



Appeal Decisions

Inquiry opened on 3 October 2017 and was closed in writing on 7 December 2017
Site visits made on 4 October and 23 November 2017

by Olivia Spencer BA BSc DipArch RIBA

an Inspector appointed by the Secretary of State

Decision date: 21 February 2018

Appeal Ref: APP/Z4310/W/16/3166010

Land at Woolton Road, Allerton, Liverpool L18 9UZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Redrow Homes North West and Allerton Priory LLP against the decision of Liverpool City Council.
 - The application Ref 160/1191, dated 18 May 2016, was refused by notice dated 10 January 2017.
 - The development proposed is erection of up to 160 no. dwellings and open space.
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Appeal Ref: APP/Z4310/Y/17/3171487

Land at Allerton Road/Woolton Road, Woolton, Liverpool L25 7AY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Adam Galleymore, Redrow Homes North West against the decision of Liverpool City Council.
 - The application Ref 16L/2392, dated 23 September 2016, was refused by notice dated 9 January 2017.
 - The works proposed are described as "alterations to existing curtilage listed wall to create three points of access".
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Decisions

1. APP/Z4310/W/16/3166010

The appeal is allowed and planning permission is granted for erection of up to 160 no. dwellings and open space at Land at Woolton Road, Allerton, Liverpool L18 9UZ in accordance with the terms of the application, Ref 160/1191, dated 18 May 2016 subject to the conditions in the attached Schedule of Conditions.

2. APP/Z4310/Y/17/3171487

Listed building consent is not required for works to the boundary wall and I therefore take no further action in connection with this appeal.

Preliminary matters

- 3.** The application for planning permission was in outline with access to be considered at this stage and all other matters reserved for future consideration.

4. Although the site addresses given for the two applications differ, they concern the same parcel of land.
5. The Inquiry sat from 3 to 13 October and on 21, 22 and 24 November. It was closed in writing on 7 December 2017 following receipt of the written closing submissions of the main parties.
6. The appellant submitted a section 106 unilateral undertaking to make contributions towards ecological mitigation works, tree replacement and maintenance, and to undertake an approved scheme of boundary wall works. I consider this further below.
7. A second edition of 'The Setting of Heritage Assets – Historic Environment Good Practice in Planning Note 3' was published by Historic England on 22 December 2017. The revised guidance replaced The Setting of Heritage Assets – Historic Environment Good Practice in Planning Note 3 – 1st edition (2015) and Seeing the History in the View: A Method for assessing Heritage Significance within Views (English Heritage 2011), Core Documents 2.9 and 2.10. The 3 main parties were given the opportunity to comment on the revised guidance. I have taken the submitted comments into consideration.

Main Issues

8. The main issues are:
 - the effect of the proposals on the setting of Allerton Priory which is listed grade II*, and on the setting of the Lodge to Allerton Priory (Priory Lodge) which is listed grade II
 - the effect on the boundary wall
 - the effect of the proposed development on ecology and biodiversity
 - the effect of the proposed development on the Calderstones/Woolton Green Wedge
 - whether the Council can demonstrate a 5 year supply of deliverable housing sites

Reasons

Heritage Assets

9. Allerton Priory was designed by the notable Victorian architect Alfred Waterhouse in the gothic style. Historic England state that it is recognised as one of the best remaining examples of Waterhouse's domestic work for the industrial elite. The interior is of further interest as it was fitted out by well-known craftsmen of the time including Gillow and Company. The house was built in the 1860s for John Grant Morris a prominent Liverpool industrialist and civic figure. The special interest and heritage significance of Allerton Priory lies in large part in the high quality of its architectural design and the craftsmanship of its fittings, and in its association with Waterhouse and Morris.
10. The Liverpool suburb of Allerton was developed during the 19th century with a number of mansions for wealthy merchants set in a then rural landscape. The evidence of Miss Gersten for Save Allerton Priory (SAP) indicates that Allerton Priory is the most intact of those remaining in south Liverpool. That it is a rare

surviving example of a 'merchant prince's palace' adds to its heritage significance.

11. The Priory Lodge, also by Waterhouse, forms part of the overall design for the mansion marking the entrance from Allerton Road and denoting, in a manner derived from the country houses of the gentry, the high status of the dwelling and its owner. The building has architectural special interest as an example of work by Waterhouse and has significance also as part of the designed approach to Allerton Priory that includes the gateway and the curved driveway flanked by boulders and vegetation which provides a dramatic and carefully composed route to the house.
12. The existing Priory replaced an earlier house on the land, the extent and enclosure of which was already established. Historic maps indicate that significant design interventions into this landscape were limited to the creation of the house, formal garden, driveway and lodge. The fields beyond this to the south are described in *Allerton Priory Liverpool A Landscape Conservation Plan: Jane Furse 2000* as 'parkland', but in more detailed analysis as various 'paddocks' that were in agricultural use. The 19th century maps show some additional tree planting in these wider grounds but there is no evidence of the creation of a formal, designed park.
13. The original occupiers of Allerton Priory would have had views over this land to the Mersey and beyond, and no doubt they will have walked the paths across and around the fields. In this respect and as the home farm, the land has been 'shaped by its association with the dwelling'¹ but Historic England do not consider it could be classed as a designated landscape, nor is there evidence that it formed an important or intimate part of the functioning of the house or lodge. Further it was confirmed at the Inquiry that Furse was incorrect in stating that the site is included in the Register of Historic Parks and Gardens, and confirmed also that it lies more than 6 kilometres from the Liverpool World Heritage Site. There is no firm evidential basis therefore for the Council's case that the estate has high aesthetic value as a piece of landscape design.
14. The extent of the formal gardens, the driveway with its designed margins and ancillary domestic buildings are defined by walls and structures. The fields and enclosing wall beyond were in the same ownership when the house was built and at the time of listing in 1966, but in my judgement they lie beyond the curtilage of the listed buildings. Nevertheless they remain legible as features of a high status Victorian dwelling modelled on a country estate. As such the land and wall form part of the setting of the listed house and Lodge that contributes to their heritage significance.
15. The appeal site excludes the Lodge grounds, the margins of the driveway and the formal gardens of the mansion. Whilst details of landscaping and layout are reserved matters they would be subject to agreed parameters with the result that the proposed houses would be confined to 3 defined areas leaving the vegetated margins of the site undisturbed save for limited tree removal at the proposed accesses. An area of open grassland south of the house and garden would be retained, as would areas of woodland running through the centre of the site and in the south-east corner. Whilst there can be no doubt that the introduction of housing into the fields would change the character and nature of the site, the historic structure of the agricultural landscape and its physical

¹ Historic England pre-application consultation response 9 March 2016

separation from surrounding roads and housing would remain legible, as would its association with the parkland of Allerton Hall of which it historically formed a part and which now provides part of the context for the listed buildings. Further access would be provided onto and potentially across what is now private land enabling closer glimpsed public views of Allerton Priory through trees beyond the open grassed area.

