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<tr>
<th><strong>APPLICATION NUMBER:</strong></th>
<th>P/2017/0068/FUL</th>
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<tr>
<td><strong>PROPOSAL:</strong></td>
<td>Demolition of existing buildings, retention of lodge and the erection of 12 dwellings, together with alterations to boundary wall including the creation of new vehicle access and associated works.</td>
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<tr>
<td><strong>LOCATION:</strong></td>
<td>Carmelite Convent, 1 Green Lane Eccleston</td>
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<td><strong>WARD:</strong></td>
<td>Eccleston Ward</td>
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<td><strong>APPLICANT:</strong></td>
<td>Jones Homes (North West) Limited &amp; The Discalced Carmelites</td>
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<td><strong>CASE OFFICER:</strong></td>
<td>Ms Angela Forsyth</td>
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<td><strong>RECOMMENDATION:</strong></td>
<td>Grant Planning Permission Subject to Conditions</td>
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1. **APPLICATION SITE**

1.1 The application site is the former Carmelite monastery, consisting of various buildings and large heavily landscaped gardens, all enclosed with a tall wall up to 3 metres in height, part stone, part brick and part concrete panel. The buildings on site vary from an old gate lodge and church to more modern residential buildings. The site is located on the edge of a predominantly residential area with part of the site denoting the Green Belt boundary.

1.2 The site is currently vacant with the Carmelite nuns (a closed order) having relocated a couple of years ago. All of the trees and undergrowth landscaping within the walled gardens is protected via a Tree Preservation Order.

1.3 The site is located within a predominantly residential area, is diamond shaped and is bordered by roads on three sides – Houghton’s Lane to the east, Howards Lane to the south east and Green Lane to the west. The north west boundary, which also denotes the boundary of the Green Belt, consists of fields / dwelling / sub station.

1.4 The current entrance to the site is via an arched vehicular and pedestrian gated entrance on Green Lane - an unadopted single track and Public Right of Way (PROW). This part of the boundary wall is predominantly made of brick and in places, forms the side elevation of buildings within site. Elsewhere, the large wall enclosing the site is up to 3m in height in parts and is predominantly made of stone.

2. **PROPOSAL**

2.1 The application is for the demolition of all of the buildings on site except for the gate lodge and the erection of 12 larger detached family homes. A new vehicular / pedestrian access would be created off Howards Lane. The existing access would be gated. The intention is for the site to be a small private gated estate.

3. **CONSULTATIONS**

3.1 **Highways:** No objection in principle subject to conditions: The existing stone wall will be splayed back in the vicinity of the access to achieve the necessary visibility splays, and to accommodate the segregated pedestrian facilities; in accordance with
the necessary standards, and are considered robust. Pedestrian access will also be available to the site from Green Lane, on the opposite side of the development.

A development of the scale proposed will generate little additional traffic, and will have no significant impact upon the local highway network.

The applicant wishes to gate the road, and retain the road as a private unadopted road. This is acceptable, and the gate is located sufficiently far into the site to enable service vehicles, refuse vehicles etc., to wait, clear of the carriageway. Whilst the road would remain private, it is effectively designed to robust highway adoption standards, and is considered fit for purpose. Adequate parking provision is provided within the development.

Construction will be challenging and potentially disruptive to local residents; therefore, a construction management condition is requested, which will cover such issues as contractor parking, site compound area and the delivery of materials etc.

3.2 Conservation Officer: No objection in principle, The former Carmelite Convent Church is 7 bays of mixed brindle brick construction with restrained decorative terracotta detailing externally and a Welsh slate roof. Early 20th century extension consisted of the choir, a nuns’ ‘sacristy’ along with a reception rooms for visitors. In late 20th century and new accommodation wing was built. An old snecked stone single storey porter cottage with attic and dormers remains. The boundary wall was the original wall associated with Springfield House and it was heighten post acquisition by the nuns, to safeguard their privacy.

The construction quality of the early 20th century buildings and the former use of the building are of interest in terms of the social-architectural history of the area and therefore these buildings are considered to be non-designated heritage assets. However, the architectural design and historical significance of the early buildings are considered to be unremarkable at a national level and would not merit statutory protection in the form of listing.

The proposals envisage the demolition of the convent and its replacement with 12 executive houses set among the existing trees on site. The existing boundary wall would be retained albeit altered in areas as would the porter’s cottage. The retention of the porter’s cottage in particular is welcomed particularly in light of the requirements of para.135 of the NPPF as it would be difficult to justify the loss of a house which is considered to be a non-designated heritage asset in order to replace it with a house.

Paragraph 135 the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account, and for a balanced judgement to be made, having regard to the scale of any harm or loss and the significance of the heritage asset. In order to make a balanced judgement, the LPA would need sufficient evidence to justify the loss of this building of tangible historic and architectural significance. It is understood that economic arguments have been made to that effect.

