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Town Hall  
Trinity Road  
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To Members /Substitute Members of Planning  
Committee

Date: 5 February 2019  
Our Ref: Late Reps  
Your Ref:

**Please contact:** Ruth Appleby  
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Dear Councillor

## **PLANNING COMMITTEE - WEDNESDAY 6TH FEBRUARY, 2019**

I refer to the agenda for the above meeting and now enclose the following report which was unavailable when the agenda was published.

<b>Agenda No.</b>	<b>Item</b>
9.	<b>Late Representations</b> (Pages 3 - 10) Late information for Planning Committee

Yours sincerely,

Ruth Appleby

Democratic Services Officer

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### Late Representations/Information

## Appendix 4

### Item 4A

#### DC/2018/00801: 41-43 King Street , Southport

Since the Committee Report has been published, it has come to light that number 37 King Street is a licenced House In Multiple Occupancy (HMO), while number 39 which is adjacent to the application site is in use as a single family dwelling. It had previously been thought that this property was in flats.

As a result, the proposed change of use to a House in Multiple Occupancy would result in number 39 King Street being 'sandwiched' between two HMO's. This would therefore not be in accordance with the Council's guidance "Flats and Houses in Multiple Occupation", adopted June 2018, which states in part:

"Reducing the impact on neighbouring properties.

77. The conversion of a property into a HMO has the potential to adversely impact on its immediate neighbours..."

"78. The Council will not permit the following when considering applications for conversions to HMOs:

- **A non-HMO property will not be allowed to be 'sandwiched' between two HMOs."**

This guidance derives from Policy HC4, House Extensions, Houses in Multiple Occupation and Flats, which states in part:

"2. Development involving the conversion of buildings to Houses in Multiple Occupation or flats will not be permitted where it will cause significant harm to:

b. The living conditions for either the occupiers of the property or for neighbouring properties."

In addition, rooms 7 and 10 are designed with two occupants in mind. This would require a 25% uplift in minimum room sizes. The omission of the kitchenettes would overcome this. However, this would then result a separation of two floors to the communal areas on the ground floor.

If the rooms were intended for single occupiers, this would overcome the issue as the room size would be compliant.

Due to the issue of the neighbouring property being 'sandwiched' between two HMOs, it is not considered reasonable to request further amendments to a scheme which can no longer be supported.

In the light of this significant new information, it is clear that the proposal does not comply with the Council's policies. The recommendation to approve this proposal can no longer be supported.

It is therefore recommended that the proposal be refused for the following reasons:

1. The proposal will result in number 39 King Street being sandwiched between two properties which are Houses in Multiple Occupation. This would result in significant harm being caused to the living conditions of the occupiers of number 39 King Street and is contrary to policy HC4 of the Local Plan

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and the provisions of the Supplementary Planning Document “Flats and Houses in Multiple Occupation”.

2. The proposal fails to provide an acceptable level of living accommodation for future occupiers of rooms 7 and 10 of the proposal and therefore fails to comply with policy HC4 of the Local Plan and the provisions of the Supplementary Planning Document “Flats and Houses in Multiple Occupation”.

## Item 4D

### DC/2018/01439: 84 College Road, Crosby

#### Councillor Byrom Comments

Councillor Byrom has requested that Committee be made aware of an article on the Liverpool Echo website regarding the application:-

<https://www.liverpoolecho.co.uk/news/liverpool-news/coffee-shop-set-become-restaurant-15777622>

#### Neighbour Comments

The lead petitioner has submitted further comments following publication of the Committee Report. The petitioner points out that while the same petition was submitted to Licensing (page 38 of the agenda) it was not accepted as the content is based on planning considerations. The petitioner also advised that no complaints were made directly in relation to noise or disturbance since the premises started trading later as a restaurant due to few customers within.

Other concerns relate to the possibility of the outdoor seating being moved to the rear yard and being used their by customers, the odour extraction system being unsuitable as complaints have been made, current waste handling arrangements, lack of rear gates making yard an eyesore, parking difficulties and staff allegedly parking dangerously on the corner of Brookfield Avenue.