16. From the mansion ground floor views are limited to the formal garden. From the upper storeys and roof, foreground views are dominated by the mature dense vegetation enclosing the gardens. Beyond this some roofs of the proposed houses would be visible through the trees particularly during the winter months, altering to some extent the outlook from these upper levels. However vegetation across the site would remain a prominent feature even if some was removed in accordance with the recommendations of Furse, and importantly far views to and across the Mersey would be retained. A sense of the mansion's commanding position would thereby be preserved.
17. Ground levels in the north-west corner of the site are such that the proposed houses here would be visible from Allerton Road, seen beyond the garden of the Lodge. The parameters plan however provides for a set back of the housing from the garden boundary of the Lodge and intervening planting. The field to the rear of the Lodge would no longer have an agricultural character and appearance but the listed building would retain its immediate verdant setting and more importantly, its distinctive prominence on Allerton Road. The rectangular feature in its garden, now a pond but possibly it has been suggested originally a cattle wash, would be unaffected. The degree of separation from the proposed houses would be sufficient to ensure no harmful visual coalescence with the new development, and it would as now be readily recognisable as the lodge to a grand house and an integral part of the designed approach to Allerton Priory.
18. The appeal site forms part of the setting of Allerton Priory and Priory Lodge. The proposed development would introduce housing, road and domestic gardens into an agricultural landscape, changing its character. For the reasons given above however any adverse effect these changes would have on the contribution the site makes to the heritage significance of the listed buildings would be small. Whilst the proposals would thus fail to preserve the setting of the listed buildings contrary to Policy HD5 of the Liverpool Unitary Development Plan (UDP) 2002, I conclude the harmful effect on the significance of the listed buildings would be less than substantial.
19. Paragraph 134 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I address this below under the heading of the planning balance.

Boundary wall

20. The stone wall that formerly enclosed the Priory land and now two sides of the site, runs along Allerton Road and Woolton Road. At its northern end it joins the Lodge where sweeping curves define the entrance to the driveway. The wall at this point is joined to the Lodge and is distinguishable by its dressed stone and brick form from the simpler stone wall extending along the road edge. A pedestrian gate to the Lodge garden provides a break in the wall, and

a clear point of separation between the earlier and simpler boundary wall and the designed entrance wall attached to the Lodge. The portion of the wall north of this gate is listed by virtue of its affixation to the Lodge. For the reasons given above I do not consider the remaining wall falls within the curtilage of the listed buildings and it is not therefore a listed structure. It follows that listed building consent for works to this wall is not required.

21. The wall nevertheless has been identified as having heritage interest and I have considered it as a non-designated heritage asset.
22. The wall north of the Lodge garden gate lies outside the appeal site and would be unaffected by the proposal. One new access would be made in the boundary wall on Allerton Road and two on Woolton Road. The openings made would be sufficiently wide to provide for two way traffic together with footways to either side. The carriageway alone would be some 5.5m wide. However, whilst these would be sizeable breaches they would amount to the loss of only a very small part of the entire wall. Drivers and pedestrians moving along Allerton and Woolton Roads would pass considerable stretches of unbroken wall, and when passing the accesses would see the wall continue beyond it. Notwithstanding views of the road and houses beyond the boundary vegetation that would be provided to varying degrees by the accesses, the wall would remain legible as the historic enclosing wall of the grounds within and a marker of a high status residence. Its heritage significance would not therefore be unduly harmed and the contribution it makes to the significance of the listed building would be preserved.
23. A condition survey submitted by the appellant identifies various parts of the wall that are in a poor state and the Council has sought unsuccessfully to require the owner to repair it. The proposal would result in the loss of some of the fabric of the structure. On the other hand, the submitted s106 undertaking to carry out an approved scheme of repairs is a benefit of the proposal that would assist in securing the long term future of the wall as a whole. Balancing these two factors I consider the effect of the proposal on the fabric of the wall overall would be beneficial and that its heritage significance would be preserved.

Ecology and biodiversity

24. The appeal site is approximately 13.5 hectares and comprises principally areas of open grassland and mature trees. It lies within the Calderstones/Woolton Green Wedge (GW) where Local Plan Policies require that land management and development proposals retain and enhance features which contribute to the ecological quality of the GW. It is agreed in the Ecology Statement of Common Ground² (ESoCG) between the appellant and the Merseyside Environmental Advisory Service (MEAS) on behalf of the Council that modified neutral grassland covers approximately 9.26 hectares.
25. Historically the land has been farmed and in the 20th century much of it was used as playing fields. In recent years it has been left largely unmanaged. Prior to the appeal the grass and areas of woodland edge scrub were cut.
26. The Council's reason for refusal on ecology refers to a lack of information. It was agreed at the Inquiry by all 3 main parties that whilst more information

² Core document 6.2

might be desirable, there was sufficient evidence now before me to enable a judgement to be made as to the effect of the proposal on ecology and biodiversity. This includes an invertebrate survey conducted in 2017, site bird surveys of 2015 and 2017 as well as records gathered from the Merseyside Biobank and tetrad level records provided by the Lancashire County Bird Recorder. I have also taken into account birds recorded by local residents.

27. The site lies within an area identified as potential Local Wildlife Site (LWS) and it is agreed that it meets two criteria for LWS designation, B5(a) Breeding Bird Assemblage and Bf2 Breeding Butterfly Assemblage. Of the total of 37 bird species recorded across two survey years, 34 regularly use woodland/woodland edge habitats and 21 regularly use grassland habitats. Similarly, of the approximately 178 species of invertebrates recorded the majority are associated with woodland and woodland edge habitats. However, whilst this illustrates the importance of the woodland and woodland edge, it does not present a picture of differing self-contained habitats. Some species use a number of habitats throughout their life cycle and the land currently provides a mosaic of habitats that together support the ecosystems and biodiversity of the site.
28. The proposed housing would be confined to the 3 areas defined on the parameters plan and a Landscape Management Plan would be secured by condition. The existing mature woodland would be retained and additional trees planted (albeit with some tree loss at the proposed accesses). Part of the existing scrub and shrub habitat would be retained and supplemented and a new hedgerow planted and managed. Retained and newly seeded grassland would be managed for ecological diversity. It is agreed that retained habitats and newly created habitats, corridors and green spaces could thereby be managed in perpetuity according to ecological principles consistent with the objectives of the Liverpool City Region Ecological Network and the North Merseyside Local Biodiversity Action Plan. The submitted s106 unilateral undertaking also provides for a contribution towards off-site habitat mitigation, although it is the appellant's case that such mitigation is not necessary.
29. The development would lead to a reduction in the area of modified neutral grassland from some 9.2ha to approximately 1.9ha. Urban grassland is recorded as a locally important habitat under the North Merseyside Biodiversity Action Plan 2006. It is the effect of this loss, together with the likely scale and nature of disruption to the woodland habitat from the housing and site accesses on the biodiversity of the site and its role in a network of local sites which is the main area of contention between the parties.
30. Whilst there is no record of the distribution of invertebrate species across the site the grassland to be retained would include the area identified as that where species diversity is greatest and the woodland edge where the majority of breeding bird and invertebrates which contribute to meeting LWS criteria were recorded. Further the provision of tall grasses to provide a food source for butterflies, including the grassland specialists such as common blue, small copper and small and large skipper, could be secured as part of the agreed Landscape Management Plan for the site. The parameters plan allows for substantial areas of grassland to be retained where wind disturbance could be minimised, and a Construction Environmental Management Plan could ensure that retained grassland is protected during construction.