3.3 LLFA: No objection

3.4 Tree Officer: No objection in principle subject to conditions: The applicant and their arboricultural consultant have liaised extensively with the Council prior to submission of this application. The result is a tree survey and arboricultural report which has been professionally prepared and on balance, I support its conclusions.

Whilst there will be some tree loss on site, the development clearly tries to strike a balance between development of the site and maintaining the character of the area;
as well as provide ongoing management and enhancement of the remaining woodland areas.

A high level of tree protection is proposed for trees to be retained; and a management company will manage the protected trees on behalf of and in consultation with residents after the development is completed. The suggested way forward means that residents will have a means of being able to raise their concerns, but management will follow sound arboricultural and woodland management terms as well as addressing any safety issues that may arise. Issues / pressures for increase for work to trees will likely arise but the report submitted sets a reasonable balance with tree retention and management being key priorities.

There will always be significant pressure to carry out works to protected trees but I feel this application provides a balance between tree retention, management and development on site.

The management plan has been updated to includes details for landscaping and boundary treatments. The plans also include detailed tree protection measures, an assessment of works required to trees on site and mitigation which includes for initial woodland enhancement and a mechanism to address ongoing tree and woodland management issues that are likely to arise.

3.5 **Environmental Health Contamination:** No objection subject to condition re Phase 2

3.6 **Environmental Advisory Service:** No objection in principle subject to conditions:

   Four bat day roosts have been identified in three buildings to be demolished on the site. The proposal must be assessed against the three tests set out in the Habitats Regulations.

   Mitigation measures as identified in the ecological survey should be implemented, 5 bat boxes within the woodland and 5 brick boxes within the dwellings should be provided. The buildings are not suitable for hibernating bats. A Natural England licence should be secured before undertaking any works to buildings B2, B5 and B6.

   No evidence of bats within the boundary wall was found but there is limited potential, precautionary mitigation measures have been proposed when taking down parts of the wall.

   There is potential for below ground archaeological interest on this site, a scheme of investigation should be undertaken.

3.7 **Eccleston Parish Council:** No further comment.

3.8 **Policy:** No objection in principle subject to an affordable housing commuted sum of £67,569.23.

3.9 **Keppie Massie:** The scheme is sufficiently viable for the full affordable housing commuted sum

3.10 **Coal Authority:** Awaiting comments

3.11 **United Utilities:** No objection subject to conditions

3.12 **Fire Service:** No objection subject to standard advice

4. **REPRESENTATIONS**
4.1 The application was advertised by way of 21 individual neighbour letters, 2 site notices and a press notice. 8 individual letters of objection and 1 letter of support have been received as a result of this publicity.

4.2 However, the majority of the objections submitted make reference to supporting the principle of re-use of the site for residential use but have other significant concerns, as follows:

- Rear of the house is not currently overlooked, one of the reasons for buying the house and paid a premium to have this as privacy for our family is very much valued.
- Rear of the property will now be overlooked resulting in loss of privacy and loss of value
- Children’s bedrooms to the rear, building work and development will affect their day to day life.
- Spend a lot of family time in our back garden, garden privacy will be compromised.
- No objection to the development itself but concerned over traffic. Contractor parking and vehicle movements would be on surrounding public roads, however, this is not appropriate. St Julies school in very close proximity; resulting in obstruction at peak hours causing public nuisance and safety risk to school children.
- This will result in vehicles being pushed out onto surrounding roads already dangerously congested with parked cars, some are narrow, resulting in access issues and nuisance for residents.
- Debris may fall from contractors vehicles i.e. screws and nails etc. resulting in tyre punctures
- No objection to a gated community but the waiting area needs to be larger than one car to get vehicles off the road whilst waiting for the gates to open. A bin lorry would have to wait to turn into the site. Vehicles regularly disregard the 30 sign and speed on this road.
- Welcome this development as the site will be used for something in keeping with the surrounding area but concerned about all of the traffic in the construction phase, particularly whilst the entrance is being constructed.
- Also access via side roads coming off the East Lancs for lorries and cars will be significantly challenged, in places there is not enough room for a lorry and car to pass by each other; with the car having to reverse. This will be totally chaotic in peak hour and is unacceptable to residents who use these roads.
- In supporting the development of the site, these challenges need to be given careful consideration and presented to residents to comment further.
- Huge number of protected trees on the site, how will the development conflict and how many trees will be removed.
- The proposed site entrance is too close to the junction with Walmesley Road
- The high walls will restrict visibility exiting the site and other road users creating a potential danger
- During construction the proposed new access would create access problems for the local bus service and local residents. Any diversion of the route would be very inconvenient for bus users, including ‘seniors’ carry shopping.
- It would be safer to use the Green Lane and the developer be required to pay for necessary improvements to the road surface.
- I have no objection to the house building within the Carmelite site although it’s a pity they are not building more affordable types of home.
- I support the responsible development of this site which maintains manu of the distinct features i.e. perimeter wall, leafy appearance, habitats. However, a small gated community is a poor design choice.
This presents an opportunity to integrate the site into the wider community of Eccleston, increasing permeability between Green Lane and Walmesley Road and would more closely accord with Paras. 125 & 126 of the NPPF. Planning should promote “opportunities for meetings between members of the community who might not otherwise come into contact with each other” and decisions should “plan positively for the provisions and integration of community facilities and other local services”

Reference has been made to a community consultation event that took place 5th December. The local resident felt this was not a consultation, there was no presentation nor any attempt to deal with open questions.

