



Appeal Decision

Site visit made on 19 December 2024

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Appeal Ref: APP/Z4310/W/24/3349514

Former Warbreck Public House, 94 Orrell Lane, Liverpool L9 8BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Natalie Porter of Denstone Properties NW Ltd against the decision of Liverpool City Council.
 - The application Ref is 20F/1204.
 - The development proposed is to part demolish, convert and extend the existing building to create 6 x 2-bedroom apartments and 9 x 1 bedroom apartments; and to erect 5 terraced dwellinghouses (1 of which 2 bedrooms; 4 of which 3 bedrooms), with access via both Orrell Lane and Bull Lane, and associated car parking, garden areas, bin and cycle stores, and hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted to part demolish, convert and extend the existing building to create 6 x 2-bedroom apartments and 9 x 1 bedroom apartments; and to erect 5 terraced dwellinghouses (1 of which 2 bedrooms; 4 of which 3 bedrooms), with access via both Orrell Lane and Bull Lane, and associated car parking, garden areas, bin and cycle stores, and hard and soft landscaping at Former Warbreck Public House, 94 Orrell Lane, Liverpool L9 8BN in accordance with the terms of the application, Ref 20F/1204, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Mrs Natalie Porter of Denstone Properties NW Ltd against Liverpool City Council. This application is the subject of a separate decision.

Procedural Matters

3. The application form notes the name of the applicant as Mrs N Porter. The appeal form notes the name of the appellant as Mrs Natalie Porter. As these names are similar and likely to be that of the same individual, I have utilised the name listed in the appeal form.
4. During the appeal, the appellant has submitted an updated softworks planting plan and a revised arboricultural method statement. These documents were updated following comments made by the Council's Tree Officer just before the appeal was made. The Council are satisfied with the amendments made. This does not materially change the scheme proposed and would not prejudice any party if they were accepted. Therefore, I have accepted these changes and considered them in my assessment of this appeal.

5. The appeal stems from the failure of the Council to determine the planning application within the prescribed period. No officer report was made available to me. However, the Council did submit an appeal statement which included a list of suggested conditions. This appeal statement also contains a putative reason for refusal which the Council state it would have refused the application on, if it had determined the application.
6. In my assessment of the appeal evidence, it was noted that the final comments provided by the appellant contained updated marketing information. This information responded to the case presented by the Council. I therefore have accepted this updated marketing information and in the interests of fairness, requested comment from the Council on this matter.
7. The final comments provided by the appellant also contained a signed Unilateral Undertaking, made pursuant to Section 106 of the Town and Country Planning Act 1990. The Council were also requested to provide comment on this matter, with the appellant provided with the opportunity to also respond to these comments. The parties disagree on the contributions which are to be provided. Whilst this is not a putative reason for refusal, I have assessed the planning obligation against Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework.

Main Issues

8. The main issue is the effect of the proposed development on the provision of community facilities in the area.

Reasons

9. The appeal site is a public house on a corner plot at the junction of Orrell Lane and Bull Lane. It is not a building which is afforded any protected status, other than its location within a Primarily Residential Area. The proposed development is to part demolish, convert and extend the public house into 15 apartments. The proposal also contains a development of 5 terraced properties. The Council considers that as a result of the proposed changes, the appeal property would be lost as a community asset.
10. Policy SP5 of the 2022 Liverpool Local Plan ("the LLP") seeks to protect existing community facilities. The supporting text of Policy SP5 explains that community facilities "provide for the health and wellbeing, social, educational, spiritual, recreational and cultural needs of the community". These include "care facilities, day nurseries, hospitals, health centres and doctor's surgeries, libraries, community centres, places of worship, galleries, museums and theatres".
11. With regard to the proposed scheme, Policy SP5 notes that development that would lead to the loss of an existing facility will only be permitted where there is no demonstrable current or future need or demand for the space, either in its current use or an alternative use. The policy further notes that development will also not be permitted where the premises are no longer suitable to continue in community use or, if replacement provision is provided in an appropriate location. The Council comment that the appellant has undertaken a limited marketing exercise.
12. In my assessment of the evidence, the site was acquired from a national pub retailer. The appellant contends that this retailer had struggled to operate the

business and make it profitable. No accounts were provided to substantiate this claim. However, to obtain the accounts of a previous operator is problematic. These are the account records of an operator who is not a part of this planning application, who may not wish to have this information shared.