31. Birds of prey have been observed foraging on the appeal site. The smaller retained area of grassland would be suitable for kestrels which are known to make use of sometimes very narrow strips of land such as motorway central reservations but would be insufficient to provide a hunting ground for barn owls. Evidence was provided which indicated that barn owls have nested on the site in the past, however it is agreed that the nearest recorded barn owl nest currently is some 600m south of the site. The development would have no effect on this or other barn owl nests in the wider area for which protection is afforded under the Wildlife and Countryside Act 1981.
32. Further whilst the appeal site is currently the largest single area of neutral grassland in the GW, within a 2km radius of the site there are numerous and extensive areas of land currently designated as LWS or proposed LWS³. No substantive evidence has been put forward to support the assertion that the extent of grassland currently available on the site is critical to sustaining a breeding population of barn owls in the area or that these other sites together with the retained and enhanced habitats on the appeal site would be insufficient to provide foraging opportunities for the other birds of prey observed - kestrel, buzzard, sparrowhawk and tawney owl. In considering the impact of the reduced quantity of grassland on the site I am conscious also that none of these are s.41 protected species.
33. The ESoCG notes that bird surveys undertaken in 2015 and 2017 recorded a total of 44 species of which 14 were confirmed breeding. Of the 44 species 6 are s.41 listed species (also on either Red or Amber Birds of Conservation Concern lists) but only two of these species, song thrush and dunnock were confirmed breeding and 3 species as possibly breeding - starling, house sparrow and cuckoo. Appendix C to Mr Hesketh's evidence sets out the habitat requirements of each of these species and the provision for this within the proposed scheme. In particular reference is made to management, enhancement and extension of the woodland, new woodland edge planting, the proposed hedgerow and the management, wildflower seeding and grassland habitat creation. No detailed criticism of this analysis was made by the Council or SAP.
34. The Council accepts that the proposal with the Landscape Management Plan would provide new habitats for existing and new species, and the Council's witness in cross-examination agreed that in these circumstances the site could retain the potential to qualify as a LWS.
35. The proposals would essentially retain the s.41 priority habitat woodland and vegetation around the periphery of the site but require the felling of some trees to form two of the three proposed access points. Whilst this would interrupt the continuity of vegetation at the site edge, the suggested landscaping measures would include replacement and new trees, together with woodland understorey and woodland edge planting that would enhance the woodland and woodland edge habitat, and the proposed hedgerow and planting would provide internal links through the site. Housing would be off-set from the woodland by a minimum of 5m and the buffer zone between the housing and woodland could be planted and managed for biodiversity and to minimise human and pet access. A buffer zone is recommended in the Woodland Trust document *Impacts of nearby development on the ecology of ancient woodland*⁴ as are

³ ESoCG appendix F

⁴ Doc 9

measures to deal with invasive species. These have been proposed and could be secured by means of planning conditions and a Landscape Management Plan.

36. Whilst the quantum of grassland on the site would be reduced and a small number of trees lost, I consider the ecological and landscape management proposals would be sufficient to mitigate the resulting limited harm to the ecological value of the site as a whole. A mosaic of habitats would be retained to support diverse assemblages of birds and butterflies and the proposal would result in no significant harm to statutorily protected habitats or species. It follows therefore that the development would not adversely disrupt or fragment the ecological networks of the GW.
37. The protection that can be afforded to the ecology of the site is at present limited. That the open areas would be planted and managed to retain and promote the ecology and biodiversity of the site in perpetuity is a substantial benefit of the proposal to which I give considerable weight. Taking into account the proposed landscape and ecological measures, which I am satisfied can be secured by condition, I conclude that the proposed development would not result in significant harm to the ecology and biodiversity of the site and indeed has the potential in the longer term to enrich it. I find no conflict in this respect therefore with the nature conservation, ecology enhancement and tree protection requirements of UDP Policies OE3, OE5, OE6, OE7 and HD22.

Green Wedge

38. UDP Policy OE3 states that the open character, landscape, recreational and ecological quality of the GW will be protected and improved by refusing proposals for new development that would affect the predominantly open character of the GW or reduce the physical separation between existing built up areas. UDP Policy OE11 has similar aims in respect of green space, seeking to protect the recreational function and the visual amenity value of the green space in terms of important vistas, key frontages which are visible from a main road, important trees and landscape features, and its relationship to the surrounding area and other green spaces.
39. The appeal site lies within and just above the widest part of the Calderstones/Woolton GW. Allerton Manor Golf Course lies to the north beyond Allerton Priory and to the east the site adjoins Allerton Tower Park. To the west outside the GW is housing along Allerton Road. To the south the site is separated from Clarke Gardens by Woolton Road. The GW at this point is a broad swathe of land that provides clear separation between Allerton and Woolton, and a distinctive mature verdant character to Woolton Road.
40. The parameters plan, secured by condition, would determine the extent and location of housing on the site. As a result housing within Parcel C would be very largely enclosed by existing mature vegetation that occupies a deep margin around the eastern corner of the site and extends west along Woolton Road approximately as far as the derelict sports pavilion. The proposed access to this parcel would create an opening in the tree belt but only glimpsed views of housing to the east of this road would be visible to walkers along the road or within Clarke Gardens, with the retained and enhanced woodland extending into the site in evidence to the west.

41. Woodland trees would be the predominant feature too in views along the access to Parcel B with housing off-set to the west beyond open space lying behind the roadside vegetation. Further west of this, close to the junction of Woolton Road with Allerton Road, existing vegetation is more sparse and the land higher in relation to the road and boundary wall. Housing here would be sited nearer to the road albeit that at the junction it would sit beyond an area of open wetland. As a result it would be visible to road users, walkers on the central reservation and to people in Clarke Gardens at least in the initial years following construction before boundary planting matures.
42. The visual intrusion of the proposed development on those travelling along Woolton Road as it passes through the GW and on walkers in Clarke Gardens would be largely limited therefore to the western edge of the GW close to the junction with Allerton Road. Other than this, continuity of mature vegetation across the GW along and across Woolton Road would remain the defining feature of the area and the 'parkway approach' to the city.
43. The proposed housing would have a greater effect on the Allerton Road edge of the GW. Here overtime maturing and enhanced planting would soften the site/road edge but views to varying degrees into the open grassland are now visible from the road and will be available from the upper windows of houses on Allerton Road. A single access from Allerton Road together with planting and the set back of the houses would ensure the development as seen here would have a spacious and verdant character that would distinguish it from the more dense development on the western side of the road. Nevertheless the clear difference in character between the built-up area to the west of Allerton Road and open land to the east would be eroded.
44. Any significant harmful effect on the open character of the GW as perceived from the roads and land surrounding the site would therefore essentially be confined to its western edge. Consequently I consider there would be some, but limited, harm in this respect.
45. The effect on the ecology of the site and trees I have addressed above. I noted at my site visits that even at the centre of the site road traffic noise can now be heard. The development would introduce vehicles, movement and domestic activity to the site adding to this. However, the number of dwellings each access road would serve is limited and no through roads are proposed. External lighting could be controlled by condition and designed to minimise disturbance to wildlife habitats and foraging areas. The woodland areas and retained grasslands would thus retain a considerable level of tranquillity sufficient in my view to be experienced as a refuge from the busy trafficked atmosphere of Allerton and Woolton Roads.
46. A number of local residents have described the pleasure they have gained from walking on the site, in some cases over a period of many years. The character and appearance of the site would change and the area of open space reduced. I understand the regret that those who have developed a deep and affectionate relationship with the site as it may feel at this prospect. It would however be managed to ensure protection of many of the wildlife features for which the site is valued and public access to the site would be facilitated and secured with the potential (subject to grant of consent) to provide access across the site to the bridleway beyond the site. This would provide the opportunity for all residents

and visitors to the area to access and enjoy the site and as such amount to a net gain to the recreational function of the GW.

47. I find therefore very little harm, and in some respect positive benefits, would accrue to the GW and as a result no significant conflict with UDP Policies OE3 or OE11 on these basis. By the introduction of housing into the appeal site the proposed development would nevertheless reduce the physical separation between existing built up areas and as such the proposal would be contrary to UDP Policy OE3.

