plan
Drawing No. BEE_037(02-)_A202 rev T1 - Proposed Second Floor Plan
Drawing No. BEE_037(02-)_A300 rev T1 - Proposed Elevations Sheet A
Drawing No. BEE_037(02-)_A301 rev T1 - Proposed Elevations Sheet B
Drawing No. Arbtech AIA 01 rev A - Arboricultural Impact Assessment
Drawing No. Arbtech TPP 01 rev A - Tree Protection Plan
Drawing No. 24329-HYD-XX-XX-DR-D-2600 rev P04 - Drainage Strategy
Arboricultural Method Statement 16 May 2024
Arboricultural Survey 20 May 2024

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence, including any works of demolition, until an appropriate programme of historic building recording and analysis has been undertaken, submitted to and approved in writing by the local planning authority.

Reason: The recording is required prior to commencement as the required recording and analysis would be compromised by the commencement of the works hereby approved. The programme is required in order to preserve the special historic interest of the building.

- 4) 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 bats and their habitats
- A sensitive lighting strategy which protects ecology and does not result in excessive light spill onto retained and newly created habitats.
- No tree or scrub removal between 1 March and 31 August inclusive, unless informed by a suitably qualified ecologist in order to protect breeding birds.
- 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.

- 5) 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 routing plan
- The times of the movement of heavy goods vehicles from the site
- Wheel washing facilities

Reason: To ensure the safety of highway users.

- 6) 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.

- 7) 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.

- 8) No development shall commence until the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report

shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. Remediation shall proceed in accordance with the approved details.

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

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

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

During Building Works

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

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

- 11) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by condition 18.

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.

Before the Development is Occupied

- 12) The use hereby permitted shall not commence until a written scheme of noise control for any plant and equipment to be installed on site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

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

- 13) Before any part of the development hereby permitted is occupied/brought into use written details of all arrangements for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The storage arrangements shall be completed in accordance with the approved details and shall be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse/recycled materials.

- 14) No dwelling shall be occupied until space has been laid out within the site for 16 cars 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.

- 15) No dwelling shall be occupied until facilities for the secure storage of a minimum of 26 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.

- 16) 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.

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

Reason: To safeguard conservation of species/habitats.

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

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

- 19) Prior to the first occupation of any dwellings, full details of a scheme of acoustic glazing and ventilation and an acoustic barrier for the outdoor amenity space shall be submitted to and approved in writing by the local planning authority. The approved glazing and ventilation units and acoustic barrier must be installed before the dwellings become occupied and retained thereafter.

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

- 20) Before the development is occupied, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:

- i) The location, size and species of all trees to be planted
- ii) The location, size, species and density of all shrub and ground cover planting
- iii) A schedule of implementation.

Reason: In the interests of visual amenity.

Ongoing Conditions

- 21) Within 6 months of the development being first occupied or brought into use a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In order to meet sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

- 22) 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.

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 to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.
- 3) 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. Please contact Sefton's Highway Development and Design team in this respect - email: HDD.Enquiries@sefton.gov.uk
- 4) When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981 and Conservation of Habitats and Species Regulations 2017. Should you become aware of bats or bat roosts present, works should cease immediately and further specialist advice sought.
- 5) This permission is subject to a Section 106 legal agreement.