No details on how Jones intend to deal with traffic visiting and leaving the site, contractors parking, obstruction, creating a danger to both drivers and pedestrians. The Council and police abdicate their responsibilities by ignoring danger to drivers, pedestrians and school children.

How will they deal with demolition and removal of waste material, there has been highway problems with other demolition companies removing waste from sites.

Perimeter wall and protected trees contribute to the visual amenity of the area, reluctantly accept the wall has to be modified to provide a vehicular access but cannot accept any lowering or other alteration of the wall.

After watching Jones Homes at Triplex site where a lot of front trees were removed, I have little confidence that they will liaise with the Council’s tree officer

Have the Council undertaken due diligence to ensure the long term commitment of Jones Homes i.e. Business Community Plan. Jones have stated they will not enter into a financial bond with the Council to ensure all conditions complied with and works are completed.

Very narrow country lanes in Eccleston and hedges are sometimes not cut, who will pay for the damage caused by vehicles associated with this site

There are more natural run in areas in better less busy locations than Houghton’s Lane for the access

Common space should be maximised to encourage wildlife. The Carmelite has a very healthy bat population and a resident pair of tawny owls.

I would suggest Jones call the site ‘The Carmelite’; as it is historically known to all of the local Eccleston people.

4.3 The 1 letter of support states that the building of 12 new homes is absolutely supported on the defunct Carmelite Convent; it will add value to this area without interfering with existing functionality of the Borough. The alternative is an empty derelict buildings site, which will eventually attract undesirables.

5. SITE HISTORY

5.1 No relevant planning history

6. POLICY

National Planning Policy Framework

6.1 The National Planning Policy Framework states that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development. It further states that in determining development proposals, the presumption in favour of sustainable development should be applied and further reiterates the requirements of planning law that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In decision taking, proposals that accord with the development plan should be approved without delay.
Development Plan

6.2 The adopted development plan for St Helens is the St Helens Local Plan Core Strategy (adopted 2012); saved policies in the St Helens Unitary Development Plan (adopted 1998); and the Joint Merseyside and Halton Waste Local Plan (adopted 2013).

6.4 Policies of the Core Strategy Local Plan (2012)
CSS 1 - Overall Spatial Strategy
CSD 1 - National Planning Policy Framework - Presumption in Favour of Sustainable Development
CP 1 - Ensuring Quality Development in St. Helens
CP 2 - Creating an Accessible St. Helens
CH 1 - Meeting St. Helens’ Housing Requirement
CH 2 - Meeting St. Helens’ Housing Needs
CQL 2 - Trees and Woodlands
CQL 3 - Biodiversity and Geological Conservation
CQL 4 - Heritage and Landscape

ENV 11 - Tree Surveys
ENV 12A - Development Affecting Existing Trees
ENV 12B - Development Affecting Existing Trees
ENV 13 - New Tree Planting on Development Sites

Other Considerations

6.6 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person’s rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

6.7 This application has been considered in relation to Section 17 of The Crime and Disorder Act. The Police Crime Prevention Officer has been afforded the opportunity to comment on this scheme, but no comments have been received.

6.8 The application has been considered in accordance with the St Helens Council’s Comprehensive Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

6.9 Policies CP1 and CP2 state that new development should maintain, enhance and safeguard the character and appearance of the local environment and be sympathetic to surrounding land uses and occupiers, avoiding detrimental impact on the amenities of the local area, in particular residential amenities. New development should provide safe vehicular access and link with the surrounding movement patterns; located near public transport with safe and convenient pedestrian routes.

6.10 New residential development should ensure that the overall scale and design are appropriate to the character of an area, sufficient separation distances for light and privacy are included and appropriate off street parking is provided.

6.11 Policy CQL2 states that proposals for development within the Borough will be expected to conserve enhance and protect existing trees, woodlands and hedgerows and require new tree planting on appropriate sites.
6.12 Policy CQL4 states that where applicable, new development should incorporate habitat features and appropriate mitigation measures to maintain / contribute to the boroughs ecological resources.

6.13 An affordable housing requirement of 30% needs to be considered for all developments of eleven or more units.

7. **ASSESSMENT**

**Principle of Residential Development**

7.1 The former Carmelite monastery, the buildings, layout and access, do not readily lend themselves to attracting an alternative use without significant refurbishment / redevelopment of the site.

