Summary

This is a full application to construct 57 dwellings on land within the Parkhaven Trust estate. The proposal includes a new vehicular access from Green Lane as well as the relocation of existing growing plots on part of the site.

The main issues to consider include the principle of the development, its design and visual impact and impacts on heritage assets, residential amenity and highway safety. Policy requirements for affordable housing, trees and greenspace will be examined and issues relating to contaminated land, flood risk, ecology and archaeology will also be taken into consideration.

It is concluded that, overall, the proposal satisfies all relevant policies and the recommendation is for planning permission to be granted subject to conditions and the completion of a Section 106 agreement.

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

Case Officer Mrs Diane Humphreys

Email planning.department@sefton.gov.uk

Telephone 0345 140 0845 (option 4)

Application documents, plans and statutory consultee responses are available at:

http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O7SHOWNWK7K00
The Site

The 3.39 hectare application site forms part of the Parkhaven Trust estate. It comprises undeveloped grassland, with a 0.46 hectare area given over to allotments, bounded by the rear of houses in South Meade to the north, Green Lane to the east, buildings on the Parkhaven estate to the south and open land including a cricket ground to the west.

There are existing trees along the northern and eastern boundaries of the site and a pond located close to the site's north-western corner which serves to provide sustainable drainage (SuDS).

History

DC/2016/01570. Proposal: Outline planning application for the erection of a 45 bedroom nursing home after demolition of existing building. Decision pending.

S/2013/0245. Proposal: Outline planning application for the erection of up to 24 dwellings, up to 28 number extra care units and associated parking. Approved July 2013.


Consultations

Local Plans

The UDP (2006) designates this site as urban greenspace. Policy G1 'Protection of urban greenspace' is generally restrictive. However, G1 is not in accordance with the National Planning Policy Framework (NPPF).

The emerging Local Plan designates around half of the site as primarily residential area, under policy HC3. This corresponds broadly to the area of planning permission S/2013/0245. Part of the site is designated as open space under policy NH5. This corresponds broadly to the area of open space shown in planning permission.
S/2013/0245. The remainder of the application site is designated as an education/care institution in the urban area under LP policy HC7 ‘Education and care institutions in the urban area’.

There are no objections in principle to the housing development on the part of the site which is primarily residential area. There are no objections in principle to the housing development on the part of the site which is shown as open space, as alternative provision is being made in line with NPPF para 74 and LP policy NH5. However, I would recommend that a planning condition or obligation will be needed to secure this replacement provision prior to beginning of the first growing season after development commences.

The key issue of principle is whether the part of the housing development on the area designated as HC7 is acceptable. There are two parts to this.

Policy HC7, part 1a allows development of uses which sustain the viability of the existing (i.e. Parkhaven Trust) use of the site. I note the letter of confirmation from the Chair of the Parkhaven Trust provided by the agent that proceeds of the sale of the relevant part of the Trust’s land would be spent in furthering its charitable purposes which are to "relieve the needs of older people and people with epilepsy, learning, physical and other disabilities etc." I consider that this would satisfy the requirements of policy HC7 part 1a. In terms of policy HC7 part 2, I am aware that the Conservation Officer has not raised heritage concerns. I would see the particular green infrastructure benefits of the Sefton Lane Parkhaven site as a whole as including quality of life/ character of the area, cultural, nature, climate change and flood risk benefits, and also:

- Heritage benefits (Listed Building, Trust and its non-designated assets important to the history of Maghull, parkland setting of the site)
- Health and well-being benefits (direct benefits to those living at Parkhaven or using its day-care facilities, wider health benefits from access to green space and trees, physical benefits from use of cricket pitch and circular walking route)
- Recreation benefits (cricket pitch, circular walking route, allotments & the public open space which would be relocated as part of this planning application), and
- Economic benefits (jobs, contribution to the health sector, etc).

The main issue is the impact of this application on the key green infrastructure of Parkhaven Trust site as a whole, bearing in mind existing, current planning permissions elsewhere in this overall Parkhaven Trust site. In terms of open views in relation to quality of life/character of the area benefits, paragraph 8.65 of the explanation to HC7 says "…it is recognised that there may be a loss of openness and associated visual amenity, as development is likely to involve building on previously open land. Policy ED2 'Design' is therefore especially important to many of these sites."

The application involves removal of a pond, although a new pond is provided, and the Flood Risk Assessment says that sustainable drainage systems will be used to manage surface water. Having considered the impact on key green infrastructure benefits, unless Merseyside Environmental Advisory Service or the Flood and Coastal Erosion Risk
Management have significant concerns, I consider that this planning application is acceptable in terms of policy HC7 part 2.

On this basis, the application is acceptable in principle in terms of policy HC7 'Education and care institutions in the urban area'.