5 year housing land supply

48. There is no independently tested objectively assessed need (OAN) figure for Liverpool but it is agreed between the appellant and the Council that a figure of 1,739 dwellings per annum (dpa) taken from the recently published *Strategic Housing and Employment Land Market Assessment* (SHELMA) with a base date of 1 April 2012 is the appropriate starting point for assessing the 5 year housing supply and that 1 April 2016 is the date against which to carry out the assessment. In this period it is agreed there has been a shortfall of 1,520 dwellings completed. The 'Sedgefield' approach to dealing with the shortfall is also agreed. This gives a residual 5 year requirement of 10,215⁵.
49. The additional buffer to be applied in accordance with paragraph 47 of the Framework is disputed. The appellant refers to a 9 year record of delivery against requirement beginning in year 2007/8. Planning Policy Guidance (PPG) states that a local delivery record is likely to be more robust if a longer-term view is taken, since this is likely to take account of peaks and troughs in the housing market cycle. However, even if the previous year is taken into account giving a 10 year view, completions exceeded the annual requirement in only 3 of these years. Whilst I note an upward trend in delivery since 2012/13 and the indication that 2016/17 will be in excess, a failure to meet the requirement in 7 out of 10 years does in my view amount to persistent under delivery. I consider 20% is therefore the appropriate buffer to apply in order to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. With a 20% buffer and taking account of deductions from the supply figure agreed since the start of the Inquiry, the Council's position is that there is a 5.02 year supply⁶.
50. The Council's supply figures include the Former Sarah Mcard Nursery site, the Former Odeon Picture House site and Warehouses on Pall Mall. However the Council do not dispute that development on these sites has now stalled with no evidence available as to when it may recommence. Further Mr Bowers for the Council conceded that when the time comes for the 2017 update he will be taking these sites out. Having regard to footnote 11 of the Framework I consider these sites should not therefore be included in the supply.
51. Also included on the Council's schedule are 3 Housing Delivery Plan (HDP) sites in Norris Green showing a 5 year supply of a total of 623 units. However, it was not disputed that a report to the City Council's Audit and Governance Select Committee of March 2016 indicated that the residual supply from the sites was 200 units. The Council has agreed a reduction in the supply figure of

⁵ Statement of Common Ground – Housing November 2017 (Housing SoCG). Document 58

⁶ Housing SoCG Scenario 1

258 units⁷. In the absence of evidence to suggest the situation has changed significantly since the report, I consider a further reduction of 165 units, bringing the total down to 200 units, is reasonable.

52. Appendix B to the *2016 SHLAA update: Methodological Amendments Overview* records a change in approach to sites with lapsed planning permission stating that unless there is firm evidence at the study base date that residential development is being pursued they will be considered unavailable. Planning permissions for sites with a combined capacity of 283 units have expired since the April 2016 base date and no site specific evidence in respect of these has been submitted. Whilst I appreciate that at 1st April 2016 these sites had planning permission, this is not the case now. Given the absence of evidence to demonstrate that there are no impediments to development proceeding and/or a likely timescale for delivery, I consider they cannot be relied on to contribute to a 5 year supply of housing sites.
53. The Council and appellant agree that a slippage allowance on delivery of sites with planning permission or allocated for development is appropriate. The rate of slippage is disputed. The application of a site by site rate, which varies according to the circumstances of that site and the development proposed, would be more accurate than a blanket rate across all sites. However, whilst the Council's proposed approach, applying 1% to sites with full planning permission and under construction at the base date, to 100% for smaller sites that only have outline planning permission provides a range, no evidence is submitted to indicate how closely this reflects the actual circumstances of the sites.
54. The appellant's approach of applying a slippage factor of 10% to all sites with planning permission at the base date that are not subject to other discounts is equally non-specific. However it has the benefit of according with that put forward by the Council in the *Draft Liverpool Local Plan September 2016*⁸ (dLLP) which recognises that not all the commitments with planning permission will be built and therefore applies a 10% under delivery discount. The Plan is at an early stage on its route to adoption and the weight I give to it is therefore very limited. Nevertheless it expresses the Council's intended approach to the provision of a 5 year supply of housing sites going forward and as such lends at least some credibility to the 10% approach. In the absence of site specific evidence I consider on balance therefore that 10% slippage represents a more reliable adjustment factor than that suggested by the Council in this appeal.
55. Taking into account my conclusions on the above factors, the 5 year housing land supply as set out in the Statement of Common Ground – Housing November 2017 (Housing SoCG) is that the Council can demonstrate 4.6 years⁹.
56. The contribution to supply from 31 SHLAA sites that do not have planning permission is also disputed by the appellant. Of these 18 are proposed site allocations in the dLLP. *Wainhomes v SSCLG [2013] EWHC 597 (Admin)* provides some guidance on consideration of such sites. Where sites do not have planning permission and are known to be subject to objections, the outcome cannot be guaranteed. In this instance, although the appellant refers

⁷ Statement of Common Ground – Housing November 2017. Document 58

⁸ Core document 5.1

⁹ Scenario 3

in general terms to objections and has provided copies of their own objections to the dLLP, I do not have evidence as to the scale or nature of objections to particular allocations. Nevertheless since the dLLP is yet to be subject to public examination, there remains a degree of uncertainty as to outcome. On the other hand 24 of the sites are included in the HDP which I accept provides some support for their likely deliverability and all the SHLAA sites have been subject to the SHLAA assessment methodology. I conclude on balance therefore that the sites should be included in the supply for the purposes of this appeal.

57. The Council's assessment of supply includes a windfall allowance of 1,290 derived from the volume of completions in the previous 5 years on sites not previously identified in the SHLAA. This does not however reflect windfall yield over a longer period which Mr Manley noted in closing 'can be erratic'. Further the contribution made in the past by conversions, which the Council expect to contribute significantly to windfall supply in the next 5 year period, has not been assessed¹⁰. That the Council's windfall allowance figure is based on compelling evidence as required by paragraph 48 of the Framework is therefore doubtful. To this element of the purported supply therefore I give limited weight.
58. Consequently I conclude that the Council can at best demonstrate only a 4.6 year supply of deliverable housing sites with a reasonable likelihood that the actual supply is somewhere closer to 4 years.

Other considerations

59. Local residents have expressed concern about the effect of vehicle movements generated by the development on traffic conditions in the area. A Transport Assessment¹¹ was submitted with the application. This used traffic survey data from nearby junctions and applied an established methodology to calculate anticipated traffic growth arising from the proposed development together with that of committed development in the area to establish the potential impact on the local road network. The junctions of Menlove Avenue/Woolton Road, Woolton Road/Springwood Avenue and Allerton Road/Woolton Road were assessed and found to operate within their design capacity in 2021.
60. Whilst the Highway Authority noted that some junctions likely to receive increased traffic had not been assessed, the Authority was nevertheless satisfied that all junctions would operate satisfactorily throughout the day and be able to accommodate the increased vehicle movements. I have no reason to disagree with the conclusions of the authority's professional officers. And notwithstanding the limited visibility at the driveway entrance to Ye Priory Court and Allerton Priory, there is no reason either therefore to conclude that risks to the safety of drivers and pedestrians at this junction would be significantly increased.
61. Figures submitted by a local resident suggest that a number of schools in the area are oversubscribed including St Edwards College which is described as being oversubscribed by 534 in Year 7. The accompanying Freedom of Information (FOI) request response indicates that year 7 is oversubscribed by