13. The property was let out to two separate local brewery organisations. These operations failed and the site has been vacant since their departure. Whilst this may show that there has been some interest in continuing the operation as a public house, these examples are limited in number and in my view, highlight the possible difficulties in operating a premises of such a large size.
14. Nevertheless, a significant number of estate agents were approached by the appellant to enquire if they were aware of any interest in the property, on more than one occasion. The Council are critical of this approach, as no price or lease terms were set. Whilst I find that this is not an optimum way to market a property, it would attract discussion if there was any genuine interest in such facility, where a price or lease terms would be negotiated. The Council also suggest that this is not useful as it only reflects a level of interest at the time that this engagement with estate agents was undertaken. However, in contacting these estate agents, this would alert these agents to the possibility that a public house was available, if queries were made by any speculative buyers or tenants.
15. In 2023, the appellant listed the property on the Licensed Trade Associates and Rightbiz websites. Further marketing information provided to the Council note that interest had been made with regard to changing the public house into a supermarket. From the absence of evidence before me, this interest can only be described as speculative and tenuous. No planning application appears to have been submitted to indicate that this was a genuine possibility.
16. In addition to this method of marketing, the property was also subject to an article in the Liverpool Echo. This article makes it clear that the public house was for sale. This is a well-known regional news outlet with a wide audience. Whilst not a direct source to level genuine market interest, an article which clearly states that the building is for sale, with such a large audience base, would assist in creating a level of interest if an organisation was undergoing a search for a suitable public house.
17. This is an appeal which stems from the failure of the Council to determine the planning application and has endured for a significant period. The appellant noted in their appeal statement that they would provide a further update on the marketing approach undertaken, which would be kept running through the appeal timeline, during their final comments. This is not the usual appeal procedure, as the Council would not be able to respond to these comments. However, this appeal is atypical, as it has been on-going for a significant period without a decision being made. If the marketing strategy had been cut before my consideration of this appeal, it would have prevented any meaningful user of the opportunity to submit their interest in the building over the last few months.
18. Therefore, in the interests of fairness, I requested comment from the Council on the final comments submitted by the appellant, dated 4 October 2024. An update from Licenced Trade Associates, dated 4 October 2024 is provided in these final comments. This letter notes that the property was first advertised in 2023, with a guide price and all matters associated with this price. Further, the letter notes that

enquiries were made, with a number from individuals who, like the appellant, wished to develop the appeal site for housing.

19. In July 2024, the property was re-listed back onto the market and an expression of interest was received between July to October 2024. Nevertheless, whilst an enquiry was made to run the building as a public house, the evidence suggests that this did not come to fruition, and the interested party was reluctant to provide their details. Again, this interest could also be described as speculative and tenuous.
20. In my assessment of this listing, I note that a statement was included within the listing. This listing is clear that the property is for purchase as a public house, or as a community facility. Critically, this would attract interest from those wishing to operate a public house, or another appropriate community use if such interest was present.
21. Policy SP5 of the LLP does not specify what marketing strategy should be employed, or the length of time which must be dedicated to ensuring that there is no demonstrable current or future need or demand for the premises. In this regard, I find that the marketing effort utilised has been undertaken to a satisfactory standard, with a significant length of time dedicated to the search for an appropriate tenant or purchaser for the property to be used as a public house or other appropriate community facility.
22. Turning to other non-marketing related matters, I note that the consultation undertaken by the Council on the planning application, or through the notification of this appeal, did not generate significant quantities of opposition to the proposal from local residents. There was some opposition to the proposed change. Nevertheless, I consider that the absence of an overall strong objection to the proposal would suggest that The Warbreck is not regarded as a valuable community facility by the community as a whole.
23. A short distance away are several other public houses. These include The Windsor, The Black Bull and The Raven which are all located within a locality with a commercial appearance, a small distance from each other. I note that an objection made states that neighbouring public houses are too far for elderly individuals to travel to. On balance, whilst this is a possibility, there are additional methods of transportation which would allow elderly individuals to access these other premises. As such, other facilities of a similar use are available for the community. The loss of The Warbreck would not leave the local community without a community facility.
24. The Council are critical of the circumstances and timing of the property coming into the ownership of the appellant, and the subsequent planning application subject to this appeal. In my analysis of Policy SP5 of the LLP, there are no requirements which dictate that a property must be in the ownership of an individual or organisation for a specified length of time before the submission of an application such as this.
25. The parties both undertake a discussion on the presence of asbestos within the building. The appellant is of the view that its remediation would result in significant cost, which is likely to be off-putting to a prospective buyer. On the other hand, the Council note that this cost is not substantiated. Due to my reasoning above, this matter is not decisive in my decision.