#### Planning Services Response

The Committee Report makes clear that subject to mitigation there would be no significant harm caused by virtue of noise and disturbance, and this is based on worst case scenarios within the Noise Assessment. A condition is proposed to be attached preventing outdoor seating beyond 20:30 although it is recommended that the condition be reworded for additional clarity:- **The outdoor seating area shall not be open for business and shall be removed from the external pavement outside the hours of 09:00 to 20:30 Monday to Sunday. At no time shall seating be provided within the rear yard.**

The odour extraction system is considered acceptable by the Environmental Health Manager. Issues with waste management can be reported to the Environmental Health Manager should concerns exist, the proposal makes appropriate provision for handling and storage therefore it is acceptable from a planning perspective. The replacement of the rear gate would need planning permission in its own right if over 1m in height. Existing incidents of dangerous parking can be investigated by the Highways Manager; there are no highway safety concerns associated with the proposal.

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## Appendix 6

### Item 6A

#### **DC/2018/01681: Land West Of Damfield Lane, Maghull**

Maghull Town Council has submitted comments reiterating an initial objection and their support of the resolution reached by Planning Committee on 16<sup>th</sup> January. Planning Services has responded confirming the reasons for which the application has been brought back to Committee.



Mr S Healey  
Senior Planning Officer  
Planning Dept  
Sefton MBC  
Magdalen House  
Bootle

Angela McIntyre Town Clerk  
Maghull Town Hall  
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Maghull  
Merseyside L31 7BB

Date: 30<sup>th</sup> January 2019  
Our Ref:  
Your Ref:  
Tel: 0151 526 3705

Email: [angela.mcintyre@maghull-tc.gov.uk](mailto:angela.mcintyre@maghull-tc.gov.uk)

Dear Mr Healey

**Re: Planning Application DC/2018/01681 - Erection of 14 detached dwellinghouses, access road and associated landscaping, a pond feature and nature trail. Land west of Damfield Lane, Maghull.**

I write in connection with the planning application detailed above which was refused at the Planning Committee meeting held on 16<sup>th</sup> January 2019. The Town Council is happy that the Planning Committee took into account our concerns regarding this site when it came to making its decision of refusal.

The Town Council also understands that the developer has submitted an appeal against the decision on the grounds of non-determination.

Maghull Town Council recommended that Sefton Council's Planning Committee refused planning permission for development of housing on this site for several reasons which are listed below. I trust Sefton LPA would look to consider these reasons when preparing their written representations to the Planning Inspector.

The first is that the Council does not agree that there are social and environmental benefits as described within the report. The open area within the site will not be for general community use as its access will be limited. The developer has stated that the open space will be accessed by local primary schools and occupants of residential homes. This is not of sufficient benefit to the community to lose the open space by allowing development on the site. The Council feels that the open space area should be available to all residents to enjoy.

## **NEIGHBOURHOOD PLAN**

The Town Council's Neighbourhood Plan, recently made by Sefton Council, categorises this site in its Residential Character Assessment:

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*3.2 The Canal forms an important part of the Conservation Area, as does the open land sweeping down to the canal from St Andrew's Church. These areas reflect the historic rural character of the area and the setting of the buildings centred the listed St Andrews Church, Ancient Chapel and the rectory. The open land is in private ownership and there has been suggestion of development on the land. However, the Planning Inspector referred to the open aspect of the land in his report of the examination of Sefton Council's Local Plan and in paragraph 368 states that despite the fact that the area was neglected and overgrown this would not be justification alone for supporting development on this site which did not reflect and respect the historic setting of the land.*

*3.3 With regard to this open piece of land the Town Council would much prefer a community use on the site which would reflect the agricultural origins of the town such as a community orchard or properly managed and robustly maintained allotments. The only allotments within the town are owned and managed by Parkhaven Trust and number approximately 25. Development on the site would not be supported by the Town Council.*

*3.4 The Conservation Area includes a substantial number of mature and semi-mature trees including an important and visually impressive group of limes fronting Damfield Lane. As a consequence, views into and across the designated area retain the impression of the isolated rural settlement that Maghull would have had up until it was engulfed by later Victorian and 20th Century development.*

This site sits within the Damfield Lane Conservation Area. The Town Council does not accept the highly subjective view that "The principle of development within the Conservation Area is acceptable" as the new buildings will not make "a positive contribution to the special architectural and visual qualities of the conservation area." Building a housing estate within the conservation area next to an old church and 13<sup>th</sup> Century chapel cannot be said to make a positive contribution. The Local Plan Inspector stated that "Despite the site being neglected and overgrown, this would not be justification alone for supporting development on this site which did not reflect and respect the historic setting of the land" (p 368. Inspector's Report on Sefton's Local Plan)

The Site was made "whitespace" in the Local Plan. It was specifically excluded from development and remained within the conservation area. As white space it may have many uses but another housing development is not the best use for this land.