Annex 1 – Appropriate Assessment

Appendix 1: Habitats Regulations Assessment

Planning Ref: DC/2023/01492

Site Name: Former Old Road Public House, Copy Lane, Netherton, L30 8RD

Assessment of Likely Significant Effects

1. The following national and international sites are easily accessible (by foot, car and public transport) from the development site and Local Plan policies NH2 and NH4 apply:
 - Sefton Coast SAC;
 - Ribble and Alt Estuaries SPA;
 - Ribble and Alt Estuaries Ramsar site;
 - Mersey Narrows and North Wirral Foreshore SPA;
 - Mersey Narrows and North Wirral Foreshore Ramsar site;
 - Mersey Estuary SPA;
 - Mersey Estuary Ramsar;
 - Martin Mere SPA;
 - Martin Mere Ramsar;
 - Dee Estuary SAC;
 - Dee Estuary SPA; and
 - Dee Estuary Ramsar site.
2. The proposal is for 26no. dwellings, for full details of the proposals refer to the submitted Planning Statement (*Planning and Affordable Housing Statement, 2M Developments Limited, May 2024*). The proposed development will result in increased visits (recreational pressure) to the sites listed above, which may result in significant effects on habitats and species for which these sites have been designated.
3. Sefton Local Plan's HRA^{7&8} and Nature Conservation SPD⁹ identifies recreational pressure from residential development as a Likely Significant Effect alone and in-combination.

Appropriate Assessment

4. The proposals are likely to give rise to significant effects on nationally and internationally designated sites when considered alone and/or in combination with other housing developments.
5. Sefton Council has adopted an Information Note¹⁰ which sets out the Council's Interim Approach to the mitigation and management of recreational pressure arising from new development in Sefton and this HRA should be read in

⁷ <https://www.sefton.gov.uk/media/2339/p10-habitat-assessment-urs-january-2015.pdf>

⁸ <https://www.sefton.gov.uk/media/3785/p42-habitats-regs-assmnt-of-prop-mods-local-plan-may2016.pdf>

⁹ <https://www.sefton.gov.uk/media/2845/nature-spd-20170814.pdf>

¹⁰ https://www.sefton.gov.uk/media/4485/hrarecpressureinfofnote_24-25_rates_final.pdf

conjunction with the information note. In this case, the applicant has decided to 'opt in' to the mitigation measures set out in the Interim Approach and this has been considered in the below table which assesses whether the proposed development will have an adverse effect on the integrity on the above designated sites due to increased recreational pressure.

Receptors	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
<p>Qualifying species and habitats of the Sefton Coast SAC, Ribble and Alt Estuaries SPA and Ramsar sites, Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites, Mersey Estuary SPA and Ramsar sites, Dee Estuary SAC, SPA and Ramsar sites.</p>	<p>Increased disturbance to qualifying species and loss and degradation of qualifying habitats due to higher visitor numbers to the coast.</p>	<p>The applicant has confirmed that they will 'opt in' to the mitigation measures as set out within the Council's Interim Approach.</p> <p>The application site is situated within the outer zone. The applicant is therefore to pay a tariff of £76 per new home. As the proposed development will result in an increase of 26no. dwellings, the total commuted sum payment required will equate to £1976.</p> <p>In addition to the above, the applicant will also download and distribute a colour copy of the Sefton advisory</p>	<p>Provided that the commuted sum payment of £1976 is <u>secured through a S106 planning obligation</u> and that and distribution of a colour copy of the Sefton advisory leaflet is secured by a <u>suitably worded planning condition</u>, there will be no adverse effect on the integrity of the internationally designated sites.</p>

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral



		<p>leaflet¹¹ within the sales packs of the new dwellings.</p> <p>The leaflet includes details of a 'responsible user code' for visitors to the internationally important sites and provide details of Suitable Alternative Natural Greenspaces away from the coast, where recreational activities could be undertaken.</p>	
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¹¹ https://eas.merseysidebiobank.org.uk/wp-content/uploads/2024/01/cr_leaflet_sefton.pdf



Annex 2 – Natural England Response

Date: [Click here to enter a date.](#)
Our ref: 451856
Your ref: DC/2023/01492



planning.department@sefton.gov.uk

BY EMAIL ONLY

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

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Erection of a part 3 part 4 storey block of residential apartments incorporating a roof terrace, associated works and landscaping following the demolition of the existing vacant public house.

Location: Former Old Roan Public House, Copy Lane , Netherton , L30 8RD

Thank you for your consultation on the above dated 25 September 2023 which was received by Natural England on 25 September 2023.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Other Advice:

Priority Habitats and Species

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015

requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

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.

Yours faithfully,

Teena Lawrence
Consultations Team