¹⁰ Mr Bowers in cross examination

¹¹ CD 1.18

4. A further FOI request also indicates that very few of the schools inquired about have plans to add class rooms in the immediate future. However, whilst future occupiers of the proposed development would certainly include families with children, no objection was received to the proposal from the Education Authority and no request made for contributions towards additional facilities in local schools. I consider this is reasonable evidence that the Authority is confident that sufficient capacity exists within local schools to accommodate the children of future occupiers of the development and on this basis I conclude that no significant harm would arise from the development in this respect.
62. The site is located in an Air Quality Management Area and as a result an Air Quality Assessment¹² was submitted. This considered the air quality conditions within the site and therefore its suitability for housing, as well as the effects on air quality surrounding the site at construction stage and as a result of vehicle movements arising from occupation of the development. The officer's report to committee records that the Head of Environmental Health is satisfied with the content and conclusions of the report, and that the development will 'not present a problem with regards to air quality'. Whilst I understand the concerns expressed with regard to air quality in Liverpool, I consider there is sufficient evidence therefore to indicate that the appeal proposal would not contribute significantly to a worsening of air quality standards for those living in the vicinity of the site.
63. Priory Lodge sits adjacent to Allerton Road with ground levels rising behind it into the appeal site. As a result the proposed houses would sit at a higher level than the Lodge. However, built development would be confined to the areas set out in the parameters plan and houses would thus be sited a substantial distance from the garden boundary of Priory Lodge. Where, towards the southern end of the garden housing could come closer, it would be separated from it by the existing belt of trees. Further, whilst appearance, landscaping, layout and scale are reserved matters, the illustrative layout demonstrates that there is sufficient room within the defined development areas to allow for houses to be located, orientated and designed to ensure occupiers of Priory Lodge would not experience them as overbearing or suffer any significant loss of privacy either in their house or garden. Given the distances involved and the effect of existing trees I consider also that there would be no increased overshadowing of the property. Drainage and regulation of run-off from the site can be controlled by planning condition. Whilst it is the case therefore that views from the property would change, the proposed development would have no significant detrimental effect on the living conditions of occupiers of Priory Lodge.
64. The parameters plan would ensure that the proposed houses would be set away from the site boundaries and the distance to dwellings in Ye Priory Court and Allerton Priory would be considerable. Existing and supplemented vegetation within the site would also provide a substantial degree of screening. I consider there would be no unduly intrusive views available therefore from the appeal site to dwellings or private garden areas in Ye Priory Court and Allerton Priory.
65. Layout and landscaping are reserved matters nevertheless there is a clear intention to provide paths through the appeal site and, subject to the

¹² CD 1.23

appropriate permission, a connection to the bridleway to the east of the site. These would facilitate public access closer to the southern boundary of the Priory grounds than is available at present. However, provision of paths would direct walkers and if well designed would reflect desire lines across and around the site. I have no reason to conclude therefore that members of the public would be any more likely than now to seek to intrude on the private grounds of Allerton Priory or that the safety of children would be put at an increased risk.

66. Representations were made to the effect that the rights of the adjoining occupiers Lindsey Weekes of Priory Lodge and Sue Earl of Ye Priory Court, under Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights would be violated if the appeal were allowed. These concern the peaceful enjoyment of property and respect for private and family life. I do not consider these arguments to be well founded because I have found that the proposed development would not cause unacceptable harm to the living conditions of occupiers of Priory Lodge or Ye Priory Court, nor would it unduly impact on their privacy and security. The degree of interference that would be caused would be insufficient therefore to give rise to a violation of rights under either Article 1 of the First Protocol or Article 8.
67. I find nothing of sufficient weight in respect of these considerations therefore to indicate that the proposal should be refused.

S106 unilateral undertaking

68. Trees that contribute positively to the character and appearance of Woolton Road would be removed to facilitate creation of an access road. The Tree Contribution would provide for their replacement and maintenance. I consider it is therefore necessary, directly related to the development and fairly and reasonably related to it in scale and kind. Accordingly I have taken this contribution into account in coming to my decision.
69. Having concluded that the proposed development would not result overall in significant harm to the ecology and biodiversity of the site, an off-site Ecological Mitigation Sum is not necessary to make the proposal acceptable in planning terms. I have not therefore taken this element of the undertaking into account.

The planning balance

70. I have concluded that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. As a result relevant policies for the supply of housing are out-of-date by virtue of Framework paragraph 49, and the fourth bullet point of Framework paragraph 14 therefore applies.
71. The Council is able to demonstrate at best only a 4.6 year supply of deliverable housing sites and, whilst there has been a recent increase in completions and consents, given the early stage of the emerging local plan I cannot be confident that the shortfall in supply will be resolved in the near future. In this context the contribution of up to 160 dwellings to the City's housing supply is a substantial benefit of the scheme.
72. Further it is acknowledged by the Council that there is a long-standing need for a greater number of 'quality' larger family homes. Whilst there are larger houses for sale in the area indicating that families are moving and potentially some householders are down-sizing, the need identified is for additional houses

to respond to un-met demand. It is evident from the agreed supply figures¹³ that recent developments are providing predominantly 1 and 2 bedroom dwellings with just 8% recorded as 3 bedroom units and 6% as 4+ bedroom units. The contribution the proposal would make towards meeting this particular need is recognised by the Council as a benefit and is one that I consider also weighs substantially in its favour.

73. The proposal would also provide open space that would be accessible to the public. Again this is acknowledged as a benefit by the Council although there is no identified shortage of open space in the area and the weight I give to this is therefore modest. Given the heritage significance of the boundary wall and the contribution it makes to the character and appearance of the area, the long term commitment to repair and maintain it is a benefit to which I give significant weight.
74. I have concluded that the proposed development would fail to preserve the setting of the listed buildings and that this would amount to less than substantial harm to the significance of a designated heritage asset. More specifically, for the reasons given, I consider that the adverse effect the proposal would have on the contribution the site makes to the heritage significance of the listed buildings would be small. Having regard to the great weight to be given to the conservation of the heritage assets¹⁴, I consider the public benefits referred to above are sufficient in this case to outweigh that harm. It follows therefore that policies of the Framework relating to designated heritage assets do not in this instance indicate that development should be restricted.
75. Footnote 9 of the Framework also includes policies relating to land designated as Local Green Space as an example of policies in the Framework which indicate development should be restricted. The UDP pre-dates the Framework and does not use this term but I have nevertheless considered whether UDP Policy OE3 designation of the Calderstones/Woolton GW equates to Local Green Space.
76. Paragraph 77 of the Framework states that Local Green Space designation will not be appropriate for most green areas or open space, and that designation should only be used ... where the green area concerned is local in character and is not an extensive tract of land. The Calderstones/Woolton GW encompasses some 300ha of land and its function is described in the UDP at paragraph 8.24 as protecting extensive linked areas of open spaces of City wide importance. Whilst the representations made indicate that it is valued by local residents, I agree with the views of the Council's officers expressed in the Harthill application report to committee¹⁵ that it clearly is an extensive tract of land. Further given its City-wide functions it cannot be described in my view as local in character. I conclude therefore that the Calderstones/Woolton GW does not amount to Local Green Space for the purposes of the Framework.
77. Consequently, having regard to the second limb of the 4th bullet point, there is no indication in respect of either of these that the presumption in favour of sustainable development should be dis-applied. I turn therefore to the first limb.

