

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 5 February 2025

Subject: [DC/2024/01694](#)
[Land East of Damfield Lane Lane/Bournehurst Drive Maghull](#)

Proposal: Proposed extra care development comprising 129 no. apartments including solar panels to the roof, with internal and external amenity spaces and associated parking, access and landscaping.

Applicant: Jarvis **Agent:** Mrs Deborah Baker Barnett
Torus 62 Ltd Zerum

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

Reason for Committee Determination: At the discretion of the Chief Planning Officer

Summary

This application seeks full planning permission to construct an Extra Care Home comprising 129 apartments (all affordable) within the Extra Care development at Damfield Lane, Maghull.

The principle of the care home has previously been established in 2013. The main issues to consider include the increase in the number of units, design, effects on living conditions (of both existing and future residents) and highway safety as well as ecology, energy efficiency, land contamination air quality, flooding and drainage.

The proposal complies with adopted local plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions and the variation of the original Section 106 legal agreement. This will capture elements of the original agreement and to ensure that the impact of the proposal on the recreational pressures of recognised sites of ecological importance has been appropriately addressed, together with a Travel Plan and an Employment and Skills Plan.

Recommendation: The application is recommended for approval, subject to Natural England raising no objection, delegated authority to enable the completion of a revised and updated Section 106 Agreement and planning conditions.

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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SJRAKBNWLFF00>

Site Location Plan



1 Site Plan
1:500

The Site

Located between Damfield Lane and Whinney Brook in Maghull, the application site is part of a wider site granted planning permission in 2013 as an extra care development comprising extra care housing, dementia/respite facility and independent living lodges with associated landscaping, parking and access.

As part of the site has been developed, the living lodges known as Bournehurst Park Village housing development are located to the south of the application site. Adjacent to the north is Highpoint Care, Damfield Gardens Care Home which offers elderly residential care including specialised dementia care. To the west is a band of mature trees and the playing fields associated with Maricourt Catholic High School. To the east is further dense tree planting and the residential apartment block named Chapel House.

The site access adjoins Damfield Lane Conservation Area and the stone wall along the frontage and Chapel House lie within the Conservation Area. Chapel House Gardens is located to the west and although not part of the wider site shares an access on to Damfield Lane.

History

The most relevant history is set out as follows:

DC/2022/01610 Variation of condition 24 pursuant to planning permission S/2012/0550 approved 7/11/2013 to allow for amendments to approved scheme which was approved on 21 December 2023 with a revised and updated Section 106 legal agreement.

DC/2022/00866 Non-material amendment to planning permission S/2012/0550 approved on 07/11/2013 to amend the description of the development to 'Extra care development comprising a four-storey extra care housing facility with basement parking, a two storey 44 bedroom dementia/respite facility, 15 independent living lodges, landscaping, parking, access and enhancement of existing greenspace'. Approved on 26 May 2022.

DC/2016/01188 Erection of a two-storey building with mansard roof to be used as a 65-bedroom residential care home with associated car parking and store and sub-station. Approved 10 October 2023.

DC/2014/01191 Provision of temporary site access onto Damfield Lane, involving part demolition of the existing boundary wall and felling of tree (T35) located at the entrance. Approved 28 November 2014.

DC/2014/00736 Approval of details reserved by condition number 5a attached to planning permission S/2012/0550 granted 07/11/2013. Approved 3rd June 2014.

DC/2014/00412 Approval of details reserved by conditions 8a and 9a pursuant to planning application S/2012/0550, approved 07/11/2013. Approved 14 May 2014

DC/2014/00002 Approval of details reserved by conditions 2, 17 & 22 pursuant to planning application S/2012/0550, approved 08/11/13. Approved July 2014.

S/2012/0550 Extra Care Development comprising a four storey 90-unit extra care housing facility with basement parking, a two storey 44-bedroom dementia/respice facility, 15 independent living lodges, landscaping, parking, access and enhancement of existing greenspace (alternative to S/2011/1368 refused 15 March 20120., Approved with conditions 7 November 2013. A Section 106 legal agreement is also relevant to this permission.

Consultations

Air Quality Manager

No objection subject to conditions to control dust during the construction activities.

Canal And River Trust

No objections

Conservation Manager

No objection

Contaminated Land Team

No objections required standard conditions to be imposed.

Environment Agency

No comments received.

Environmental Health Manager

No objection subject to conditions

Flooding & Drainage Manager

No objection subject to conditions

Highways Manager

No objection subject to conditions.

Strategic Housing Manager

No objection -strongly support

Local Planning Manager

No objection

Merseyside Environmental Advisory Service (MEAS)

Have requested further information to enable a Habitats Regulation Assessment to be carried out in relation to Recreation Pressure.