Conservation Officer
The proposals are considered to be acceptable in principle and the Heritage Statement accompanying the application provides a full assessment of the site and its significance, which is welcome.

The site is located in Maghull and affects the setting of the named listed buildings: Harrison Homes, Manor House and several stone structures.

The residential development takes reference from local vernacular and in particular, quality materials and design elements of Harrison Home and Manor House. The use of quality materials and appropriate landscaping and planting will minimise any harmful impact on the setting of the listed buildings (Harrison Home and the Manor House and stone structures) and views in and out of the site.

Pollution Control Team
No objection in principle to this proposal, subject to conditions on piling and an acoustic barrier, and informatives for peat, piling, construction/demolition and acoustic fence/barrier.

Highways Development Design
Trip Generation and Impact on the Highway Network
A Transport Assessment has been produced which has considered the impact of the additional traffic that is likely to be generated as a result of the development.

It is considered that implementation of pedestrian crossing facilities at the Green Lane/Liverpool Road South junction would have a limited impact upon the junction’s operational capacity, and would allow the junction to continue to operate with a level of spare capacity.

Other Highways Aspects
A network of roads is proposed within the residential element of the site and will provide access to all dwellings.

The layout of the access roads and footways within the residential element of the development site is generally acceptable.

It is proposed to provide 2 car parking spaces per dwelling, which is acceptable given the location of the site.

The transport assessment has considered the level of accessibility for other modes of travel including walking, cycling and public transport. A number of highway improvements
Viability Consultants

Keppie Massie, the Council’s retained viability consultants, have assessed the application and the viability evidence prepared on behalf of the applicants. They have concentrated on the key points of difference, namely the developer’s profit and land value assumptions. Accordingly, in economic viability terms, they have concluded as follows:

- that the developer’s profit assumptions of 20% of gross development value (GDV), based on operating performance is flawed. Keppie Massie consider, bearing in mind that the site is located within an area of strong housing demand and comprises a relatively small number of dwellings, that a profit level set at 18% of GDV is reasonable for this site for the purposes of assessing the viability of the proposed development.

- In addition they also reviewed the appropriateness of reduced profit levels being applicable on the affordable housing units and concluded that a figure lower than the developer wished to apply would be appropriate, reflecting reduced risk, Keppie Massie, therefore adopt a profit figure of 8% of GDV for the affordable housing units.

- with regard to other matters the construction costs adopted by the applicant are considered reasonable. However, their sales and marketing costs are high at 4.3% of the gross development value (GDV) and Keppie Massie have adopted a lower level of 3.5%. In addition, the acquisition costs adopted by the applicant should reflect current guidance. Furthermore, Keppie Massie have assessed the likely costs and revenues associated with the application proposals. They consider that the revenues adopted by the applicant are low by around 5.4% although the revenues adopted by the applicant in respect of the affordable dwellings are considered reasonable. However, it is acknowledged that the applicants have increased the level of affordable housing to reflect the current policy position.

- taking account of all viability factors, Keppie Massie consider that the residual land value they calculate provides the landowner with a competitive return at the planning policy position of 30% affordable housing which gives sufficient incentive for the landowner to release the site. The land value they have adopted significantly exceeds the current use value of the site.

- Keppie Massie therefore consider that the development can support the full policy requirement of 30% affordable housing.

- if the Local Planning Authority were minded to accept 15% affordable housing on site and a commuted sum payment in lieu of the balance of 15% affordable housing required not provided on site, Keppie Massie have calculated that this would give
rise to a commuted sum payment (based on the slightly adjusted affordable housing mix offered after the submission of the application) of £945,000.

**Tree Officer**
Trees at the site are not the subject of a Tree Preservation Order and do not lie within a designated Conservation Area.

Overall the scheme identifies the loss of 6 individual trees and 4 groups, and partial removal of a further group, with some further pruning. The works are acceptable.

The proposed housing scheme / layout appears to make good provision for the retention of trees and retains an important visual amenity particularly along the Green Lane road boundary. Trees to the north side of the site will screen existing properties to South Meade.

Overall the proposed scheme satisfactorily accommodates and retains trees at the site.

**Contaminated Land Team**

i. The site investigation and risk assessment has identified a potential risk from ground gas and recommended additional monitoring and assessment to determine the scope of gas protection measures required for the proposed development. In addition, the assessment has identified contamination associated with ashy material in the northwest of the site.

ii. The proposed site layout submitted with the application shows two areas that form the proposed development; residential housing and an area assumed to be new allotments. However, the site investigation has focused on the residential area only and further investigation of the new allotment area will be required.

iii. Due to the identified contamination, proposed additional gas monitoring and query regarding the assessment of the area proposed for allotments, standard contaminated land conditions and informative should be attached to any granted planning approval.