¹³ Housing SoCG Table 3.1

¹⁴ S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework paragraph 132

¹⁵ LPA Ref 16F/2049 Appendix 5 to Samantha Ryan proof of evidence

78. There would be some, but limited harm to the setting of the listed buildings. Whilst this would be in conflict with UDP Policy HD5, it is acknowledged by the Council that this policy is inconsistent with paragraph 134 of the Framework and the weight I give to that conflict is consequently limited. I have found no significant harm with regard to the effect on ecology and find no conflict therefore with the relevant UDP or the Framework policies. Further the proposal would accord with Framework policies to boost significantly the supply of housing and deliver a choice of homes to meet the needs of differing groups.
79. With regard to the effect on the GW, the proposal would reduce the physical separation between existing built up areas contrary to UDP Policy OE3 but there would be little or no harm in respect of many of the requirements of the Policy. The UDP Inspector's report in response to an objection to allocation of the site as GW states that Allerton Road forms the obvious boundary to this part of the GW and that the site is perceived as having visual amenity value and reads as part of an extensive area of open land.
80. At the same time however the report acknowledges that the site may not perform all of the functions of a GW on the basis that the site is not used for recreational purposes, is privately owned and that views into the site are limited. This is not dissimilar to some of the conclusions I have reached. Its inclusion within the GW at that time was supported, and allocation of the land as a housing site resisted, in part on the basis that there existed the potential for meeting the need for upper end quality housing on windfall sites and that the quantitative housing supply was sufficient to meet strategic requirements. The former has subsequently proved not to be the case and I have concluded the housing land supply is now insufficient to meet the requirements of the Framework. These are significantly different circumstances to those pertaining at the time of examination of the UDP and the weight I give to the conclusion of the UDP Inspector and to conflict with Policy OE3 is consequently limited.
81. Drawing all these together I conclude that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Accordingly the presumption in favour of sustainable development weighs in favour of the proposal.

Conditions

82. I have considered the suggested conditions and in some cases amended the wording to ensure clarity and precision.
83. The application that led to the first of these appeals was in outline with all matters except access reserved. It is necessary therefore for details of reserved matters to be submitted and approved. Development in accordance with the application drawings and in general accordance with the drawings and documents which were submitted in support of the application will ensure that the development meets the standards proposed and considered at appeal.
84. The submission of samples and details of external materials, hard surfacing and boundary treatments will ensure that the character and appearance of the area is preserved. Prior approval and the subsequent implementation of noise attenuation measures for affected dwellings in parcel B is necessary to protect the living conditions of future occupiers.

85. Approval prior to commencement and subsequent implementation of a Construction Method Statement is necessary to protect the living conditions of nearby residents, avoid undue disruption to the highway network and protect retained planting on site. Prior approval and implementation of a scheme to assess site contamination, and as necessary remediation works, will ensure that the environment and the living conditions of future occupiers are protected. Prior approval of an Arboricultural Method Statement setting out measures to protect trees during construction and a condition requiring replacement of damaged trees are necessary to ensure the landscape quality of the site is protected.
86. Pre-commencement approval of a sustainable drainage scheme is necessary to ensure surface water is managed throughout the lifetime of the development in accordance with national standards and environmental objectives, and to ensure that adjacent properties including Priory Lodge are not adversely affected.
87. To ensure wildlife and habitats on the site are protected from undue disturbance, and the ecology and biodiversity of the site is promoted and managed in accordance with national guidance, the following conditions are necessary: Prior approval and implementation of a Construction Environmental Management Plan, the installation of bird and bat boxes, a scheme for the eradication of invasive plant species, approval and implementation of a landscape management plan, the provision of a 5 metre buffer between retained existing trees and new development, and submission and approval of an external lighting scheme. For clarity I have included a specific requirement for the Construction Environmental Management Plan to include measures to protect retained habitats.
88. To promote sustainable transport choices and to ensure the safety of highway users within the site and on the surrounding network, prior approval of schemes for bus stop and highway improvements are necessary, together with conditions requiring the provision of site accesses and internal road to an appropriate standard before the dwellings are occupied.
89. Conditions requiring a Boundary Wall Management scheme and approval of details and materials of new sections of the wall, gateposts, pillars and copings are necessary to protect the heritage significance of the boundary wall.
90. One of the benefits of the proposed development is that it would provide public access to retained open areas on the site. A condition is necessary to ensure this access and its retention in perpetuity.

Conclusion

91. The proposed development would conflict with the Development Plan. However, for the reasons given and having taken into account all matters raised, I conclude that the presumption in favour of sustainable development is a material consideration of sufficient weight in this case to indicate that the decision should be taken otherwise than in accordance with it. Therefore the appeal should be allowed.

Olivia Spencer

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Manley QC Instructed by Roger Mann, Liverpool City Council

He called	
John Hinchliffe BA (Hons)	Hinchliffe Heritage
B Planning MSc MRTPI IHBC	
Rachael Rhodes BSc (Hons)	Merseyside Environmental Advisory Service
MSc MCIEEM	
Stuart Clark	Team Leader Development Management
Ray Bowers	Principal Planning Officer Planning Policy Team

FOR SAVE ALLERTON PRIORY:

Adrian Thompson MRTPI Instructed by Save Allerton Priory

He called	
Florence Gersten	
Carlee Graham BSc (Hons)	
MSc	
Chris Hulme	
Adrian Thompson MRTPI	Director Lightwater TPC Limited

FOR THE APPELLANT:

Paul Tucker QC Instructed by Samantha Ryan, Turley Planning
Freddie Humphreys of Counsel

He called	
Graeme Ives BA (Hons)	Graeme Ives Heritage Planning
PGDip Urban Design MRTPI	
Francis Hesketh BSc (Hons)	The Environment Partnership
MCIEEM CEnv CMLI MICFor	
Ian Grimshaw BA(Hons)	The Environment Partnership
MA(LM) MSc CMLI MRTPI	
Samantha Ryan BA (Hons)	Director Turley Planning
MRTPI	

INTERESTED PERSONS:

Pam Leadbeater	Local Resident CPRE
Cllr Sharon Connor	Allerton and Hunts Cross Ward
Cllr Rachael O'Byrne	Allerton and Hunts Cross Ward
Cllr Richard Kemp	Leader Liberal Democrats
John Davies	Local Resident
Stephen Hopley	Local Resident
Cllr Thomas Crone	Leader Green Party
Cllr Lawrence Brown	Greenbank Ward
Josie Mullen	Save our Green Spaces
Sue Earl	Local Resident
Jane Clarke	Local Resident

Dr Jessica Grabham	Local Resident
Nick Barnett	Local Resident
Elizabeth Dubuisson	Local Resident
Cllr Mirna Juarez	Allerton and Hunts Cross Ward
Peter Gray	Local Resident
Dr Jenny Jones	Soil scientist Local Resident
Ursula Rigert	Local Resident
James Towers	Local Resident
Nancy Lindsay	Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Plan showing distance of World Heritage Site from the appeal site submitted by the appellant
- 2 Schedule of sites submitted by the Council
- 3 Dennis Lowe v First Secretary of State and Tendring District Council [2003] EWHC 537 Admin submitted by the Council
- 4 Phides Estates (Overseas) Ltd v SoSCLG and others [2015] EWHC 827 Admin submitted by the appellant
- 5 Draft s106 unilateral undertaking submitted by the appellant
- 6 Historic England Listed Buildings and Curtilage Advice Note Consultation Draft January 2017 submitted by the Council
- 7 Letter from Veronica Riley – Local resident
- 8 Letter from Glynn Oakes – Local resident
- 9 Statement – John Davies
- 10 Letter from Lyndsey Weekes – Local resident
- 11 Schedule of Draft Conditions
- 12 Agreed Arboricultural Impact Assessment and revised drawing 4815.03 rev H Overlay of Tree Survey, Masterplan and Detailed Access Routes
- 13 Statement of Common Ground (SOCG) on Tree Losses
- 14 Impacts of nearby development on the ecology of ancient woodland Corney, Smithers et al 2008 submitted by the Council
- 15 Written statement of Paul Slater
- 16 Francis Hesketh speaking note – submitted by the appellant
- 17 Statement – Stephen Hopley
- 18 Statement – Sue Earl
- 19 Statement – Peter Gray
- 20 Letter from Eunice Huthart Local Resident
- 21 Letter from Rachel McCormack Local Resident
- 22 Letter from Jocelyn Ramsay Local Resident
- 23 Statement - Ursula Rigert
- 24 Statement - Cllr Crone
- 25 Statement - Josie Mullen
- 26 Statement - Jane Clarke
- 27 Statement - Dr Jessica Grabham
- 28 Letter from Danielle Brookes Local Resident
- 29 Letter from Beth and Oliver Roberts Local Residents
- 30 Letter from Barbara Furnival Local Resident
- 31 Statement – Elizabeth Dubuisson
- 32 Statement – Pam Leadbeater
- 33 Letter from Mark Phillips Local Resident

