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Bootle
L20 7AE

Date: 12 March 2024
Our Ref:
Your Ref:

Contact: Ian Barton
Contact Number: 0151 934 2788
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Dear Councillor

PLANNING COMMITTEE - WEDNESDAY 13TH MARCH, 2024

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

Agenda No.	Item	
8	Late Reps	(Pages 3 - 16)
	Report of Chief Planning Officer	

Yours faithfully,

A handwritten signature in black ink, appearing to be "Ian Barton".

Democratic Services

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Planning Committee: 13th March 2024

Late Representations/Information

Appendix 4 - Petitions

Item 4A: DC/2023/01865 – 12 Carlisle Road, Birkdale, PR8 4DJ

Neighbour Representation

Further correspondence has been received from 8 residents following the publishing of the agenda.

All of the correspondence objects to the application, raising concern associated with the risk of increased noise, antisocial behaviour, increased vehicles, damage to property. Concern has been expressed regarding the impact on the neighbourhood, whilst one of the objectors questioning what changes have been made to result in a different outcome from the previously refused scheme. Concern has also been expressed as to why other small extensions to residential properties in the locality and beyond must adhere to strict guidelines, with several addresses having been listed where planning permission has been granted subject to conditions specifying the use of materials. A degree of concern is expressed as to what makes the application property apparently immune to the regulations and refusals.

Other concerns have been raised in relation to the proposal, including:

- Alarmed at number of inaccuracies which seem to be in favour of applicant
- Many observations not addressed and seem to be ignored by planners
- Reversed previous findings, no accountability and willing to work with entrepreneurs rather than in interests of long standing residents
- We have contacted the Ombudsman for Local Authority to ensure propriety has been followed since the original findings as this represents quite a turn around in decision
- Will be contacting MP to ask a question in the "house" as to the integrity of Sefton Council and how they can be moved by outside influences
- Childrens services have not yet shown their stance into funding NPC a fortune in costs for looked after "at risk children".
- Request to stand up in defence of these who do not have deep pockets and regain your integrity
- This is just a case to you - if passed we will endure a living hell, as will the children you place in their care
- Materially nothing has changed
- Report prepared for Committee is not impartial
- Planning Department has not exercised due diligence in checking accuracy of the information provided

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- Staff handover will take place every 48-hours, frequency of handovers significantly impact the need for adequate parking in premises, which developer can not provide
- There is a need for 5 parking spaces, property will also have a car which requires a parking space, report fails to acknowledge this
- Not possible for home to regulate number and frequency of visitors
- Minimal number of staff planned is improbable, staffing must increase for safeguarding reasons based on the needs of the young people
- How it is possible to meet building regulations requirements for sound insulation now that the property renovations are finished
- Given long list of staff, visitors, professionals, maintenance and weekly commercial refuse collections and nature of children with educational and behavioural disorders, how can report state that property is akin to a single dwelling containing 5 people; information presented unrealistic and inaccurate
- Dormer presents real and significant outlook concerns
- Views from windows overlook whole extent of neighbours gardens. Planning officer view that this would be an acute angle incorrect
- Windows are 12 feet higher than first-floor, can be no question that substantial outlook concerns are justified
- Intensification of use will undoubtedly harm character and appearance of area – nothing has changed since first application
- Why are commercial premises being allowed to behave differently and use a finished render so alien to its surroundings that it, can be seen far and wide in the locality
- Full rear of building was rendered at the time of the refusal of previous application
- Final finish of building causes significant harm to character of neighbourhood, therefore requirements to satisfy previous refusal are not met
- When 4 cars are parked how will pedestrians exit and enter the property, including with bicycles or paramedics with a gurney
- Concerns about due diligence undertaken by highways manager as report does not consider high number of visitors / professionals accessing property and impact this will have on neighbouring properties
- Request postponement of the meeting.

Response

While comments have been made referring to inaccuracies within the committee report, these appear to be concerns relating to the interpretation of the proposal and its likely impacts, rather than a critique of the accuracy of the information provided within the report.

The application has been assessed taking into account local and national planning policy. Regard has also been given to recent and relevant Planning Inspectorate decisions and to case law about how proposals of this kind should be assessed. It is unclear what outside pressures are being referred to. A letter of complaint has been received, and this has been incorporated into these Late Representations.

While Children's Services have not objected to the application, the applicant would have to be registered with the Council's Children's Services and also with Ofsted. These matters are outside of the planning application process and are controlled under separate legislation. The powers available to both of these under separate legislation would be used to manage the use taking place at these premises.

The level of parking provided at the premises has been assessed by the Council's Highways Manager who concludes there are no highway safety issues in relation to the proposal. While changes are proposed to the access, this would have to be agreed with the Highways Manager prior to any works being carried out to ensure the access to the premises is safe. The information provided suggests that some visits would be undertaken using public transport. Given the location of the site in relation to public transport, this is considered to be practicable.