**Flooding and Drainage Team**

In general, the principles of the submitted Flood Risk Assessment and Drainage Management Strategy (FRA/DMS) are acceptable.

The developer must submit details of the surface water management systems and this can be secured by a condition.

The developer must apply for Land Drainage Consent from the Lead Local Flood Authority for works that will affect an ordinary watercourse and for an Environmental Permit from the Environment Agency for works that affect a main river.

**United Utilities**

No objections subject to a condition to secure a sustainable drainage management and maintenance plan.
Merseyside Environmental Advisory Service

Ecology

The development site is close to a designated Local Wildlife Site (LWS) and UDP policy NC1 applies.

The LWS was designated due to the presence of a rookery. Impacts on the LWS are not considered likely on this occasion, as the proposed development will not encroach into the LWS boundary and the majority of trees on the application site are to be retained. Breeding rooks are therefore unlikely to be affected.

Roosting bats are unlikely to be affected by the proposals and that the Council does not need to assess the proposals against the three (Habitats Regulations) tests.

Seven ponds were found to be present within a 500m radius of the application site, including an attenuation pond within the site boundary. All of these ponds were assessed for their suitability to support great crested newts, the results were negative and therefore great crested newts do not need to be considered further in relation to these proposals and the Council does not need to assess the proposals against the three (Habitats Regulations) tests.

The on-site pond will be lost as a result of the proposed development, although this will be mitigated for through the creation of a new attenuation pond.

A condition is recommended to protect breeding birds.

A landscaping plan has been submitted which includes elements of native planting. The plan is acceptable from an ecological perspective and its undertaking should be secured by a planning condition.

A Construction Environmental Management Plan incorporating a waste audit or similar mechanism, the protection of wildlife during the removal of the ponds and measures to protect important hedgerows during construction should be secured by condition.

Recommendations for ecological enhancements, including the erection of bat roosting boxes on the site, are made in the ecological assessment report and MEAS encourages the applicant to follow these recommendations.

Himalayan balsam was recorded on the site during the additional survey. The applicant is required to submit a method statement and validation report for approval which can be secured by condition.

Historic Environment

I advise that no further archaeological mitigation works are necessary.
**Merseytravel**
The Council should ensure that all traffic likely to be generated by the development can be satisfactorily accommodated within the local highway network, the developer should fund in full the upgrade of a bus stop on Liverpool Road South and appropriate access for dial-a-ride vehicles should be provided.

**Fire and Rescue Service**
No objections

**Neighbour Representations**

A petition containing 750 signatures has been submitted in opposition to the development. The petition is not endorsed by a Councillor.

In addition, individual written objections have been received from residents in South Meade, Sefton Drive, Green Lane, Holmefield Grove, Liverpool Road South, Cannock Green, Rigby Road, Manor House Close, Manion Close, Ormonde Drive, Hinchley Green, The Round Meade, Dovedale Avenue, The Crescent, Sefton Lane, Empress Close, York Road and Newlyn Avenue.

The grounds of objection include:

**Residential Amenity**
- impact on Parkhaven residents
- noise and disturbance within a peaceful environment
- loss of privacy
- existing trees overshadow existing properties
- pollution from cars
- noise and disturbance during construction
- light pollution
- lack of a buffer between the proposed development and houses in South Meade
- loss of view
- health issues during construction for existing residents

**Highway Safety**
- dangerous access on Green Lane
- inaccurate Traffic Assessment
- traffic disruption
- additional traffic congestion
- road has been marked out

**Infrastructure**
- insufficient infrastructure in the Maghull area including schools, shops and doctors' surgeries
• Maghull is already taking disproportionate amount of new housing in the Local Plan
• lack of public transport facilities in the area
• bin collection service will suffer

**Drainage**
• Insufficient assessment of drainage issues
• high water table
• previous incidents of overloaded effluent system
• query access to culverts
• flooding problems in the area
• who will maintain the sustainable drainage pond system?
• Flood Risk Assessment does not use Sefton's data

**Urban Green Space**
• loss of urban green space which UDP protects
• further erosion of green belt area
• loss of peaceful and tranquil area

**Trees**
• loss of trees and bushes
• who will maintain existing trees?
• are the trees protected?
• can the trees and hedgerows within the development site be afforded Tree Protection Status?
• concerned that trees have already been removed

**Wildlife**
• loss of wildlife habitat

**Other**
• lack of Environmental Impact Assessment
• Parkhaven Trust proposals should benefit the community
• potential damage to property during construction
• site is not included in the Local Plan
• Grade 1 agricultural land which was previously farmed
• non-compliance with previous planning permission
• contravention of a Covenant on the land
• overdevelopment
• insufficient residents informed of the development
• what are other proposals for the Parkhaven Estate?
• Councillors should listen to local residents
• proposed houses beyond the price range for first time buyers
• Parkhaven are not good neighbours
• bureaucrats lining their pockets with bribes
• object to re-location of growing plots
• Redrow do not own the land
• property devaluation

A letter in support of the development has been received from a resident of Sefton Lane. This is summarised below:

• the development will provide much needed high quality homes for the Maghull area
• support for the affordable housing
• Parkhaven is acting like a business in dealing with cuts in funding but still maintaining green space and allotments as part of the new scheme

Policy Context

The application site is situated in an area designated as Urban Greenspace on the Council’s Adopted Unitary Development Plan.