Natural England

Awaiting comments on the Appropriate Assessment carried out by Merseyside Environmental Advisory Service.

Tree Officer

No objection.

United Utilities

No objection subject to conditions

Neighbour Representations

A site notice posted 25 September 2024, and a press notice 27 November 2024 have been posted and neighbouring properties have been notified. Revised plans were received, and the neighbours renotified on the 9 January 2025.

Eleven letters of representation (seven objections to the scheme) have been received which make the following summarised points:

Access and Highways

- Traffic safety - limited visibility at the Whitworth Close junction and additional traffic will only make that worse- Request sufficient passing places along Bournehurst Drive and improvements to visibility and safety at the Whitworth Close junction in discussion with the existing residents on site.
- Road markings required for the junction and additional signage- indicating directions for the Care home, the Extra Care building and the lodges.
- Concern about the size of the development, the shared entrance, and traffic encroaching on the private drive to Chapel House.
- Bournehurst Drive is too narrow, concern is raised about the increase in lorries, more visitors including health professionals.

Other Matters

- Most of the older people in Maghull are owner occupiers and will not be eligible for placement in Torus's extra care facility. Request a condition that only residents with a care need of a minimum hour per day are eligible to move into the apartment block.
- Given over potential 200 residents concern is raised about the demand on local services e.g. Doctors, Dentists.
- Concern about safeguarding due to the close proximity of the school
- Concern about the public access to the site given the increasing frailty and vulnerability of residents and previous antisocial behaviour.
- Concern about flooding from the increase in number of units and on Damfield Lane.
- The planning conditions have never been actioned.

A letter on behalf of Highpoint Care Damfield Gardens has been received which advised there are no objections to the general proposal but serious concerns with accessibility to the new site and how this would affect Highpoint Care. This aspect is addressed in the Transport Section below.

Policy Context

The application site lies within an area designated as Education and Care Institution and Primarily Residential under Policies HC3 and HC7 in the Sefton Local Plan, which was adopted by the Council in April 2017.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land as result of the recent changes to how the government calculates housing requirement. Sefton can currently only demonstrate a 3.5-year supply of deliverable housing land. As a result, in accordance with paragraph 11 of the National Planning Policy Framework (NPPF), proposals for new homes should be granted permission unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole,

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. Background

1.1 Planning permission was granted in 2013 for an extra care type development on the site which comprised three elements an extra care housing facility of 90 units, 15 independent living lodges, and a 44-bed dementia unit. This permission was subject to a Section 106 legal agreement which required the following:

- 30% affordable housing provision
- Speed restriction measures installed in Damfield Lane (£10,500)
- Enhancements to the 2 local bus stops at the Northway end of Damfield Lane
- Public open space
- Speed table/plateau at the main vehicular entrance off Damfield Lane
- Provision of the education facility on the site

1.2 An application was approved in December 2023 to vary condition 24 (which comprised the plans/document list) to planning permission S/2012/0550 to allow for amendments to the approved scheme.

1.3 The proposed changes to the approved scheme were specific to the extra care element only. The primary changes were the adjustment to the ratio of one, two and three bedroomed apartments and an increase in the overall number of apartments from 90 to 108 units (Ref: DC/2022/01610).

2. Proposal

2.1 The application seeks full planning permission to construct a four-storey development of extra care accommodation comprising 129 apartments all of which would be affordable. The majority (116) would be one bedroom with 13 two-bedroom units and reflects the applicant's experience of the affordable care market.

2.2 The apartments would consist of an open plan kitchen and living space with communal and amenity spaces to the ground floor including a lounge, dining area, beauty/hair salon, meeting room and staff areas. All 29 ground floor apartments would comply with Building Regulations Requirement M4(2) 'accessible and adaptable dwellings' and there would be eight apartments which meet Part M4(3) of the building regulations – i.e. they would be fully accessible by wheel chair (all one-bedroom).

2.3. Vehicular access would be from the existing internal road which would lead to Damfield Lane. Typical staffing levels would be 10 full time and one part time post with no staff living on the site.

3.Principle

3.1 The Local Planning Manager has advised as the site is already subject to an existing valid permission for a similar development, the proposal is acceptable in principle. The main issues to consider are the housing mix, design and layout, effects on living conditions, transport issues, ecology, heritage, archaeology together with land contamination, air quality, flooding and drainage, and sustainability.

4.Housing Mix/Affordable housing

4.1 Different uses are set out in a Use Classes Order which govern how the use is assessed. Use Class C2 (residential institutions) relates to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres and Use Class C3 relates to houses, flats, apartments.

4.2 Extra care housing is specialist housing provision that combines accommodation with care and support services designed to offer safe, private, and secure accommodation whilst allowing those using the service to retain the independence of having their own home. Depending on the details of the application such a use could fall within either the C3 or C2 definition of the Use Classes Order. The car parking requirements differ between these uses and section 7 below covers this in more detail.