7.2 The site sits on the outer edge of a predominantly residential area. The site is heavily constrained and any proposed development has to be assessed against retention / loss of historic assets, impacts on protected trees, highway safety, character of the local area and neighbours residential amenity.

7.3 The development challenges to be balanced effectively limits the types of development that would be attracted to and appropriate on this large site with a relatively small developable area. In principle no objection is raised to residential use of the site.

7.4 It is also noted, for the most part, local residents support the re-development of the site, particularly for residential uses.

**Heritage Assets**

7.5 The existing buildings / development on site make up a relatively small percentage of the overall area of the site; with the majority of the site consisting of gardens / allotments. The Heritage Statement confirms that parts of the heritage on site are of medium significance as a non designated heritage asset and therefore even though the site is not listed, in accordance with the NPPF, an assessment must be made between demolition and retention taking into account the viability of alternatives.

7.6 Development that results in less than substantial harm to the significance of a designated heritage asset, should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.7 The church component of the substantive monastery building has architectural significance as well as historical significance. The applicant looked at the options for converting this building but this proved to be inefficient and impractical.

7.8 The lodge is also of historical significance as it helps to tell the story of the site a former institution. It makes an attractive composition together with the gates into the site over which its occupants would originally have had control. The proposal is to keep the gate lodge and include it within one of the gardens of the new dwellings, effectively retaining it in a granny flat type use.

7.9 The proposals envisage the demolition of the convent and its replacement with 12 executive houses set among the existing trees on site. The existing boundary wall would be retained along with the porter’s cottage. The retention of the porter’s cottage in particular is welcomed particularly in light of the requirements of para.135 of the NPPF as it would be difficult to justify the loss of a house which is considered to be a non-designated heritage asset in order to replace it with a house.

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Design and Layout

7.10 Policies CP1 and CP2 expect new development to maintain or enhance the overall character and appearance of the local environment; be sympathetic to surrounding land uses and make efficient use of existing infrastructure and services. New development should be located on sites that are already well served by infrastructure including good public transport links and safe pedestrian/cycle access.

7.11 The proposal is for a very low density development of 12No. larger dwellings; to reflect site specific circumstances. With the exception of the new access (and the inevitable tree loss this demands) for the most part, the layout of the new dwellings follows the location of the buildings to be demolished or open allotments.

7.12 These areas are less tree’d and new development is unlikely to significantly impact the root protection zones (RPZ) of protected trees. The landscape consultants have engaged extensively and constructively with the Council’s tree officer. The only trees to be lost in and around the dwellings would be to benefit the overall management of the woodland.

7.13 Pragmatically, this site conclusively lends itself to a particularly low density development. To consider a higher density development or an alternative layout would impact on the important site specific characteristics that the applicant and officers are striving to retain in the interests of local residents and the high value character of the local area. A higher density development would incur an addition two parking spaces per dwelling, additional segregation of the site through gardens/fencing and long term pressure for the removal of protected trees from numerous occupiers confined to smaller homes (more habitable room windows being located in close proximity to protected trees/leaf fall etc.).

7.14 Each of the dwellings would provide a minimum of two off street parking spaces. The dwellings are positioned quite close to the road, with short front gardens and long/large rear gardens. However, this is to better accommodate existing woodlands whilst ensuring future occupiers residential amenity can be assured (reducing the potential impact of trees on habitable room windows).

7.15 With regards to privacy and overlooking, for directly overlooking habitable room windows (across gardens), the Council’s guidelines suggest a minimum interface distance of 23metres is appropriate; for directly overlooking windows on either side of a road, this can be reduced to 18metres.

7.16 Due to the high wall and the layout of surrounding dwellings, the only properties that could be impacted by potential overlooking and loss of privacy would be the existing dwellings on Villiers Crescent. However, these dwellings are on the opposite side of Green Lane and the rear elevations of the existing dwellings are a minimum of 31metres away from the rear elevation of the new dwellings. Impacts associated with privacy and overlooking fall within acceptable limits.

7.17 Concerns have been raised with vehicles waiting on the public highway whilst gates open. However, the access will be electronic and would be set back 12metres from the public highway. This is not insignificant, 12metres would accommodate a large refuse vehicle or two large cars waiting off road whilst the gates open.

7.18 On that basis, the layout as proposed is considered to be acceptable. Future occupiers will have a clear appreciation that the ‘woodland setting’ is a significant character trait to be protected over the long term. Some trees are located in relatively close proximity to habitable room windows (plots 1 & 2), however, gardens are large to compensate for leaf fall and permitting some natural daylight.
Trees / Boundary Wall / Highways

7.19 The site contains a large number of trees of varied species, sizes and maturity. The large wall enclosing the site is also a visually prominent feature, with the most prominent elevations – those on Howards and Houghton’s Lane being up to 3m high and constructed of pale stone.

7.20 Many of the protected trees are visible above the high boundary wall. Together, the wall and trees give the perception of a qualitative spacious leafy peaceful environment and on that basis, are considered to have a very high amenity value in the context of local character.