The policies in the emerging Local Plan (June 2016) were subject to discussion at the recent Local Plan Examination and where appropriate have been given weight in coming to a recommendation on this application.

Those policies to which there was no objection or to which no modifications have been proposed may be regarded to carry significant weight. They will be referred to where appropriate in the assessment of this proposal.

Assessment of the Proposal

The main issues to consider include the principle of the development, its design and visual impact and impacts on heritage assets, residential amenity and highway safety. Policy requirements for affordable housing, trees and greenspace will be examined and issues relating to contaminated land, flood risk, ecology and archaeology will also be taken into consideration.

Principle

The application site is designated as urban greenspace in the adopted Unitary Development Plan (UDP) 2006. UDP policy G1 is generally restrictive in respect of urban greenspace however this policy is not in accordance with the National Planning Policy Framework (NPPF). The relevant policies within the emerging Local Plan 2016 carry significant weight and take precedence over the UDP policies.
The Local Plan designates around half of the site as primarily residential area under policy HC3, part of the site (the existing allotments) as open space under policy NH5 and the remainder as an education/care institution in the urban area under policy HC7.

The principle of housing development on the part of the site designated as primarily residential area is acceptable under Local Plan policy HC3.

The principle of housing development on the part of the site designated as open space is acceptable as alternative provision is made for the allotments in line with NPPF paragraph 74 and Local Plan policy NH5. A condition is recommended to secure the replacement provision.

Local Plan policy HC7 part 1a) allows development for uses "which sustain the viability of the existing use of the site". The applicant has provided a letter from the Chair of the Parkhaven Trust confirming that the proceeds of the sale of land would be spent in furthering the Trust's charitable purposes. This is considered to satisfy this part of policy HC7.

The proposal also needs to satisfy part 2 of policy HC7 which states that development "must retain key green infrastructure and minimise harm to the historic environment and its setting".

When looking at the Parkhaven Trust site as a whole, it is considered that the proposal will retain key green infrastructure. In addition, the Council's Conservation Officer has not raised heritage concerns. Part 2 of policy HC7 is therefore satisfied.

For the above reasons, the proposed residential development is considered acceptable in principle.

In addition to the above, it is acknowledged that Sefton cannot demonstrate a five year housing supply. The most recently assessed figure is a 3.1 year supply as set out in the Council's “5 Year Supply Statement 2015 Update” (December 2015). This is a relevant factor which should also be taken into consideration in assessing this proposal.

**Visual Impact**

The proposed development includes a mix of 2 to 4 bedroom predominantly detached properties with some mews style dwellings. The houses are two storeys in height and have hipped roofs with the exception of the mews properties which have pitched roofs. Materials for the houses include 3 varieties of facing brick with some render and tiled roofs. Details such as bays, Tudor boarding and porches are incorporated into the design.

The applicant’s scheme has been designed as a modern version of traditional suburban architecture and reflects the varied design of properties in the surrounding area.
There is a close boarded fence with hedging and mature trees behind along the entire Green Lane frontage. With the exception of the creation of the access on Green Lane, the majority of this will be retained and will help to soften the impact of the development.

The visual impact of the development is considered acceptable.

**Heritage Assets**

The proposal affects the setting of several listed buildings within the Parkhaven Trust estate, namely Harrison Homes, Manor House and some stone structures.

A Heritage Statement has been submitted as part of the planning application and the proposals are considered acceptable in principle.

The residential development takes reference from local vernacular and quality materials and design elements of Harrison Home and Manor House. This, as well as appropriate landscaping, will minimise any harmful impacts on the setting of the listed buildings and views in and out of the site.

**Residential Amenity**

The relationship of the new dwellings to houses to the north of the site in South Meade is considered acceptable. It exceeds the standards set out in the 'New Housing' Supplementary Planning Document (SPD) which is a distance of 21m between windows of habitable rooms and 12m between a window of a habitable room and a blank gable or window of a room which is not habitable. In addition, there are existing mature trees along this northern edge of the site the majority of which will be retained.

The distances between dwellings and garden sizes within the development also satisfy the standards set out in the SPD.

The Pollution Control Team have raised no objections in principle but recommend conditions are imposed in order to minimise noise impacts during piling works and for future residents adjacent to the existing access road and car park within the site.