4.3 The Strategic Housing Manager has advised that an assessment of the need in Sefton indicates there will be a requirement of 1306 units of extra care accommodation (approximately 15 schemes) across the borough by 2036. Within the 1306 they have estimated a need for around 196 units (approx. 2 schemes) in the Maghull area. Over 50% of that need would be met through this scheme.

4.4 The potential provision of extra care housing through this application would help Adult Social Care (ASC) and Health partners by delivering an alternative care and support option to residents that is currently unavailable in most of the borough. Individuals with moderate to high needs are the priority to be supported in extra care schemes. For some individuals residential and nursing homes are a suitable option, but the council aspires to reduce the reliance on residential and nursing accommodation in favour of promoting independence and community-based alternatives.

4.5 The Strategic Housing Manager has advised that the proposal would support ASC in meeting needs identified within: -

1. Sefton's Corporate Plan 2024-2027 (Meeting some of the priority actions with the Adult Social Care section)
2. Sefton's Extra Care Housing Prospectus

3. Adult Social Care Market Position Statement (Expanding the use of Extra Care Housing / Housing with Care to give more control and choice in Sefton)
4. Sefton Local Authority & Sefton's Clinical Commissioning Groups Joint Care Home Strategy 2021-2024
5. Sefton's Housing Strategy 2022-2027

4.6 Policy HC2 (Housing Type, Mix and Choice) of the Sefton Local Plan sets out the housing requirements in terms of the type, mix, and choice in developments over 25 dwellings but the policy explicitly states that these requirements do not apply to extra care units. As the proposal is a 100% affordable scheme, it does not need to provide the mix of tenures as set out in policy HC1 'Affordable Housing' and section 9 of the Affordable Housing guidance. No viability information has been submitted with the application, but the applicant has confirmed that all units would be 100% affordable utilising government grant funding to secure this element. The applicant would be willing to accept a condition to require details of an affordable housing scheme to be agreed. Therefore, the scheme is acceptable under this policy.

5.Design and Layout

5.1 The 2013 consented scheme was a maximum of four storeys, 15m in height and proposed 90 dwellings with a larger proportion of two-bedroom units and a wide range of additional facilities. The 2013 permission is considered by the applicant to be extremely intricate with irregular elevations and roof heights, seven separate wings with roof terraces and would be complex to construct. Although the approved changes in 2023 sought to address the design issues, the applicant has advised that further proposed changes have resulted from detailed design work, changes in legislation, and the involvement of a care provider.

5.2 The current proposal provides for a four-storey building with four 'wings'. The elevations would be more regular in their alignment and the multiple stepped elements in the previous schemes have been reduced into a single step down to three storeys at each wing end. The proposed building has a flat roof, and its overall height would be of a similar height to Chilton Court which has a pitched roof. All communal living would be at ground level.

5.3 The design changes and increase in the number of units from the original approved schemes in 2012 and 2023 have resulted in a strong, utilitarian design but which offers a practical approach to construction and maintenance. The applicant has advised:

"While the current scheme is to be of a high quality, it needs to be efficient and effective in its management and maintenance. Affordable properties must avoid excess construction costs wherever possible so as to avoid passing these on to the occupier in the form of rental or service charges. It is also very important to ensure that buildings will be efficient to run and will not cost a disproportionate amount to heat, cool or operate".

5.4 In terms of materials, the 2023 approval included render, timber panelling and some use of grey cladding to the upper floors (similar to the original 2012 permission). The proposed materials now include two brick colours, dark grey and buff to break up the elevations, and to reflect the range of colours of the surroundings. Projecting brick course details add depth to the façade whilst the balconies have been retained and add interest. The balconies also provide solar shading and, in conjunction with the protrusions in the elevation, they seek to minimise the scale of the building by giving the appearance of several smaller elements. The upper floor has been designed in a contrasting material so that it appears as a mansard and looks effectively like part of the roof. This seeks to reduce the appearance of height and scale.

5.5 In relation to the site plan and ground floor communal space, the Strategic Housing Manager has confirmed that the scheme incorporates adequate communal rooms and facilities.

5.6 The 'New Build Homes' guidance requires 20sqm of outdoor space per resident which equates to 2,580sqm, and the proposed landscaping scheme provides for dedicated areas of amenity space. A community garden measuring 1,056sqm would provide for terraced, lawn and seating areas with raised planting beds. There are less formal meadow spaces with footpaths and trees. Some of the apartments (25) have a private terrace and some (76) a private balcony. A total of 2,828sqm of outdoor space would be provided which exceeds the requirement and is acceptable in quantity and quality.