The development contravenes the Neighbourhood Plan MAG 4: Residential Character Areas which states

*Development proposals will be supported that respect the distinctive characteristics of the Character Area in which they are located, as defined in the Maghull Residential Character Assessment document, in terms of type of development, scale, design, open space provision and general layout and which enhance their surroundings.*

MAG 4 requires development to respect the distinctive characteristics of the character area in which they are located. In the Town Council's opinion this housing estate does not

comply with this requirement. The homes that are visible on Damfield Lane are either cottages or listed farm buildings converted to houses. The design element of the proposed development does not fit in with either of these house design types.

The Town Council's preferred use was a Community use such as Orchards or Allotments. This would allow residents to access the space as they do the other 15 parks and 18 public open spaces throughout the town which are owned and maintained by the Council. The green space in this application is primarily to provide some distance between the homes and church yard, thereby reducing the considering impact that the build will have in this established residential area. However, if this application were approved on appeal, the land will remain private and there is no public access. This would be to the detriment of the town as detailed in the Neighbourhood Plan. The explanatory text to accompany the policy above does state that

*This policy aims to encourage new development that respects the Character Area features in which it is situated and does not detract significantly from its surroundings, so that these Areas continue to maintain their distinctiveness and surroundings, and contribute to the quality of life in Maghull.*

The Council feels that the proposed development does not respect the Character Area features in which it is situated as it had to be removed from the immediate vicinity of the Church to be acceptable to planners.

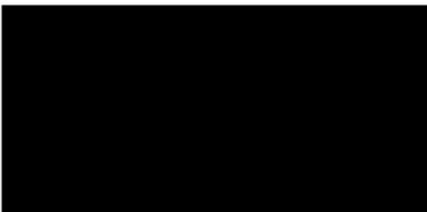
All the trees on site have protection by virtue of the Conservation Area but five mature healthy trees will be removed, this is not compensated by the planting of saplings elsewhere. The Town Council does not accept that the erection of a housing estate will in anyway "enhance sight lines" of the Historic Church and its tower.

## FLOODING RISK

The Council understands that flood risk has been examined as part of this application but was not given as a reason for refusal. However, as with all Neighbourhood Plans there is a strong local knowledge base on which to rely. The Council is sufficiently concerned about the state of the Leeds Liverpool Canal to be in contact with the Canal and Rivers Trust to seek strong assurances as to their maintenance program for the infrastructure and to their plans for safeguarding residents should a breach occur. Any additional stress on this infrastructure could have catastrophic results. It is this local knowledge which underpins the Neighbourhood Plan and allows the Council to contribute to the planning system in a meaningful and evidence based way.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours sincerely,



A. McIntyre (Miss)  
Town Clerk to Maghull Town Council

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**Sefton Council** 

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Planning Manager  
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Telephone: 0845 140 0845 (Option 4)  
Date: 05 February 2019  
Our Ref: DC/2018/01681  
Your Ref: N/A

Dear Angela

**DC/2018/01681 - Erection of 14 detached dwellinghouses, Land west of Damfield Lane, Maghull.**

Thank you for your letter of 30<sup>th</sup> January to Steven Healey about the above.

The purpose of reporting this application back to Planning Committee is to clarify the reasons for which Planning Committee wished to refuse it. As is noted in the committee report, the requirement for refusing applications is set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 as follows: *'When the local planning authority give notice of a decision or determination on an application for planning permission where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.'*

At the last Committee, Members did not specify which policies of the Sefton Local Plan and the Maghull Neighbourhood Plan they considered the proposed development was in conflict with. This will be able to be clarified at the meeting tomorrow.

Yours sincerely



Steve Matthews  
Planning Manager

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