7.21 To give favourable consideration to any future development on this site, it is accepted that a part of the boundary wall will be lost and a number of quality trees will be felled; primarily in order to create a new access into the site as opposed to clearing land to fit on additional dwellings.

7.22 The proposal is for the development of 12No. larger detached dwellings. Any intensification of the existing access into the site via Green Lane is not acceptable. The Lane is very narrow in places with no safe pedestrian access and therefore could only be considered as having similar characteristics to a private drive. As such, only a very small development with a very limited number of additional dwellings would be appropriate in using Green Lane as the main access. This is not financially feasible.

7.23 Options for widening the lane are not feasible due to land being in third party ownership (rear gardens of dwellings fronting Villiers Crescent) or having to demolish part of the site boundary wall and fell numerous trees. Also, visibility at the junction with Howards Lane does not meet the Council’s standards, sufficient for intensifying the use of this junction for an additional 12 dwellings.

7.24 A new access through the highly valued wall would need to be created. A number of points along the Carmelite boundary have been considered and discounted as part of this application. The proposed point of access, quite centrally located in the wall fronting Houghton’s Lane, was ultimately chosen due to it being the point at which the necessary visibility splays could be accommodated for traffic exiting the site. Equally, it is the point at which the least number of quality trees would need to be felled in order to accommodate the stringent technical demands of the new access / visibility splays.

7.25 The wall fronting Houghton’s Lane is approximately 300metres long; a 60metres strip would be removed for the new access. Visually, this is not as significant as it seems in that 27metres (20metres to the north of the new access and 7metres to the south) would then be rebuilt, slightly set back from its current position; using the same stone and to the same height as the existing wall. This would leave a 23metres section, most of which would be rebuilt in a curved set back of up to 7m back from the public highway. This would open up the access to accommodate appropriate visibility splays. The centrally positioned gated site entrance would be 9m wide, 2metres high and set back 12metres from the public highway.

7.26 The site layout plan refers to the height of the rebuilt wall being 1.8metres. However, the boundary wall details plan and the agent has confirmed that the wall will be re-built at the current height of 3.2metres and would only drop to 2metres in height at the point of the new pillars and gates. The wall will be rebuilt in the exact style of the existing wall.

7.27 An entrance of this scale would be required in order to meet minimum highway standards for anything over 5No. dwellings. Part of the wall would need to be re-sited
and rebuilt, and combined with the loss of some of the big trees, the result will be visually different from the current situation. However, the works proposed are reasonable and necessary, and not of a scale sufficient to be detrimental to the overall character of this part of Eccleston.

7.28 Part of the existing buildings sit within and form part of the actually wall fronting Green Lane. The demolition of the buildings would ensure that sufficient height of the elevational wall would be retained to match the existing wall and matching coping stone would be placed on the wall to be retained. The proposal also proposes the secure gating of the existing access at Green Lane; for pedestrian use only for residents of the new dwellings, to be opened via a key fob.

Trees  
7.29 The proposal does involve the felling of a small number of protected trees, however, these are primarily resulting from the creating of the new access. The remaining trees to be felled are due to self seeding in too close a proximity to parent trees and to better aid woodland management; thining out crowded trees and reducing competition for the better quality trees. No trees are to be felled as a direct result of fitting in a particular dwelling. Additional tree and understorey planting is also proposed as part of the comprehensive woodland management.

7.30 Occupiers of the new dwellings will have a clear understanding that trees are protected on this site and all issues / works to trees must be brought to the attention of and permission obtained through a management company specifically set up to manage both woodland strips. Works to the trees and decision making would be undertaken from a comprehensive woodland management stand point; as opposed to each individual household managing just their part.

Affordable Housing  
7.31 Development of 11 or more dwellings must consider an affordable housing contribution of 30%. When calculating the contribution, should the proposal involve either the conversion or redevelopment of a vacant building, a ‘vacant buildings credit (VBC)’ can be used to offset the contribution. An affordable housing contribution is only required for any increase in floor space generated over and above the floor space of the existing vacant building to be demolished.

7.32 The applicant has put forward VBC relating to the floor space of the buildings to be demolished; plus a financial contribution to account for the additional floor space created. The applicant submitted a viability assessment, which concluded that after taking away the VBC, the scheme was sufficiently viable for the full affordable housing contribution of £67,569.23; to be secured via a S106 agreement.

Protected Species  
7.33 The bat emergence and re-entry survey of the buildings identified 4 day roosts of soprano and common pipistrelle bats within three buildings to be demolished. There is no evidence of bats roosting in the boundary wall. Developments affecting European protected species must be assessed by the Local Planning Authority against three tests set out in the Habitats Regulations.