5.7 The scheme would provide a strong design which would relate well to the existing elements on site. It is considered the proposal is acceptable and meets the aims of Policy EQ2 'Design' of the Sefton Local Plan and policy MAG 4 'Character Areas' of the Maghull Neighbourhood Plan.

6. Living Conditions

6.1 The impact of the extra care unit upon the existing properties and the residents of the lodges has previously been considered and found acceptable under the parent permission and the 2023 permission. The applicant has provided details to demonstrate that the footprint of the proposal would be no closer to the existing lodges than previously approved and although the design of the building has changed there would be no direct overlooking. The design of some of the flats includes balconies and to protect the living conditions of neighbouring properties from any perceived overlooking privacy screens are proposed. A condition to control these details is recommended. The scheme meets the separation distances set out in the New Build Homes guidance dated May 2023.

6.2 The applicant has submitted a sun path analysis to illustrate the relationship between the proposed Extra Care building and the existing lodges, analysing the solar path throughout the year. This demonstrates that the proposal would not cause any detrimental loss of sunlight or day light to the existing lodges situated to the south of the site. The proposed changes would not unduly impact upon either the lodges or the respite care home. However, a condition to require a Construction Management Plan is recommended.

6.3 The extra care unit is over 30 metres from the nearest properties outside the Extra Care Development boundary at Chilton Court and as these distances were previously found acceptable, it is considered that the proposal would not unduly impact upon them.

6.4 The Environmental Health Manager has requested details to be submitted to manage any odour from any commercial kitchen equipment and noise from any plant and equipment. A further condition with regard to acoustic glazing is also recommended. Such conditions would protect both future occupiers of the development and existing residents of the wider site. Therefore, the proposal would meet the aims of EQ2 'Design' of the Sefton Local Plan in terms of living conditions.

7. Transport Issues

7.1 The application is accompanied by a Transport Statement (TS) and Travel Plan (TP) which has been assessed by the Council's Highways Manager. As set out above the Extra Care use can be considered to fall within either a C3 or C2 use class. In terms of the highways assessment, following discussion, a review of similar schemes and an understanding of the likely occupiers, it was considered appropriate to assess the use as C2.

7.2 The Highways Manager has assessed the parking provision and confirmed that a total of 58 spaces would normally be required. The applicant has advised that the scheme would provide 57 car parking spaces, of which 4 are disabled spaces and all parking spaces will be electric vehicle compatible. There would be three motorcycle spaces; internal and external mobility scooter storage; and 4 cycle storage spaces in Sheffield style stands with the potential for further bicycle storage within the mobility scooter storage. The Highways Manager has confirmed that the amount of car parking is acceptable and meets the guidance in the Council's Sustainable Travel and Development guidance. Conditions to limit the site parking to over 55's and who have extra care needs rather than other residents within the C3 use class (which would create additional parking demand), could be imposed to address this aspect.

7.3 The applicant has provided updated data to estimate the level of trip generation for an extra care facility. This predicts that that the development would generate 24 two-way vehicular trips in the AM peak hour and 28 two-way trips in the PM peak hour. The traffic modelling results of the site access road junction onto Damfield Lane show that there would be no significant traffic impact of the development on the operation of the adjacent highway network.

Internal Access Road

7.4 New vehicle tracking drawings were also submitted which show the full length of the private site access road known as Bournehurst Drive. Whilst the number of vehicles using Bournehurst Drive will increase, there are a number of points that allow safe passage for large cars to pass an 11.1m long refuse vehicle along the site access road including at the site access junction. This is deemed acceptable in this instance. Whilst this is smaller than the Council's 12.2m long large refuse vehicle, bin collections are already taking place for the other uses on this site and the

applicant has confirmed a similar arrangement would be in place for this proposal. The tracking drawings show that a 12.6m length vehicle could manoeuvre around the proposed car park.

Neighbouring properties have raised serious concerns about the internal access road due to its width (single track) and the difficulties for emergency vehicles, visitors and pedestrians especially access to Highpoint Care. There is a swale on the eastern side of the internal access road which limits the amount of passing places. A letter of representation on behalf of Highpoint Care has been received which has made suggestions to improve the situation: Increase the internal access road to two car width and add a 1.5m wide pavement to one side and then reinstate the culvert. The Highways Manager has considered the concerns raised but is satisfied with the proposed access arrangement for the development. The internal access road is in private ownership and as such if the owners wished to improve the internal access road any changes could be considered as part of a revised application. Further, it would be up to the landowners to manage any existing and proposed access and parking issues along the private site access road.

7.5 As each of the residences has its own kitchen and wash facilities, it is anticipated there would be no other large service vehicles accessing the premises for things such as laundry and large-scale food deliveries. The Highways Manager requests that a planning condition is added to ensure that no longer vehicles than those shown in the latest tracking drawings submitted are used to access the development site.