Impacts on residential amenity are considered acceptable subject to conditions.

**Highway Safety**

Highways Development Design have raised no objections in principle to the development subject to conditions.

Access to the site will comprise a 5.5m wide carriageway with 2m footways via a priority junction onto Green Lane. A Transport Assessment has been submitted alongside the application which demonstrates that the proposed development would have only a
marginal impact upon the nearby signal-controlled junctions and these would continue to operate with spare capacity.

The site layout incorporates 2 car parking spaces per dwelling and 2m wide footways within the site to allow easy access through the site. The existing footway on the site side of Green Lane will also be widened to 2m to improve pedestrian safety. A package of highway improvement works will be required by condition in order to enhance the level of accessibility for pedestrians and public transport users.

The proposals are therefore considered not to cause significant harm to highway safety.

**Affordable Housing**

The Council's affordable housing policy is set out in policy HC1 of the emerging Local Plan which carries significant weight. This requires developments of 15 dwellings or more to provide 30% affordable housing, measured by bed spaces. This should be split as 80% social rented/affordable rented and 20% intermediate housing.

Policy HC1 requires that the affordable housing requirement should normally be provided on site. In this case the applicant is exceptionally proposing, because of the charitable status of Parkhaven Trust, to provide only 15% of the affordable housing policy requirement on site. The remaining 15% is to be provided by way of a commuted sum payment in lieu of on-site provision at £945,000 (as calculated by Keppie Massie – see above). In this case the commuted sum payment is intended, in the first instance, to be used to provide a nursing home to provide dementia care (also on this agenda) or other named construction works (see (b) below) for the benefit of the Parkhaven Trust. Only if these outcomes are not delivered within 3 years from the date when the housing development commences, will the amount be made available to the Council for the 15% off-site affordable housing.

The on-site provision comprises a row of 6 townhouses located in a fairly central position near to the Green Lane frontage and a pair of semi-detached houses located close to the south-eastern corner of the site. It is not an ideal distribution for pepper potting purposes but given there are only 8 affordable dwellings involved in total, it is considered to be acceptable.

The 8 proposed on-site affordable homes will comprise two 4 bed intermediate/shared ownership units, four 4 bed social rented units and two 3 bed social rented units. This equates roughly to the 80:20 split between social rented and intermediate housing set out in emerging Local Plan policy HC1.

The on-site 15% affordable housing provision and the commuted sum payment in lieu of the 15% affordable housing not provided but to be used for agreed construction works, will be secured via a Section 106 Agreement which will need to be completed before the planning permission can be issued. The applicant has submitted a draft Section 106 Agreement which also, among other things, includes the details of how the off-site
commuted sum payment in lieu of the 15% affordable housing provision is intended to be expended and the default position (i.e. how the commuted sum payment will be conveyed to the Council if the agreed construction works are not delivered to an agreed timetable). The exact wording of the Section 106 is still under discussion and any updates and hopefully the final agreed wording will be reported in the Late Representations report.

It is proposed that the Section 106 Agreement will secure the following:

(a) The provision of 8 affordable units on the application site as described above.

And

(b) The construction of a new nursing home and/or other named refurbishment or improvement works to be provided at the Parkhaven Trust site in Maghull (excluding the current application site). These “off-site” works shall first be agreed by the Council.

Or

(c) If the off-site works agreed under (b) above are not provided within 3 years from the date when the housing development has commenced then the applicant will pay to the Council a commuted sum towards off-site affordable housing. The off-site affordable housing sum has been agreed by the Council’s Viability Consultants at £945,000.

Or

(d) If the “off-site” works agreed under (b) above total less in value than the agreed commuted sum of £945,000 then the difference in value between the two will be paid to the Council within the 3 year timescale towards off-site affordable housing provision.

The above approach is proposed by the applicant due to the desire by Parkhaven Trust, operating as a registered charity, to fund a new dementia centre and re-provide the service currently operating at Harrison House which is a listed building in need of refurbishment.

This approach does not strictly accord with emerging Local Plan policy. It allows for a nursing home (or other named construction within the Parkhaven Trust estate) to be provided instead of 15% affordable homes (i.e. the balance of the 30% policy requirement not provided) within the development.

If these works are not provided within three years of when the housing development subject of this application has commenced, then the applicant will pay the Council £945,000 towards providing equivalent affordable housing provision off-site.

It is recommended, exceptionally, to allow the Trust to provide a nursing home (or similar) in lieu of a proportion of affordable housing. A legal agreement will ensure that if this is not provided, the additional value through not providing the requisite amount of affordable
housing within the site will be made available to the Council to meet the cost of providing the 15% affordable housing off-site.