7.34 The three tests are set out in Regulation 53 and comment accordingly:

The three tests are:

Test 1: Regulation 53(2)(e): “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”
The existing monastery is no longer in use and there is little potential for the buildings to be re-used either as a monastery or for alternative uses. The re-development of the site to provide 12 modern sustainable energy efficient homes will provide social benefit and will contribute towards housing targets within the St Helens Local Plan Core Strategy. This test has been met.

Test 2: Regulation 53(9)(a): “that there is no satisfactory alternative"

The existing monastery is no longer in use and there is little potential for the buildings to be re-used either as a monastery or for alternative uses. The site is currently unused and retention of the buildings to retain bat roosts is not a viable alternative as the buildings will become increasingly derelict over time and this is likely to eventually result in loss of the existing bat roosts. The provision of alternative bat roosts as part of this development will ensure that alternative bat roosts sites are maintained into the future. This test has been met.

Test 3: Regulation 53(9)(b): “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"

Mitigation measures proposed with section 4.5 of the Bat Emergence survey report and within the email from Lisa Davies dated 02.03.17 will ensure no impacts to the roosting Soprano and Common pipistrelle bats present and will provide alternative roost provision on the site. There will be no detrimental impacts to the Soprano and Common pipistrelle bat population and favourable conservation status of this species will be maintained. This test has been met.

7.35 To refuse to allow redevelopment of this large street would result in large site that will suffer from a chronic lack of investment and no management for trees and the stone boundary wall. To allow for the redevelopment of this site is in the best interests of the local area and local residents.

7.36 To ensure no impacts to protected species, compensatory mitigation measures are proposed with 5no. bat boxes to be provided within retained woodland and 5 bat bricks are to be provided within new dwellings.

Other

7.37 The majority of neighbours have raised significant concerns with regards to larger vehicle access to the site and logistics of construction (contractor parking etc.). I understand from comments that as well as the site being located in a residential area, St Julies school is in very close proximity and the rural roads surrounding the site (and from the East Lancs) are so narrow in places, a HGV and a car travelling in opposite directions cannot physically pass.

7.38 Planning controls the use of land and its likely impacts associated with the use of that land. The logistics of construction cannot be a material consideration in the planning process, sufficient to justify refusal of an application. Although in exceptional circumstances, an authority may direct a developer to adhere to certain behaviours outside of the site. The highways officer is satisfied that potential logistical conflicts associated with the construction; that may arise outside of the application site can be managed via a construction management condition. Details of routes, compound and contractor parking can be submitted for approval before commencement of development on the site. Agreement of such details would seek to ensure that the potential for local disturbance is kept within acceptable levels.
Further to neighbour’s comments, planning legislation does not recognise the value of a property or any potential reduction in that value; nor does it recognise the loss of a view.

8. CONCLUSION

8.1 The former Carmelite monastery is located within a predominantly residential area. The site is accessible and well served by local infrastructure. The re-use of the site is considered to be in the public interest so the loss of a number of historic assets is acceptable. Protection of the aesthetic woodland and boundary wall has been the overarching consideration on this site and the proposed low density development would meet that standard.

8.2 The proposed access would meet the Council’s current standards. The development would be gated and private but with a small number of dwellings, limited access into the site and the need for comprehensive woodland management, this is considered to be the most appropriate option. Occupiers should take an ownership of the assets around them to ensure better and inclusive management.

8.3 The proposed development is considered to comply with policies CP1 and CP2 in that new development shall be sympathetic to surrounding land uses, maintain or enhance the overall character; link in surrounding movement patterns; minimise unnecessary tree loss: make efficient use of existing infrastructure and services. Interface distances and the potential for overlooking of neighbouring properties are considered to be acceptable and also in accordance with policy CP1.

8.4 Appropriate regard for the care and management of protected trees has been undertaken in accordance with policies CQL2, ENV11, 12 and 13. The full 30% affordable housing contribution (minus Vacant Buildings Credit) has been provided in accordance with the Affordable Housing Supplementary Document.

9. RECOMMENDATION

9.1 Grant Planning Permission Subject to a S106 agreement and the following conditions:

1. The works hereby permitted must be begun within 3 years of the date of this decision notice.

2. The development shall be carried out in accordance with the following application drawings:
   - Site Layout, Dwg No. EMP/1.00 Rev J
   - Boundary Wall Details, Dwg No. EM/P/1.06 Rev E
   - Boundary Details, Dwg No. 2396/P12 Rev A
   - Refuse Tracking, Dwg No. EMP/1.06
   - The Bowden (Plot 1), Dwg No. BOWD-2014-P-01-1 Rev B
   - The Carrington II (Plots 2, 5, 7), Dwg No. CARR-2014-P-01 -
   - The Connaught II (Plot 8), Dwg No. CON-2014-P-01 Rev A
   - The Connaught II (Plot 9), Dwg No. CON-2014-P-02 Rev A
   - The Henley II (Plots 3, 4), Dwg No. HEN-2014-P-02 -
   - The Knightsbridge II (Plots 6, 12), Dwg No. KNGT II-2014-P-01/1 -
   - The Knightsbridge II (Plot 11), Dwg No. KNGT II-2014-P-01/2 -
   - The Knightsbridge II (Plot 10), Dwg No. KNGT II-2014-P-01/3 -
   - Bat Survey Report, No. 2396_R03a
   - Arboricultural Method Statement (Report), No. 2396-R04
   - Woodland Management Plan (Report), No. 2396-R06a
3. No development shall take place until the following has been undertaken:

   a) An investigation and assessment methodology shall be carried out that includes analysis suite and risk assessment methodologies. The assessment shall be submitted to and agreed in writing by the Council as Local Planning Authority prior to any site investigations being carried out.