7.6 The previous planning approval for the site secured works to the adopted highway via Condition 10 on approval notice DC/2022/01610. The works required include improved speed cushions to negate the need for the speed table at the proposed site access junction. This was requested in an earlier planning approval to prevent the need to relocate the bus stop on the opposite side of the road to the site. The Highways Manager has advised that, instead of the speed table, dropped kerbs with tactile paving would be needed in the vicinity of the proposed site access junction on both sides of Damfield Lane. This would enable pedestrians to/from the site to access the bus stop in lieu of the speed table which would have provided a level pedestrian route between the footways on either side of Damfield Lane.

7.7 Dropped kerbs and tactile paving are also needed on the footway opposite the St Andrews Close junction, with the associated removal of a small section of the existing grass verge to facilitate it. This would enable pedestrians to/from the Andrews Close development to access both the bus stops, noting that there is no footway on the western side of Damfield Lane between St Andrews Close and the bus stop opposite the junction giving access to the site. Raised kerbs to allow for safer boarding/alighting of buses would also be necessary.

7.8 The Highways Manager has confirmed that these highway works should have been implemented as part of previous planning approvals and will be required as part of this application. The works would be secured through a legal agreement.

7.9 To conclude the highway section, further revised plans have been received which demonstrate access into and out of the site for larger vehicles and ambulances. The development would ensure

that there is adequate car parking provision within the site for the proposed extra care use, and the site is adjacent to bus stops on Damfield Lane. The proposal therefore meets the aims of Policy EQ2 'Design' and EQ3 'Accessibility' of the Sefton Local Plan.

8 Trees, Ecology and Landscaping

Trees

8.1 The Tree officer has confirmed that there are no trees within the boundary of the site, and the surrounding woodlands would not be affected by the works.

8.2 A landscaping plan has been submitted to address the immediate area around the Extra Care Unit. This provides for tree and hedge planting with outdoor green space and gardens and the applicant has advised *the extra care building forms the last piece of the original, consented vision for the wider site as a care campus. The amended scheme will enable completion and full delivery of this vision. While this application is a discrete scheme in its own right, its interface with the wider surroundings has been carefully considered. The applicant's aim is that the extra care building slots into the wider proposals and delivers the original vision of an extra care campus which is linked by landscaping and pedestrian paths and forms an integral part of the local townscape.* (Covering letter dated 18 December 2024).

The proposal would meet the aims of Policy EQ9 'Provision of public open space, strategic paths and trees' subject to a condition controlling implementation of the landscaping proposals and the applicant entering into a legal agreement to secure the landscaping details for the wider site.

Ecology

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

8.4 MEAS have carried out an Appropriate Assessment and concluded that there would be no significant effects on the recognised sites subject to mitigation measures including the provision of an advisory leaflet within the sale pack of each resident and a financial contribution of £76 per new home. Natural England has been reconsulted on the Appropriate Assessment and any update would be provided as a late representation. The provision of a household leaflet could be conditioned, with the financial contribution forming part of the legal agreement. Subject to these aspects the proposal would comply with Policy NH2 'Nature' of the Local Plan.

8.5 The applicant has submitted an amended ecology report entitled 'Preliminary Ecological Appraisal Report,' (E3P, October 2024, Ref: 81-549-R1-1), which confirms that there is no evidence of bats on the site. The Council's ecologist is satisfied with the amended information. Subject to

conditions to require the submission of a Construction Environmental Management Plan which also includes Reasonable Avoidance Measures to avoid harm to protected species, the proposal would meet the aims of policy NH2 'Nature' of the Sefton Local Plan

Biodiversity Net Gain and Landscaping

8.6 Initially, the proposed details did not achieve the mandatory 10% Biodiversity Net Gain (BNG) and revised information has been submitted which is acceptable and demonstrates the site is capable of achieving 10% BNG subject to the mandatory pre commencement biodiversity condition. This would be added as an 'Informative' after the conditions at the end of the report and would say a Biodiversity Gain Plan is required. The production of a Landscape Planting and Maintenance Plan (LPMP) which covers management of the site would be required. This plan should include appropriate management options for achieving the aims and objectives, including measures to meet the stated habitat condition, and should directly refer to the BNG condition assessment criteria. Subject to a condition to control this aspect, the proposal would be acceptable.