26. To conclude, the proposed development would not be harmful to the provision of community facilities within the area. There would be no conflict with Policy SP5 of the LLP. Collectively, as a result of the marketing exercise undertaken, the absence of a strong opposition to the proposal and the provision of other public houses a close distance away, there is no demonstrable current or future need or demand for the space, either in its current use or an alternative community use.

Other Matters

Planning Obligation

27. Policy STP5 of the LLP allows for contributions to be made by a developer to ensure that new development meets the reasonable costs of providing the on and off-site infrastructure requirements. During the application and the appeal, the appellant sought for the Council to clarify their planning contribution requests.
28. The appeal is accompanied by a signed Unilateral Undertaking (UU). From my analysis of the evidence, the parties disagree on the contributions which are to be provided, or in the way they are to be provided. Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework set out that obligations must only be sought where they meet all of the relevant tests. I have determined whether a planning obligation is necessary, whether the contributions requested by the Council meet all of these tests and if the UU would meet the relevant policy requirements.

Affordable Housing

29. Policy H3 of the LLP requires schemes of ten or more units to include 20% affordable units and therefore a planning obligation is reasonable, necessary and required to secure this minimum provision of affordable housing. This is not disputed by the parties.
30. However, the UU presented by the appellant lists three affordable housing scenarios. The Council contest this approach and suggest that the agreement must be precise and not present options. Notably, it is contested that the appellant should deliver the affordable housing or provide a sum in lieu of this. The scenarios listed in the UU include the provision of 20% affordable units within the scheme as required by Policy H3 of the LLP, or the provision of an 100% affordable housing project. The third scenario listed in the UU notes that if within a specified timeframe, no registered provider makes a commitment to the development, a financial payment shall be made to the Council.
31. As such, the UU presents a 'catch all' mechanism to ensure that an affordable housing contribution is precisely provided through various mechanisms. I am cognisant that the Affordable Housing Planning Practice Advice Note 2023 (AHPPAN) notes that a payment in lieu of on-site provision will only be acceptable in exceptional circumstances. In following the timeline of this case, I am mindful that during the drafting of the UU, there may have been some unknowns due to the limited discussion from the Council on this matter. Therefore, a 'catch all' approach, which utilises a financial payment to the Council is a sensible approach in ensuring that affordable housing is provided through one mechanism or another. Nevertheless, there is no contention from the Council on the provision of an affordable housing sum.

32. To conclude, the UU would meet the requirements of Policy H3 of the LLP and the guidance found within the AHPPAN. It would be precise and ensure that an affordable housing contribution is attained either on site, or through a financial sum.

Open Space

33. Policy H14 of the LLP notes that new residential development which exceeds 10 dwellings should provide high quality public open space of at least 50 square metres per new home, laid out as an integral part of the housing development. Where this cannot be achieved, a commuted sum for off-site provision will be required. There would be no public open space provision within the appeal site. The Council advise that a £1000 payment per dwelling is required where this open space would be provided off-site. As such, a financial contribution of £20,000 is requested.
34. The appellant has provided an alternative calculation. It is their suggestion that on-site open space would be provided as part of the development and therefore, this should reduce the amount to be paid. However, this would comprise of private amenity space to certain dwellings, not public open space. I am cognisant that Policy H14 notes that this must be laid out as an integral part of the development. Therefore, it does not follow that a discount should be applied to the financial sum requested.
35. However, in my exploration of this matter further, the Council has not provided the methodology for calculating the figure of £1000 per dwelling. No details have been provided which indicate where the contribution secured by this obligation would be spent. In consideration of this absence of information, I cannot be certain that the contribution sought in relation to this matter is necessary to make the development acceptable. Furthermore, I cannot be certain that the requested amount would be fairly and reasonably related in scale and kind to the development proposed in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the Framework.
36. Therefore, notwithstanding the aims of Policy H14 of the LLP, I am unable to conclude that a planning obligation which seeks to provide a contribution to open space provision would comply with the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework.