Trees

Trees on the site are not protected by a Tree Preservation Order nor are they within a conservation area.

The proposals identify the loss of 6 individual trees and 4 groups with partial removal of another group which the Council’s Tree Officer considers to be acceptable. In addition, the scheme makes good provision for the retention of trees especially along the Green Lane frontage and the boundary with the properties on South Meade. These will help to reduce the impact of the new houses and provide an attractive frontage on Green Lane.

The proposals includes a significant amount of new tree and shrub planting within the site which satisfies emerging Local Plan policy EQ9 in terms of replacement planting and an appropriate landscaping scheme.

Public Open Space

Local Plan policy EQ9 carries significant weight in respect of the requirement for public open space provision.

Residential developments of 11 to 149 homes only require public open space to be provided when they are more than 2 km from a main park or Countryside Recreation Area. The application site is not within such a deficiency area therefore there is no requirement for public open space to be provided in this case.

Contaminated Land

The Contaminated Land Team have recommended that the standard contaminated land conditions are included on any planning permission due to identified contamination, proposed additional gas monitoring and the need for further investigation.

Flood Risk

The applicant has submitted a Flood Risk Assessment and Drainage Management Strategy as part of this planning application. The Flooding and Drainage Team and United Utilities agree with the principles set out in this report but recommend conditions are imposed to secure full details and management and maintenance proposals to allow surface water to be drained sustainably.
Ecology

Merseyside Environmental Advisory Service (MEAS) advise that the application site is close to a Local Wildlife Site although impacts on the LWS are considered unlikely in this case.

The applicant has submitted ecological survey reports with this application. MEAS have advised that the updated report is acceptable, that roosting bats are unlikely to be affected by the proposals and that the Council does not need to assess the proposals against the three (Habitats Regulations) tests.

MEAS recommend conditions to secure the protection of wildlife and a remediation scheme for Himalayan balsam. Conditions are also recommended to protect breeding birds, to secure the proposed landscaping scheme and to secure a Construction Environmental Management Plan.

Archaeology

An Archaeological Desk Based Assessment forms part of this application. Merseyside Environmental Advisory Service advises that no further archaeological mitigation works are required in respect of the proposed development.

Other Issues

The development does not comprise a Schedule 1 or 2 developments which would need an Environmental Impact Assessment (EIA) under the EIA Regulations 2011.

The site does not have to be specifically included in the Local Plan as an allocated housing site in order to be considered suitable for development.

The proposal will make a contribution to the local authority’s housing land supply. There was an outline application (S/2013/0245) for 24 dwellings and 28 extra care units (Class C3), making 52 units in total. This proposal, by virtue of being for 57 dwellings will increase this by 5 dwellings and this will make a modest additional contribution towards getting the Council towards a 5 year supply (3.1 years’ supply, as of December 2015). This weighs in favour of the scheme.

Other issues have been raised by local residents including noise and disturbance during construction, loss of view, health issues, lack of infrastructure, damage to property, property values and contravention of a covenant. These are not material planning considerations which can affect the decision made on this planning application.

Conclusion

For the above reasons, the principle of the development, its visual impact and impacts on heritage assets, residential amenity and highway safety are considered acceptable. There
are no objections to issues of trees, greenspace, contaminated land, flood risk, ecology and archaeology subject to conditions.

The proposed development will not meet the emerging Local Plan policy HC1 requirement for 30% affordable housing on-site even though the Keppie Massie viability assessment demonstrates this could in viability terms be achieved. Exceptionally, it is recommended that instead of providing 15% affordable housing, an equivalent contribution would go towards a nursing home providing dementia care, or other named charitable construction within the Parkhaven Estate. If this does not happen within a specified timescale, a commuted sum will be paid to the Council towards off-site affordable housing. This arrangement will be secured by legal agreement.

It is therefore recommended that planning permission is granted subject to conditions and the completion of a Section 106 agreement to secure:

- 15% affordable housing requirement on-site
- the provision of agreed construction works in lieu of the 15% affordable housing not to be provided, and
- the commuted sum payment of £945,000 to be made by the applicant in circumstances where the agreed Parkhaven construction works are not provided within an agreed timescale (i.e. 3 years from the start of the housing development).

**Recommendation - Approve with Conditions subject to the completion of a Section 106 Agreement**

**Approve with Conditions**

**Conditions**

This application has been recommended for approval subject to the following conditions and associated reasons:

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

   **Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

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

   **Location Plan**
   Drawing Numbers MP/DSL/001 rev E, MP/MAT/001 rev C, MP/BDL/001 rev C, MP/AFF/001 rev A, BD-01
Reason: To ensure a satisfactory development.

3) The relocated growing plots shall be provided in full before 1 March after commencement of the residential development hereby approved.

Reason: In order to provide replacement open space and to comply with policy NH5 of the emerging Sefton Local Plan.