9. Impact in relation to the Damfield Lane Conservation Area

9.1 The application is accompanied by a Heritage Statement which advised that the proposals would not result in harm to designated or non-designated heritage assets or their settings. Due to the extensive mature planting, the distances involved and intervening built form, there would be limited visibility between the assets and the proposal. The Conservation Manager has advised that the previous scheme was found acceptable in relation to Conservation Areas its impact on Heritage Assets and has raised no objection to the current scheme. Therefore, the application meets the aims of Policy NH12 'Conservation Areas' of the Sefton Local Plan

10. Archaeology

10.1 The site is located adjacent to Damfield Lane which was the medieval core of Maghull. To the east of the site there is evidence of a medieval watermill and to the north west Maghull Chapel with thirteenth century elements. As the site has archaeological interest a, a programme of archaeological work is recommended which could be secured by condition and which would meet the guidance in the NPPF (paragraph 211) and policy NH14 'Scheduled Monuments and non-designated archaeology' of Sefton Local Plan.

11. Sustainability and Energy Efficiency

11.1 The proposal incorporates a number of measures to reduce greenhouse gasses including solar panels to the roof, making the most of natural solar gain through the layout of the site and electric vehicle charging infrastructure. A condition to protect the living conditions of neighbouring properties from any glint and glare has been recommended by the Environmental Health Manager which could be imposed, and it is considered that the scheme meets the aims of Policy EQ7 'Energy Efficient and Low Carbon Design' of the Sefton Local Plan.

12. Contaminated Land

12.1 The applicant has submitted the following technical reports:

- E3P (October 2023) Phase I Geoenvironmental Site Assessment. Reference:17-128-R1-1
- E3P (March 2024) Phase II Geoenvironmental Site Assessment. Reference: 17-128-R2-1

The information has been assessed by the Land Contamination Officer who has advised the most recent use of the site has been as a construction compound in 2016. The ground gas monitoring had not been completed and highlighted some queries in relation to the site investigation that will need to be addressed. As the site investigation is not completed conditions would be required, to meet the aims of Policy EQ6 'Contaminated Land' of the Sefton Local Plan.

13. Air Quality

13.1 Due to the scale of the proposed construction activities associated with the proposal a condition to control dust would be required. These details could form part of a Construction Environmental Management Plan (CEMP) and the proposal would meet the aims of policy EQ5 'Air Quality' of the Sefton Local Plan.

14. Flooding and Drainage

14.1 The application is accompanied by an Outline Drainage Strategy, a Flood Risk Assessment and a Drainage Strategy Report. The scheme ties into the drainage infrastructure in the manner envisaged by the original consent, making the most of opportunities to restrict the rate of flow of water from the site.

14.2 The surface water drainage for the overall scheme has been constructed. The proposed details for extra care development include its own attenuation storage volume. This is to be provided via the granular drainage blanket below the areas of permeable paving, the below ground cellular attenuation tank and the proposed surface water drainage network itself.

14.3 United Utilities have raised no objection but advise that insufficient information has been submitted and have suggested conditions to address this aspect. The Flooding and Drainage Manager has advised the principles outlined in the Flood Risk Assessment Reports to be acceptable. However, the drainage calculations submitted do not show the results for climate change for pipe numbers 1.016, 1.017 and 1.018. There is no objection to the development proposal subject to conditions requesting the implementation of a sustainable drainage system in accordance with the submitted Flood Risk Assessment Report and the submission of drainage calculation results for the above-mentioned pipes to address climate change. Subject to conditions, the proposal would meet the aims of Policy EQ8 'Flood risk and surface water' of the Sefton Local Plan.

15 Sustainability and Waste Management.

15.1 The proposal involves the excavation and construction activities which are likely to generate significant volumes of waste. A site waste management plan could be conditioned to ensure that the proposal would meet the aims of Policy WM8 'Waste Management' of the Merseyside and Halton Joint Waste Local Plan (WLP).

16. Other Matters

Mineral Safeguarding

16.1 The scheme is partially in a mineral safeguarding area and a report has been submitted with the application which suggests that the minerals are unviable to extract on this site. This is a reasonable conclusion, and sufficient information has been provided to comply with Policy NH8 'Minerals' of the Sefton Local Plan.

Section 106 legal agreement

16.2 The previous permissions were subject to a Section 106 legal agreement to ensure the overall landscaping, Public Open Space, a travel plan and off-site highway works were delivered. The applicant would need to enter into a similar legal agreement to capture these aspects as part of the wider site, together with the requirement for a financial contribution to mitigate recreational pressure, off site highway works, a Travel Plan and an Employment and Skills Plan to be submitted to cover the construction phase.

Conditions on previous permissions.

16.3 Concerns have been raised by neighbours that some of the previous planning conditions have not been appropriately addressed. The current application is a full planning application with a reduced site boundary. Any outstanding conditions on the previous permissions still apply and would be subject to enforcement action if these were not implemented.

Planning Balance and Conclusion

Planning permission has been granted for three elements on this site: an extra care development with lodges, extra care apartments and a residential care home. The lodges and residential care home have been constructed and the principle of the extra care unit has previously been found acceptable. The current application provides for an increase in apartments to 129 affordable units and this would make an important contribution to the borough's housing target. A condition to control eligibility through an age restriction for over 55's is recommended.