   b) A phase 2 site investigation and assessment shall be carried out by an appropriately qualified and experienced person or persons. This shall determine the status of contamination, including chemical / flammable or toxic gas / asbestos/physical hazards / other contamination at the site. The investigations and assessment shall be in accordance with current Government and Environment Agency recommendations and guidance, and shall identify the nature and concentration of any contaminants present, the potential for migration and risks associated with them. This is to include a risk assessment with regard to controlled waters. Results of the investigation shall subsequently be submitted to and agreed in writing by the Council as Local Planning Authority.

   c) A remediation strategy shall be formulated that includes a timetable for implementation, monitoring proposals and remediation validation methodology. This shall be submitted to and approved in writing by the Council as Local Planning Authority.

   d) The agreed remediation strategy shall be demonstrably and successfully completed in accordance with the details agreed above before the proposed use commences.

A Site Validation/Completion Report shall be submitted to and approved in writing by the Council as Local Planning Authority within 4 weeks of the completion of the implementation of the agreed strategy, and shall be completed by a suitably qualified professional. This shall include details on the remediation works undertaken; validation testing of the adequacy of the remediation; certificates of the suitability of the imported cover materials from a suitably qualified independent person; the fate of any excavated material; and any necessary verification-monitoring programme including details of any installed post-completion monitoring devices, together with measures to be undertaken should action limits be exceeded.

4. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority. The method statement shall include, but not be limited to:

   • Construction traffic routes, including provision for access to the site;
   • Entrance/exit from the site for visitors/contractors/deliveries;
• Location of directional signage within the site;
• Siting of temporary containers;
• Parking for contractors;
• Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction;
• Temporary roads/areas of hard standing;
• Schedule for large vehicles delivering/exporting materials to and from site;
• Storage of materials and large/heavy vehicles/machinery on site;
• Details of street sweeping/street cleansing;
• Provision of wheel wash facilities
• Hours of working;
• Phasing of works.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

5. Before commencement of development, a timetable for ongoing reporting of supervised works within the vicinity of the protected trees shall be submitted to and agreed in writing with the Local Planning Authority.

Arboricultural supervision shall be provided in accordance with the details and standards as indicated in Section 2.40 and 2.41 of the Arboricultural Method Statement Report Number 2396_R04_JP_SMC and the Arboricultural Works Audit as specified in Appendix 6 of this report. Arboricultural supervision shall include the construction of no dig surfaces within the root protection area of any trees on site, with clear photographic evidence submitted to the Council as part of any arboricultural supervision reporting showing that the no dig surfaces have been constructed in accordance with the specifications submitted in this application.

6. No development shall take place until a programme of archaeological work has been submitted to and approved in writing by the Council as Local Planning Authority. The approved programme shall be implemented and completed, and evidence of its implementation and findings shall be submitted to the local planning authority. For the avoidance of doubt, the scheme shall identify areas where initial archaeological evaluation is to take place, areas for preservation in situ, open area excavation, areas where a watching brief will be required and appropriate measures to be taken during and after construction should any significant archaeological remains be found. It shall also provide for any archaeological works carried out on the site to be undertaken by a suitably qualified investigating body.

7. Prior to the commencement of development an environmental management plan shall be submitted to and approved in writing by the Council as Local Planning Authority. The plan shall set out best practicable means to minimise the impact of construction and demolition activities on the site. The development shall be constructed in accordance with the details contained within the agreed plan.

8. Before construction of the dwellings hereby permitted, a scheme for the design and construction of the site access has been submitted to and approved in writing by the Council as Local Planning Authority. The access shall be designed in accordance with the principles set out in the approved drawings and shall be completed before the construction of the dwellings hereby permitted.

For the avoidance of doubt, the site access shall have kerb radii of 6 metres, carriageway width at the inner tangent points of 5.5 metres, footway widths of 2 metres, and shall include pedestrian crossing points and tactile paving.
9. Before construction of the dwellings hereby permitted, precise details for the provision of 5No. bat boxes to be provided in the woodland and 5 No. brick (or similar) bat boxes to be provided in the exterior of the new dwellings shall be submitted to and agreed in writing by the local planning authority. Development shall be completed in accordance with the agreed details.

10. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. 880898-R1(02)-FRA, Dated Dec 2016) which was prepared by (RSK).