- 34 Statement – Cllr Juarez
- 35 Statement – Dr Jenny Jones
- 36 Statement – James Towers
- 37 Statement – Nancy Lindsay
- 38 Listed Building Consent draft conditions
- 39 Planning draft conditions
- 40 CIL Regulations compliance statement submitted by the Council
- 41 Revised draft s106 unilateral undertaking submitted by the appellant
- 42 Equestrian Centre viability report – Savills 2011
- 43 Up-dated statement – Stephen Hopley (edited)
- 44 Adrian Thompson – corrections to proof of evidence
- 45 Adrian Thompson – speaking notes
- 46 Bundle of documents – correspondence between the appellant and the Council re revised Housing SOCG
- 47 Savills Equestrian Centre update report October 2017 submitted by the appellant
- 48 Agreed Barn Owl Breeding sites
- 49 Appellant’s revised 5 year housing land supply calculations
- 50 Revised Housing SOCG November 2017
- 51 S Ryan Proof of Evidence amended paragraphs 6.97 – 6.100
- 52 Bundle of documents / photographs submitted by Pam Leadbeater
- 53 Extracts from historic map – submitted by Pam Leadbeater
- 54 Response to the evidence of Adrian Thompson by Graeme Ives – submitted by the appellant
- 55 Completed s106 unilateral undertaking submitted by the appellant
- 56 Final agreed list of suggested conditions for both appeals submitted under cover of an email dated 28 November 2017
- 57 Revised Housing SOCG and S Ryan Proof of Evidence amended paragraphs 6.97 – 6.100 submitted under cover of email dated 29 November 2017
- 58 Amended Revised Housing SOCG submitted under cover of email dated 1 December 2017

Schedule of conditions

APP/Z4310/W/16/3166010

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall commence until samples or specifications of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples/specifications.
- 5) The development hereby approved shall be carried out in accordance with the following drawings and documents:
 - (i) Drawing Numbers:

Site Location Plan (Turley drawing no. 10_1 Revision 1)
Parameters Plan (Turley drawing no. 3501 Revision 00)
Proposed Site Access Arrangements – Woolton Road (SCP drawing no. SCP/15365/F02 Rev A)
Proposed Site Access Arrangements – Allerton Road (SCP drawing no. SCP/15365/F03)
 - (ii) Documents

Noise Impact Assessment, prepared by REC (ref. 90625R3)
Transport Assessment, prepared by SCP (ref. CR/15365/TA/3)
Technical Note [on highways matters], prepared by SCP (ref. JA/CR/15365/TN02)
Travel Plan, prepared by SCP (ref. LB/15365/TP/1)
Archaeological Desk Based Assessment, prepared by L-P: Archaeology (ref. LP2043C-DBA-v1.5)
Geophysical Survey Report, prepared by L-P: Archaeology (ref. LP2292C-GSR-v1.4)
Arboricultural Impact Assessment, prepared by TBA (ref. MG/4815/AIA/REV C/SEP17)
Arboricultural Impact Assessment, prepared by TBA (ref. MG/4815/AIA/REV H/OCT17), including Overlay of Tree Survey, Masterplan and Detailed Access Routes (TBA drawing no. 4815.03 Rev H)
Design & Access Statement, prepared by Turley Design
Planning Statement, prepared by Turley Planning (ref. REDM2039)
Heritage Statement, prepared by Turley Heritage
Statement of Community Engagement, prepared by Turley Engagement (ref. REDM2039)
Air Quality Assessment, prepared by REC (ref. AQ100787R4)

Flood Risk Assessment & Drainage Strategy, prepared by Waterco (ref. w1637-160422-FRA)

Landscape and Visual Assessment, prepared by TEP (ref. 4729.005)

Ecological Assessment, prepared by TEP (ref. 5171.01.001 Version 2.0)

Environmental Statement, prepared by Turley (ref. REDM2039)

Landscape masterplan (TEP drawing no. D4729.003)

- 6) No development shall commence until details of the following have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwelling to which they relate

(i) All new boundary treatment, gates and means of enclosure

(ii) All hard surfaces not built upon

- 7) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

(i) days and hours of operation for construction work

(ii) measures to control noise and dust

(iii) details of location of site compounds, storage of plant and materials

(iv) temporary highway works or closures

(v) access for construction traffic

(vi) parking of vehicles of site operatives and visitors

(vii) wheel washing facilities

(viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

(ix) measures to protect existing planting to be retained on the site; and

(x) details of the relevant contact person for the local community during the course of construction

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by competent persons to determine the status of contamination including chemical, radiochemical, flammable or toxic gas, asbestos, biological and physical hazards at the site and submitted to the LPA. The investigations and assessments shall be in accordance with current Government and Environment Agency recommendations and guidance and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

i) a survey of the extent, scale and nature of contamination;

ii) the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- ground waters and surface waters;
- ecological systems; and
- archaeological sites and ancient monuments.

- 9) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of development is occupied.
- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.
- 11) Notwithstanding the details contained in the approved Arboricultural Statement and prior to commencement of works on site (including the pre-construction delivery of equipment or materials, or the creation of site access) an Arboricultural Method Statement, setting out measures for the protection of retained trees shall be submitted to and approved in writing by the Local Planning Authority and must include details not limited to the following:
 - (i) Removal of existing structures and hard surfacing;
 - (ii) Installation of temporary ground protection;
 - (iii) Excavations and the requirement for specialized techniques;
 - (iv) Installation of new hard surfacing- materials, design constraints and implications for levels;
 - (v) Specialist foundations- installation techniques and effect on finished floor levels and overall height;
 - (vi) Any retaining structures to facilitate changes in ground levels;
 - (vii) Preparatory works for new landscaping;
 - (viii) Auditable system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.
 - (ix) Tree protection plan incorporating protective fencing
- 12) The approved tree protection measures, as detailed in the approved Arboricultural Method Statement pursuant to condition 11 shall be in place prior to the commencement of the works on site for each development parcel and shall be retained in place and must only be removed with the written agreement of the Local Planning Authority.