4) Before any construction commences:-

   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 development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with policy DQ1 of the Sefton Unitary Development Plan.

5) 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 that the amenities of nearby residents are not unduly harmed by noise and dust from piling/ground compaction works and to comply with policies CS3 and EP6 of the Sefton Unitary Development Plan.

6) Prior to first occupation of any dwelling with a direct boundary to the existing internal access road and car park, full details of an acoustic fence along these boundaries of the site shall be submitted to and agreed in writing by the Local Planning Authority. No dwelling with a direct boundary to the approved fence shall be occupied until the
agreed fence has been constructed and completed in accordance with the approved details.

Reason: To safeguard the living conditions of future occupiers and to comply with policies CS3 and EP6 of the Sefton Unitary Development Plan.

7) a) Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan.

b) The barrier/fencing approved under (a) above shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

8) No tree which is to be retained shall be cut down, uprooted or destroyed, or have surgery undertaken, without the written approval of the Local Planning Authority, within 1 year from the completion of the development. Any such trees removed or dying shall be replaced with trees of a size and species to be agreed in writing with the Local Planning Authority in the next available planting season.

Reason: In the interests of visual amenity and in order to comply with policy DQ3 of the Sefton Unitary Development Plan.

9) a) The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

b) 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 unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with policy DQ3 of the Sefton Unitary Development Plan.

10) Prior to commencement of development the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings must be produced. The report should include an appraisal of remedial options and identification of the most appropriate remediation
option(s) for each relevant pollutant linkage. The report is subject to the written approval of 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 in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

11) Prior to commencement of development a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, must be prepared and is subject to the approval in writing of the Local Planning Authority.

a) The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development and commencement of its use.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS3 & EP3 of the Sefton Unitary Development Plan.

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

b) Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by Condition 12.

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 in accordance with policy CS3 & EP3 of the Sefton Unitary Development Plan.

14) No development shall commence until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Reason: To ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework, Paragraph 103.

15) a) Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

b) The provisions of the Construction Environmental Management Plan approved under (a) above shall be implemented in full during the period of construction and
shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise environmental impacts during the construction phase and to accord with policy CS3 in the Sefton Unitary Development Plan.

16) Full details of a scheme for the eradication of Himalayan balsam shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and subsequent to this agreement a validation report confirming that the remediation treatment has been carried out and that the site is free of Himalayan balsam for 12 consecutive months shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

Reason: To prevent the spread of the plant through development works.

17) a) A scheme of works for the proposed vehicular and/or pedestrian access shall be submitted to and approved in writing by the Local Planning Authority

b) No part of the development shall be brought into use until a means of vehicular and/or pedestrian access to the site/development has been constructed. These works shall be in accordance with the scheme approved under (a) above.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 of the Sefton Unitary Development Plan.

18) No part of the development shall be brought into use until visibility splays of 2.4 metres by 59 metres at the proposed junction with Green Lane have been provided clear of obstruction to visibility at or above a height of 0.6 metres above the carriageway level of Green Lane. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 in the Sefton Unitary Development Plan.

19) a) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme for the provision of the following highway improvement works together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority:

- Construction of a new access off Green Lane with flush kerbs and tactile paving either side
- Reconstruction and widening to 2.0m of the footway on the west side of Green Lane from the traffic signal controlled junction at Liverpool Road South/Green Lane to the junction of Green Lane/South Meade across the frontage of the site
- Introduction of flush kerbs and tactile paving on both sides of South Meade at its junction with Green Lane
- Introduction of controlled pedestrian facilities across the north and east arms of the signal controlled junction of Liverpool Road South/Green Lane. This would include push buttons and pedestrian aspects together with reconstructed enlarged splinter islands with 'keep left' bollards, as well as flush kerbs and tactile paving as appropriate
- Introduction of access kerbs and the alteration of the footway levels at the existing bus stop on the north side of Liverpool Road South adjacent to no 209a

b) No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the details approved under (a) above.

Reason: In the interests of highway safety and to accord with policies CS3, DQ1 and AD2 of the Sefton Unitary Development Plan.

20) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 in the Sefton Unitary Development Plan 2006.

21) a) The Development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

b) The provisions of the Travel Plan approved under (a) above shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

22) a) Prior to the commencement of development, full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance shall be submitted to an agreed in writing with the Local Planning Authority.

b) The details approved under (a) above shall be implemented throughout the period of construction unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.
23) a) Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

b) The provisions of the Construction Traffic Management Plan approved under (a) above shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

24) Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until a detailed scheme of street lighting on the access road within the development site, has been submitted for the approval of the Local Planning Authority, the said scheme shall comply with the requirements of BS5489. The approved scheme shall be implemented in full prior to the development being brought into use.