Trees

37. Policy GI 8 of the LLP states that new development should make provision on site for the planting and successful growth of new trees and landscaping. This policy further states that if on-site provision cannot be appropriately achieved, the Council will require a commuted sum based on the cost of providing and establishing new trees within the locality.
38. The Council note that the development would be in a deficit of 6 trees and as these cannot be provided within the site, a payment of £4800, or £800 per tree, is requested. This cost is contended by the appellant. Similarly to the previous UU matter, there is no methodology for the calculation of this figure, or the suggested location where these trees would be provided. I am unable to understand as to where the figure of £800 per tree has been attained, but most importantly, if this is fairly and reasonably related in scale and kind to the development.

39. Despite the aim of Policy GI 8 of the LLP, on the evidence before me, I am unable to conclude that a planning obligation which seeks to provide a contribution for trees would comply with the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework.

Recreational Pressure

40. The appeal site lies within the Zone of Influence of several Special Protection Areas (SPA), Ramsar sites and a Special Area of Conservation (SAC). These include the Liverpool Bay, Mersey Estuary, Ribble and Alt Estuaries and the Mersey Narrows and North Wirral Foreshore SPAs, the Mersey Estuary, Ribble and Alt Estuaries and the Mersey Narrows and North Wirral Foreshore Ramsar sites and the Sefton Coast SAC. These are unique environments which are home to numerous breeding bird species.
41. The Merseyside Environmental Advisory Service (MEAS) have provided comment on the effect of the development on recreational pressure, as a result of increased visits to national and international designated sites. MEAS note that the proposal would result in increased visits to the easily accessible nearby national and international sites. As a result, MEAS suggest that to ensure that the effect of recreational pressure is appropriately mitigated, the appellant may opt-in to the payment of a commuted sum of £278.26 per new dwelling and the distribution of leaflets for new householders. The appellant contends that insufficient justification has been provided to substantiate this cost.
42. There was limited information provided with the appeal which explains how the proposed development would potentially impact these designated sites, or information of their specific ecological importance. As I have found no harm in relation to the main issue, I have requested the confirmation of the protected sites, their qualifying features, any condition reports, the submission of Liverpool City Council's Habitats Regulations Assessment as cited in the response from MEAS, any justification for the required contribution and the submission of a consultation response from Natural England (NE).
43. The Habitats Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA), where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.
44. These SPAs, Ramsar sites and the SAC are areas of large bird populations and other high value environmental conditions. They also provide an important recreational but also economic resource, and it is likely that occupants of the proposed development would visit them. In this regard and considering the evidence before me, the proposal would have a likely significant effect on the qualifying features of these sites, particularly to over-wintering birds, through increased disturbance as a result of recreational activity. In consideration of the conservation objections for the SPAs, Ramsar sites and the SAC, this proposal would adversely affect their integrity.
45. NE note that the Council has measures in place to manage these impacts in the form of a strategic solution which NE have advised on. It is the view of NE that the specific measures, including the financial contributions can prevent harmful effects from increased recreational pressure on those sites within the Zone of Influence.

As such, NE do not object to these proposed contributions and the secured financial contribution would be effective in terms of avoiding adverse effects to the integrity of these sites. In returning to the contention of the appellant that the contributions have not been justified, I find that the evidence provided would justify this contribution and that on the other hand, there is no evidence before me to suggest I should reach a contrary conclusion.

46. As such, I am satisfied that the UU is a sufficient mechanism to enable the delivery of proportionate and relevant mitigation pursuant to the development which could affect these sites. I therefore find within my AA that, with the provided mitigation, the proposal would not have an adverse effect the integrity of the SPAs, Ramsar site and the SAC. It would therefore accord with Policy STP3 of the LLP, the provisions of Habitats Regulations and the Framework insofar as they seek to secure the long-term protection of SPAs, Ramsar sites and SACs through the mitigation of any adverse effects on their integrity.