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

A variation to the existing section 106 legal agreement would be required and would need to address the impact of the proposal on the recreational pressures of recognised sites of ecological importance (both national and international), the off-site highway works and also to provide for a travel plan and an Employment and Skills plan relating to the construction period.

The application meets the aims of the policies in the Sefton Local Plan and the Maghull Neighbourhood Plan. The National Planning Policy Framework advises that there is a presumption in favour of sustainable development. There are no other material considerations to outweigh the granting of planning permission and therefore the proposal is recommended for approval subject to conditions and the signing of the section 106 legal agreement.

Equality Act Consideration

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

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

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

Recommendation – The application is recommended for approval subject to delegated authority to enable the completion of a revised and updated Section 106 Agreement and planning conditions.

Time Limit

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

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

Approved Plans

2. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved:

533 -UWL-xx-00-DR-L-0001 PL03 Illustrative Landscape General Arrangement

7099-JMA-01-00-DR-A-90-0004-S3-P02 Location Plan

7099-JMA-01-00-DR-A -00-0001-S3-P01 GA Ground Floor Plan

7099-JMA-01-00-DR-A -90-0002-S3-P01 Site Plan

7099-JMA-01-01-DR-A-00-0001-S3-P01 GA First Floor

7099-JMA-01-02-DR-A-00-0001-S3-P01 GA Second Floor

7099-JMA-01-03-DR-A-00-0001-S3-P01 GA Third Floor

7099-JMA-01-RF-DR-A-00-0001-S3-P01 Roof Plans

7099-JMA-01-ZZ-DR-A-00-0002-S3-P01 Apartment Types

7099-JMA-01-ZZ-DR-A-00-0004-S3-P01 Schedule of Accommodation

7099-JMA-01-ZZ-DR-A -00-2000-S3-PO1 Elevations 1

7099-JMA-01-ZZ-DR-A -00-2001-S3-PO1 Elevations 2

7099-JMA-01-ZZ-DR-A -00-2002-S3-PO1 Elevations 3

DAM-AJP-XX-00-DR -C-1400-P03 Finished Levels and Retaining Walls

22019.ATR.10 Coach Vehicle Tracking

22019.ATR.11 Rigid Vehicles

22019.ATR09 Rev A Refuse Vehicles

Flood Risk Assessment and Drainage Strategy Report 6 Sep 2024 AJP Ref:222-043 V P02

Reason: To ensure a satisfactory form of development

Before the Development is Commenced

3. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - Procedures for maintaining good public relations including responding to complaints and consulting / liaising with the public
 - Proposed Construction hours
 - Proposed hours for delivery and removal of plant, equipment, machinery and waste from the site
 - Mitigation measures to minimise noise disturbance from construction works
 - Procedures for emergency deviation of the agreed working hours
 - Control measures for dust and other air-borne pollutants, including a dust management plan in order to minimise the impacts of construction dust
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes
 - Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development
 - Mitigation measures for the protection of amphibians, mammals, breeding birds, hedgerows and retained vegetation
 - Measures to control flooding on site during construction
 - Waste audit - the control and removal of spoil and wastes.

The approved statement shall be adhered to throughout the construction period.

Reason: To protect the living conditions of nearby residents.

Contamination

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

5. No development shall commence until a remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, has been submitted to and approved in writing by the Local Planning Authority.

The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development. The remediation strategy must be carried out in accordance with the approved details at all times.

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

Archaeology

6. No development or demolition shall take place until the applicant or their agents, has secured the implementation and submission of a report on a programme of archaeological monitoring and recording to be undertaken during any demolition or development works (this can be amended to the specific details). That programme of archaeological works should be undertaken in accordance with a Project Design which has been submitted to and approved in writing by the local planning authority prior to development works taking place. The Project Design must include the following five stages:

- A phased programme and methodology of site investigation and recording;
- A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
- Provision for appropriate publication and dissemination of the archaeology and history of the site;

- Provision for archive deposition of the report, finds and records of the site investigation; and
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved Project Design.

Highways

7. No development shall commence, including any works of demolition, until a Highways Construction 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:

- site operative hours
- timing of deliveries to avoid movements during peak traffic periods
- layout of the temporary site compound
- demolition / construction traffic routing
- parking of vehicles of site operatives and visitors
- loading and unloading of plants and materials
- storage of plants and materials used in constructing the development
- full details including the height and maintenance of security hoarding.

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

8. No development shall commence, including any works of demolition, until details of all wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall include provision for the wheel washing of every vehicle directly engaged in construction/demolition activity prior to it leaving the site and shall be implemented during the entire demolition/construction period.