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

25) Unless otherwise agreed in writing, no part of the development shall take place until a detailed scheme of traffic calming designed to maintain vehicle speeds at 20mph or less on the proposed access roads within the development has been submitted to the Local Planning Authority. No part of the development shall be occupied until the approved scheme has been implemented in full.

Reason: In the interests of highway safety and to accord with policies CS3 and AD2 in the Sefton Unitary Development Plan.

Informatives

Peat
1) There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there is a potential risk to the development and occupants.

Piling
2) With respect to any piling operations Best Practicable Means (BPM) should be employed to control dust, noise and vibration. Reference should be made to the relevant Codes of Practice, including BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites, Part 1: Noise and Part 2: Vibration. Vibration monitoring should be undertaken to demonstrate compliance with the relevant standards and it should be
ensured that any monitors are within calibration; it is recommended there is access to a second monitor to enable readings to be taken both at the site boundary and within the curtilage of nearby properties in order to demonstrate that the levels of vibration are within the limits stated in BS 5228-2:2009+A1:2014 Part 2: Vibration table B.2. Regard should be had to the effects of vibration on people as per table B.1 and it is recommended an advisory letter drop be undertaken to all surrounding properties in advance of the piling work.

There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would prefer the contractor to choose the method which causes the least amount of noise and vibration. Should the contractor propose to use a method which is not the preferred option, then satisfactory justification will need to be provided in order to demonstrate the ultimate piling method meets BPM.

Construction/Demolition:

In addition to the advice given for piling, the requirement to demonstrate BPM and the information given in the various codes of practice are also applicable to the general construction and demolition operations.

Appropriate control and management will need to ensure that the operations meet BPM for dust, noise and vibration as well including both on and off site controls.

Further advice specific to the management of demolition activities can be found in BS 6187:2011 'Code of Practice for full and partial demolition'. It is also recommended that an advisory letter drop be undertaken to all surrounding properties in advance of the works.

Letter drops should include as a minimum:

- Name of a contact
- Telephone number and contact details for residents to report complaints and concerns during the construction and demolition phase.
- Brief description of the works being undertaken
- Expected extent and duration of the works
- Construction/demolition hours of operation

The preferred hours of construction of 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and no noisy works on a Sunday or Bank Holiday shall also apply.

**Acoustic Barrier**

3) The aim of the barrier is to, as far as practicable reduce line-of-sight to the existing access road and carpark by being of a suitable length and height.
An appropriately designed acoustic barrier should include both acoustic absorption and reflection elements. The material used should have a minimum specific surface density of 12kg/m². Wooden fences should be erected using close board construction techniques or overlapping of panels/slats to ensure that no holes are present and to ensure that shrinkage does not affect the acoustic performance.

Contamination

4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 10 to 13 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 13 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

Section 106

5) This permission is subject to a Section 106 agreement to include affordable housing.

Managing vegetation

6) No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. Any hedgerow, tree or shrub removal shall then be carried out in accordance with the approved details.

Reason: To protect birds during their breeding season and to comply with Policy NC2 in the Sefton Unitary Development Plan.

Addresses

7) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.

Highway Works

8) 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 Section on 0151 934 4175 for further information.

Traffic Regulation Order

9) Unless otherwise agreed in writing, no part of the development shall be occupied until a Traffic Regulation Order (TRO) for a 20mph speed limit on the proposed access roads within the development site has been implemented in full.
Highways Agreement

10) There will be a requirement for the applicant to enter into a s278 Highways Act 1980 Legal Agreement to facilitate the works on the adopted public highway and if any new roads or areas are proposed for adoption, an agreement pursuant to s38 of the Highways Act 1980 will be required. Please contact the Highways Development Control Team 0151 934 4175 for further information.

Sustainable Drainage

11) Details of a scheme for a sustainable drainage system should include:
   a) Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
   b) Demonstrate that the surface water run-off would not exceed the pre-development greenfield runoff rate for an existing greenfield site or show how surface water run-off would be reduced by at least 30% on previously developed sites;
   c) Include details of a site investigation and test results to confirm infiltrations rates;
   d) Include details of how any flood water, including depths, will be safely managed in exceedance routes;
   e) Secure arrangements for adoption by an appropriate public body or statutory undertaker or, management and maintenance by a Residents' Management Company through an appropriate legal agreement;
   f) Secure arrangements, through an appropriate legal agreement for funding on-going maintenance of all elements of the sustainable drainage system including:
      i mechanical components;
      ii. on-going inspections relating to performance and asset condition assessments and;
      iii. Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
   g) Secure means of access for maintenance and easements, where applicable.
   h) Include a timetable for implementing the scheme.
   i) The total discharge from the relocated pond must be restricted to the lower of 5l/s/ha or the Q100yr for Parcel A.