Monitoring Fee

47. The Council has requested a sum of £1455.30 to monitor the obligations within the proposed agreement and states that this fee is derived from 15% of the application fee for all major development applications. This is to cover costs in relation to the administration and monitoring of planning obligations. The appellant has questioned what is required to be monitored, what it covers, why should it be paid by the appellant and how has the monitoring fee been calculated.
48. The Planning Practice Guidance on this matter notes that a monitoring fee can be charged through planning obligations. This will cover the cost of monitoring and reporting on delivery of that obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. However, the Planning Practice Guidance further notes that monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.
49. With that in mind, and in following the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the Framework, I find that given the officer time which would need to be ascribed to monitor an obligation, a monitoring fee would be proportionate, reasonable, necessary and fairly and reasonably related in scale and kind to the development.

Summary

50. In consideration of the obligations explored above, I conclude that the requested contributions for off-site open space provision and off-site tree planting would not comply with the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework. A monitoring fee would be reasonable, necessary and fairly and reasonably related in scale and kind to the development. A planning obligation is required however for the provision of affordable housing, to alleviate the effects of recreational pressure on protected sites and a monitoring fee.

Conditions

51. The Council did indicate which conditions it wanted to be considered if the appeal was allowed. In my assessment of these conditions, I have undertaken minor changes to meet the six tests against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision. Both parties were consulted on the changes to these conditions.
52. In addition to the statutory time condition [1], I have attached a condition which specifies the approved plans [2], which is necessary in the interests of certainty.
53. A condition which requires the details of the materials to be used on the external surfaces [3] is necessary to ensure that the finished appearance of the development is appropriate. The full details of bin storage areas, cycle storage and new boundary treatments [4] are required to promote sustainable forms of transport, to protect the amenities of the future occupants of the development and to deliver appropriate boundary treatments. The cycle storage element of this condition has incorporated suggested condition 18 by the Council.
54. The implementation of tree protection measures [5] are necessary to ensure that nearby trees which are to be retained are protected from harm during the course of the development of the scheme. This condition has replaced a condition suggested by the Council. In this instance, the suggested condition would require the submission of reports on numerous matters. In my analysis of the evidence, I note that the Tree Officer did not have a concern with regard to the works proposed in the Arboricultural Method Statement. As such, I have conditioned the works outlined in this document. This condition has also incorporated elements of suggested conditions 8 and 9 from the Council.
55. A condition which requires the appropriate carrying out and management [6] is necessary to provide an appropriate landscaped development. This has been amended from the suggested condition on this matter. I have also not included the element of the suggested condition regarding the watering of these landscaped areas as this appears as an onerous requirement. The condition does however require the replacement of landscaping areas if they die or become damaged. The submission of a landscape management plan for all trees and undeveloped areas [7] and the details of hard landscaping works [8] is necessary to ensure that all other areas of the site are appropriately landscaped, in the interests of visual amenity.
56. A restriction on the time of year when development can be undertaken, unless all buildings, trees, and vegetation are first checked by an appropriately experienced ecologist [9] is necessary to protect breeding birds. In the interests of biodiversity and to protect amphibians and mammals, the submission of the details of bird boxes [10] and the imposed reasonable avoidance measures [11] are necessary.
57. A condition which requires an assessment of the risks posed by any contamination and its remediation [12] and a condition which details the steps which must be taken in the event that contamination not previously identified is discovered [13] is necessary to ensure that risks from land contamination to future users of the land and neighbouring land are minimised. A condition which requires the implementation, maintenance and management of the sustainable drainage system [14] is necessary to appropriately manage and reduce flood risk.

58. The submission of a scheme for the design and construction of highway improvement works [15] is necessary prior to development to ensure that the traffic generated from the development does not create issues relating to highway safety or movement. The surfacing and marking out for the parking and servicing areas for vehicles must be carried out before the occupation of the development [16]. This is necessary to ensure that adequate provision is made on site for the traffic generated by the development, including for the manoeuvring, loading and unloading of vehicles.