Reason: To ensure the safety of highway users during both the demolition and construction phase of the development.

Surface Water Drainage

9. No development shall commence until a sustainable surface water drainage scheme (including timetable for implementation), has been submitted to and approved in writing by the local planning authority. The sustainable drainage system shall be based upon the submitted Flood Risk Assessment Report. Details shall include the submission of drainage

calculation results that show the flow rate for the 1 in 100yr RP Plus CC (45%) for pipes 1.016, 1.017 and 1.018.

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

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

During Building Works

10. Before any construction commences above slab level, details of the privacy screens shown on Drawing No. 7099-JMA-01-ZZ-DR-A -00-2001-S3-PO1 entitled Elevations 2 shall be submitted to and approved by the local planning authority. The details shall be implemented in full prior to first occupation of the flats and shall remain for the lifetime of the development.

Reason: To protect the amenities of existing residents and future occupiers and to comply with Policy EQ2 of Sefton Local Plan.

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 20

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

12. Before any construction commences above slab level:
 - a) Samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The materials approved under (a) above shall then be used in the construction of the extra care unit.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity and to comply with Policy EQ2 of Sefton Local Plan.

Piling

13. a) Should any part of the development incorporate piling works or ground compaction, details of the works, proposed duration and hours of piling/ ground compaction and details of mitigation methods for the suppression of dust shall be submitted to and approved by the Local Planning Authority prior to work commencing on site.
b) Piling/ ground compaction works shall then be carried out in accordance with the details approved under (a) above.

Reason: To ensure the amenities of nearby residents are not unduly harmed by noise and dust from piling /ground compaction works and to comply with Policy EQ2 of the Sefton Local Plan.

Solar Panels

14. Prior to the installation of the solar panels, details including the height, design, colour, a glint and glare assessment and a timetable for their installation shall be submitted to and approved in writing by the local planning authority. The solar panels shall be implemented in accordance with the approved details and thereafter retained in perpetuity.

Reason: To ensure an acceptable visual appearance to the development and to meet the aims of policy EQ7 of the Sefton Local Plan.

Before the Development is Occupied

Odour

15. Prior to the proposed development first being brought into use a written scheme of odour and smoke control for any commercial kitchen extraction system installed on site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be installed before the extraction system is brought in to use and be retained and maintained thereafter.

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

Plant and Equipment

16. Prior to the proposed development first being brought into use a suitable scheme of noise control for all plant and equipment shall be submitted to and agreed in writing with the local planning authority. The approved scheme must be installed before the plant becomes operational and retained as such thereafter.

Reason: To protect the living conditions of nearby residential properties from noise.

Ventilation

17. Prior to the proposed development first being brought into use a written scheme of acoustic glazing for each of the residential units shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall have due regard to the criteria within Table 4 of BS 8233:2014. The approved scheme shall be installed and be retained and maintained thereafter.

Reason: To safeguard the living conditions of the future occupants of the residential units.

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

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

Affordable Housing

19. The development shall not be occupied until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units.
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: This condition is required to secure the provision of affordable units and to ensure a satisfactory standard of control over the occupation of the affordable units.

Contamination (Verification Report)

20. 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.

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.

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.

Drainage Management Plan

21. Prior to occupation of any part of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

22. No residential unit shall be occupied until space has been laid out within the site in accordance with drawing no. 533-UWL-XX-00-DR-L-0001 PL03 for 57 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for the parking of vehicles for the life time of the development

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

Landscape Planting and Maintenance Plan

23. No residential unit shall be occupied until a Landscape Planting and Maintenance Plan (LPMP) has been submitted to and approved in writing by the local planning authority. The Plan shall include details of appropriate management options for achieving the aims and objectives including measures to meet the stated habitat condition with direct reference the Biodiversity Net Gain condition assessment criteria, and a timetable for implementation. The plan shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity.

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

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

Ongoing Conditions

25. The hard and soft landscaping scheme approved under condition 23 shall be carried out in full within 3 months of occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season.

Reason: In the interests of visual amenity.

26. The development hereby approved shall only be let/sold to those people who are more than 55 years old and it shall be used as an Extra Care facility only and not as any other use within the C3 Use Class.

Reason: The car parking provision is based on car parking standards which relate specifically to an Extra Care Unit for the elderly.

Informative

BIODIVERSITY NET GAIN (BNG)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in the appendix to this notice.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan would be Sefton Council.

PHASED DEVELOPMENT

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

The application was made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission. The authority is satisfied that this consent does not affect the post-development value of the onsite habitat or the effect of the development on any irreplaceable habitat within it as specified in the approved Biodiversity Gain Plan, and the gain plan condition is regarded as approved for the purpose of discharging the biodiversity gain plan condition attached to this consent.

APPENDIX

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly

for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.