The development shall be completed in accordance with the approved details.

11. The external facing materials and finishes of the development hereby approved shall be completed in accordance with plan reference SDL_2016_5.20 - and the following materials; unless as otherwise agreed in writing with the Local Planning Authority.

- Wienerberger Colorado
- Wienerberger Tobasco Red Multi
- Wienerberger Reno Red

Roof:
- Marley Modern Smooth Grey
- Marley Modern Old English Dark Red

12. No part of the development hereby approved shall be occupied until the visibility splays defined on Axis Drawing No. HTN3 are cleared of all obstructions to visibility to footway level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.

13. The development hereby permitted shall be completed in full accordance with the principles of bat mitigation strategy as identified in the Tyler Grange Bat Survey Report No. 2396_R03a_LJD_LP dated December 2016.

14. Demolition and construction works shall take place Mondays to Fridays 0800 to 1800 hours, Saturdays 0800 to 1300 hours with no working on Sundays, Public Holidays or Bank Holidays, inclusive of any week day.

15. Any gate or other form of barrier across the access shall be positioned at minimum of 12 metres back from the nearside edge of the carriageway of Houghton’s Lane, and shall be constructed to open into the site only.

16. No dwelling within the development hereby approved shall be occupied or any first use commenced until that part of the internal highway infrastructure, which provides access to the individual dwelling, has been constructed to binder course surfacing level (or block paved) and is available for use in accordance with the approved plans.

17. The parking provision shown within the curtilage of each dwelling on the approved plans shall be provided prior to first occupation of the dwelling to which it relates. The parking provision shall not be used for any other purpose other than the parking of vehicles. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or re-enacting that order), no building works, which would reduce this provision, shall take place except following the express grant of planning permission by the Council.

18. Before commencement of any part of the development hereby permitted, temporary measures to provide physical protection of all trees, hedges and shrubs as shown to
be retained, shall be undertaken in full accordance with the agreed Arboricultural Method Statement Report Number 2396_R04_JP_SMC, the Tree Protection Plan (Demolition) Drawing No 2396/P07 and Tree Protection Plan (Construction) Drawing No 2396/P08. The provision of total exclusion zones shall be achieved by the erection of protective fencing as specified in the submitted plans, equal to or greater than the minimum standard as specified in British Standard BS5837 (2012). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of site, demolition and building works.

19. All landscaping shall be in accordance with the details specified in the following plans:
   - Detailed Planting Proposals - Woodland Drawing No. 2396/P10
   - Detailed Planting Proposals - Gardens 1 of 3 Drawing No. 2396/P11 Revision A
   - Detailed Planting Proposals - Gardens 2 of 3 Drawing No. 2396/P11 Revision A
   - Detailed Planting Proposals - Gardens 3 of 3 Drawing No. 2396/P11

All landscaping works specified within the landscape plans submitted with this application shall be fully implemented prior to any occupation of any new buildings on site, unless otherwise agreed in writing with the Council as Local planning Authority. Any trees or plants, or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.

20. All agreed proposed works to be undertaken on the protected trees to be retained shall be undertaken and completed prior to any construction works taking place on site. Tree work must only be carried out between the 1st September and 31st March to avoid any disturbance of breeding birds. Any work outside this period shall only be carried out once a qualified ecologist / ornithologist has inspected the trees to ensure no breeding birds are present; and confirmed this in writing with the Local Planning Authority prior to any works taking place. All tree work shall be in accordance with any recommendations as provided within any bat report / surveys submitted with this application.

21. On-going woodland management within the site shall be undertaken in accordance with the specifications and details included within the Woodland Management Plan Report No. 2396_R06a_JB-HB and the Boundary Details Plan Drawing No. 2396/P12 Revision A.

Prior to any occupation of any properties on site the Council as Local Planning Authority shall be notified with the primary contact for the Management Company responsible for any ongoing management on site.

A woodland management pack shall be distributed to all residents setting out the woodland management responsibilities and arrangements; including procedures for requiring access for ongoing and future woodland management and a contact for who they should address any queries to should they have an issue in relation to woodland management on site. A copy of this pack should be provided to the Local Planning Authority before first occupation of any of the dwellings on site.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that order, no further development shall take place within the curtilage of any dwelling hereby permitted unless planning permission is sought from and granted by the Council as Local Planning Authority.
For the avoidance of doubt, no development is permitted within the protected woodland areas.

23. The works proposed to the Carmelite boundary wall shall be undertaken in full accordance with the details submitted and shall be retained as such thereafter.

24. No urbanising features / garden paraphernalia / incongruous additions shall be placed, constructed or stored within the protected woodland / under protected tree canopies.

10. IMAGES

Site of proposed access

Houghton Lane
Howards Lane

Buildings part of external wall Green Lane

Porters Cottage Green Lane
Current Entrance Green Lane

Porters cottage to be retained

Church Hall
Howards Lane / Houghton's Lane