Conclusion

59. For the reasons given above and in taking all material considerations into account, the proposed development would not conflict with the development plan and therefore, the appeal should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the drawing numbers and documents:
 - A003 REV J (Proposed Site Plan)
 - A005 REV J (Proposed Technical Site Plan)
 - A405 REV J (Proposed Floor Plans – Terraces)
 - A406 REV J (Proposed Floor Plans & Elevations – Terraces)
 - A407 REV J (Proposed Elevations – Terraces)
 - A408 REV E (Proposed Roof Plan)
 - A500 REV D (Proposed Ground Floor Plan)
 - A501 REV E (Proposed First Floor Plan)
 - A502 REV D (Proposed Second Floor Plan)
 - A503 REV D (Proposed Roof Plan)
 - A600 REV D (Proposed Front and Rear Elevations)
 - A601 REV D (Proposed Side Elevations)
 - AT.23.1288.100 REV 06 (Softworks Planting Plan)
 - AT.23.1288.101 REV 03 (Hardworks Plan)
 - 11594 BNG - SB -V1 (Assessment of Biodiversity Net Gain)
 - Bat Roost Dawn/Dusk Survey
 - TRE/FWPOLBLL/Rev I (Arboricultural Method Statement)
- 3) No development above ground level shall take place until samples of all external facing materials to be used on the building and those to be used on all external areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 4) Notwithstanding the approved plans, details for the provision of bin storage facilities, secure cycle storage and all new boundary treatments, including gates and means of enclosure, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development is occupied and retained for the lifetime of the development.
- 5) The approved tree protection measures shall be in place prior to the commencement of works and shall be retained in place and must only be removed with the written agreement from the local planning authority. The works to trees shall be carried out in strict accordance with the approved details contained within the Arboricultural Method Statement (prepared by Mulberry, dated 04 July 2024, reference TRE/FWPOLBLL/REV I). Trees to be retained as identified in the approved Arboricultural Method Statement shall not be cut down, uprooted, topped, lopped, destroyed or in any other way damaged, during the development phase and thereafter within 5 years from the date of occupation of the development.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species as agreed with the local planning authority.

All works must be carried out to BS 8545:2014 Trees: from nursery to independence in the landscape and BS 4428: 1989 Code of Practice for General Landscape Operations.

The documentation of the plant stock used for the scheme must be retained and made available to the local planning authority upon request.

- 7) No part of the development shall be brought into use until a landscape management plan for all trees and undeveloped areas has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The plan shall include details of the timescale, programme and the body responsible for its implementation. The approved plan shall be implemented and retained throughout the lifetime of the development.
- 8) No development shall commence until details of the hard landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include the location, type and materials to be used for hard landscaping including specifications. The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use.
- 9) No tree felling, vegetation management, or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted to and approved by the local planning authority.
- 10) The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation have been submitted to and approved by the local planning authority. Evidence of the implementation of these details shall be submitted to the local planning authority.
- 11) The following reasonable avoidance measures shall be undertaken during the construction phase:
- A pre-commencement check for hedgehogs prior to site clearance works;
 - Any open excavations such as foundations, footings and services trenches should have a means of escape;

- c. Any exposed open pipe systems should be capped to prevent access to mammals; and,
- d. Materials shall be appropriately stored.

12) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:

- i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
- ii. the site has been remediated in accordance with the approved measures and timescale; and
- iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i. additional measures for the remediation of the site have been carried out in accordance with details contained within a Remediation Scheme that shall first have been submitted to and approved in writing by the local planning authority; and
- ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

13) Any contamination that is found during the course of construction of the development hereby permitted 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 until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

14) No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a. a timetable for its implementation; and,
- b. 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.

- c. the contact details for the organisation responsible for this maintenance.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained in accordance with the approved management and maintenance plan.

- 15) No development shall commence above ground level 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. These works shall include:

- a. The replacement or relocation of street lighting columns, signposts or other infrastructure as necessary;
- b. The reinstatement of any redundant vehicle access points, contiguous to the site boundary, as level pedestrian footway;
- c. Installation of new vehicle access points at Orrell Lane and Bull Lane;
- d. Resurfacing of the footway contiguous to the site at Orrell Lane and Bull Lane to provide a continuous palette of material; and
- e. Installation of drop kerbs/tactile paving across the mouth of Bull Lane to improve pedestrian accessibility to and from the site.

The approved scheme shall be completed in accordance with the approved details before the development is occupied/brought into use.

- 16) No part of the development shall be occupied or brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number A003 REV J (Proposed Site Plan). The parking and servicing areas shall be retained as such thereafter.

End of Schedule