- 13) Trees to be retained as identified in the approved tree reports and landscape drawings shall not be cut down, up rooted, topped, lopped, destroyed or in any other way damaged, without the prior approval in writing of the Local Planning Authority. Unless Otherwise agreed in writing, any existing tree that suffers injury during the period of construction shall be replaced with a tree or new planting of a suitable size and species, in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operations", in accordance with details to be submitted to and agreed by the local planning authority.
- 14) The landscaping Reserved Matters application, required by condition 1 shall be in accordance with the principles set out in the Landscape Management Plan approved in accordance with condition 21 and Landscape masterplan (TEP drawing no. D4729.003) and shall include a programme of landscaping and planting. Landscaping and planting shall be carried out in accordance with the approved programme and any trees or shrubs which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees and shrubs of similar sizes and species or as may otherwise be agreed with the local planning authority, in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation".
- 15) Development shall not commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the local planning authority.
- The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement National standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge into the public sewerage system either directly or indirectly. The development shall be carried out in accordance with the approved details.
- 16) No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system has been submitted to and approved in writing by the local planning authority. Those details shall include:
- i) a timetable for its implementation; and,
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.
- The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 17) Prior to the first occupation of the 10th dwelling of each development parcel, as identified in the approved parameters plan, a scheme and appropriate scaled plan identifying suitable locations on the site for the erection of bird nesting boxes and bat boxes for that parcel together with

a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The approved scheme of nesting and bat boxes shall be installed in accordance with the approved details and timetable.

- 18) No works on site shall commence until a method statement showing the extent of Japanese Knotweed and Himalayan Balsam and a scheme for their eradication from the site has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall include:-

- A plan showing the extent of the invasive species
- What methods of eradication will be used to prevent the plant spreading further, including demarcation
- What methods of eradication will be used
- A timetable for its implementation, and
- Details of ongoing monitoring

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

- 19) A validation report confirming the remediation treatment carried out on the site in respect of invasive species shall be submitted to and approved in writing by the local planning authority on an annual basis until it can be demonstrated that the site has been free of invasive species for 12 consecutive months.
- 20) No development shall take place, including any site preparation or ground works, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall accord with the recommendations of the Ecological Assessment, prepared by TEP (ref. 5171.01.001 Version 2.0) and include:
- i) Measures to protect areas of grassland, scrub, woodland edge and woodland habitat that are to be retained
 - ii) If it is necessary to undertake works during the bird breeding season (1st March to 31st August) then any buildings, trees and scrub must be checked by an appropriately experienced ecologist to ensure no breeding birds are present. If present details of how they will be protected shall be submitted to the Local Planning Authority for approval before works commence including loading and unloading of plant and materials;
 - iii) Hedgehog and mammal construction Reasonable Avoidance Measures
 - iv) Pre-commencement survey for badger

The approved CEMP shall be adhered to throughout the construction period for the development.

- 21) No development shall take place until a Landscape Management Plan, incorporating a habitat / ecological management plan for all undeveloped areas as shown on the approved parameters plan, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timescale, programme and the body responsible for its implementation. The approved plan to be implemented in perpetuity. Any successors to the original body responsible for its implementation

shall be notified to the Local Planning Authority in writing within one month of any such change occurring.

- 22) The reserved matters application shall ensure that a 5m buffer is maintained between the canopies of the existing trees on the site and any new built development, including private gardens. With the exception of the works required to provide access to the development from the existing public highway, all roads and any new utilities to be provided shall be located beyond the Root Protection Areas of the existing trees.
- 23) Except for site clearance and remediation no development shall commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) Creation of the site access points.
 - ii) Improvements to the existing gap in the central reserve of Woolton Road opposite the access to Allerton Tower to widen the carriageway and provide footway linkage to the principles of Singleton Clamp drawing No. SCP/15365/F04.
 - iii) Creation of a new gap in the central reserve of Woolton Road opposite the eastern-most site access which incorporates a 6m wide carriageway and new footway linkage between the existing footways of the Woolton Road northbound and southbound carriageways.
 - iv) Provision of new pedestrian linkage across Woolton Road at its junction with Allerton Road to connect the two existing bus stops with the site.
 - v) Replacement/upgrade of street lighting necessary as part of the detailed design required as a direct result of the development.
 - vi) Drainage works necessary to facilitate the highway works.
 - vii) Measures to protect retained trees during the course of the works
 - viii) A programme for implementation of the works
- The approved scheme shall be implemented prior to first occupation of the development in accordance with the approved programme.
- 24) Except for site clearance and remediation no development shall commence until a scheme for improvements to the existing bus stop infrastructure on both sides of Woolton Road near its junction with Allerton Road has been submitted to and approved in writing by the Local Planning Authority. No more than 50 dwellings hereby permitted shall be occupied until the approved scheme of improvements has been carried out.
- 25) No part of the development served by the relevant access points hereby approved shall be occupied until that access and associated visibility splays have been fully provided in accordance with Singleton Clamp Drawing Nos. SCP/15365/F02-RevA & SCP/15365/F03.
- 26) The gradient of the vehicular access points shall not exceed 1 in 40 for the first 15 metres into the site measured from the nearside edge of the carriageways of Allerton Road and Woolton Road respectively.

- 27) Except for the purposes of constructing the initial site access points, there shall be no movement of construction or other vehicles between the highway and the application site until that part of the access extending from the nearside edge of the carriageways of Allerton Road or Woolton Road (relative to the specific phase) for a minimum distance of 15 metres into the site has been appropriately paved in a bound material such as tarmacadam, concrete, block pavements or other material approved in writing by the Local Planning Authority.
- 28) No dwelling shall be occupied until that part of the internal highway infrastructure which provides access to it shall have been constructed to binder course surfacing level or paved in accordance with the approved plans.
- 29) Prior to commencement of any development within parcel B as shown on the approved parameters plan, a Noise Assessment Report shall be submitted to and approved in writing by the Local Planning Authority setting out any measures required to ensure a satisfactory noise environment within those dwellings. The measures detailed shall include, but not be limited to:-
- mechanical ventilation in habitable rooms windows with direct line of sight to Woolton Road
 - acoustic garden fencing

The approved measures shall be implemented in full for any affected dwelling prior to the occupation of that dwelling.

- 30) Before the development is first occupied a Boundary Wall Management scheme that includes a schedule of works (including repointing where necessary and repairs to damaged sections), proposed methodology, programme of implementation and details of the body/bodies responsible for its implementation and long term maintenance, shall be submitted to and approved in writing by the local planning authority.
- 31) All additional sections of boundary wall required in connection with the creation of the new accesses to the site shall be constructed from sandstone, samples of which shall be submitted to and agreed in writing by the Local Planning Authority. Wherever possible, the reuse of existing sandstone from the original wall should occur. The method and mix of pointing to be used shall be approved in writing by the local planning authority through the preparation of a 1 sqm sample panel. The pointing works shall be implemented in accordance with the approved details before the development is occupied/brought into use. The approved sample panel shall be retained on site throughout the construction of the site entrance walls.
- 32) Details and material samples of all new gateposts, pillars and copings at site entrances shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling to which the respective site entrance gives access.
- 33) Details submitted as part of the Reserved Matters application shall show all publicly accessible open space within the development, and publicly accessible routes across and through that land. For the avoidance of doubt, this shall be no less in area than the land identified on the

approved parameters plan, pursuant to condition 5. The land shall be fully accessible to the public at all times in perpetuity unless required for ecological management as identified in the approved ecological management plan pursuant to condition 21.

- 34) Details of all external lighting on the site shall be submitted to and approved in writing by the local planning authority before any dwelling is first occupied. The external lighting scheme shall be designed to protect ecology and avoid excessive light spill onto woodland trees and hedgerows. Development shall be carried out in accordance with the approved details and retained thereafter.

Richborough Estates