With regards to sound insulation, this would be provided to the internal areas of the premises. It would be the responsibility of the applicant to ensure that this work is carried out in accordance with the Building Regulations.

While it might be expected that there would be an increase in activity to the premises, it is considered that this would not to such a degree as would justify refusing planning permission. The property is a large detached dwelling which could be used for a large family which would also generate a reasonable level of activity.

While the dormer does include three windows, these would offer similar views to the existing windows to the rear elevation. Dormers can be added to the rear of properties under permitted development rights, subject to other limitations, such as the materials being similar to that of the existing roof and the size of the dormer proposed. In this instance, given the change in materials from those of the host dwelling, the dormer as originally proposed was not permitted development.

However, the principle is established that views over other gardens may be gained from such an addition without the structure requiring planning permission. While it is acknowledged that the views would be at a greater height, the loss of privacy is not considered to be significantly greater than would be available from first floor windows. There are other examples of dormers within the area which also provide similar levels of overlooking.

The use of render to the rear elevation of a premises does not in itself require planning permission. While the previous application will have conditions relating to the use of matching materials, this is to ensure that the extension matches the existing dwelling. The use of render to the rear elevation on an application would be considered on its own merit and would not necessarily be a reason for refusal in its own right.

At the time of the previous application, the rear elevation of the premises had not been fully rendered, with the rear extension not finished in render. At the time of the report being finalised for the refused application, to the knowledge of the Planning Department, the render had not been applied to the rear extension.

The request to postpone the determination of the application is noted. However, it is

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considered that the issues raised have not been so significant to warrant a deferral of the application at this stage.

Plans

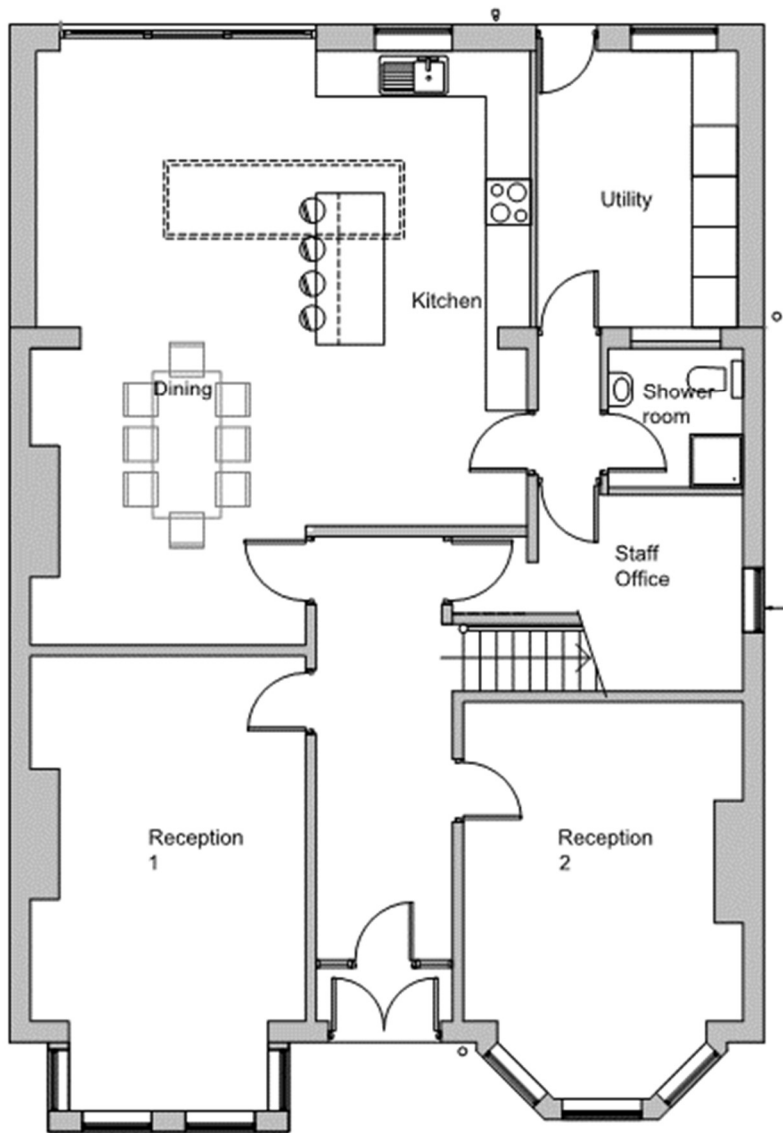
Following the committee site visit on Monday 11th March, it became clear that the proposed ground floor plan is not accurate in that changes have been made to the rear of the premises. A section of the plan is included below to highlight the area of change. An amended plan has been provided which accurately reflects the layout of the premises. As a result, condition 1 will change to that below.

The development is hereby permitted in accordance with the following approved plans and documents:

Location Plan
Proposed Plans - 2023-03-03A
Proposed Elevations - 2023-03-04
Proposed Site Plan - 2023-03-05
Statement of Purpose - Revision 3
Operations Management - Revision 2

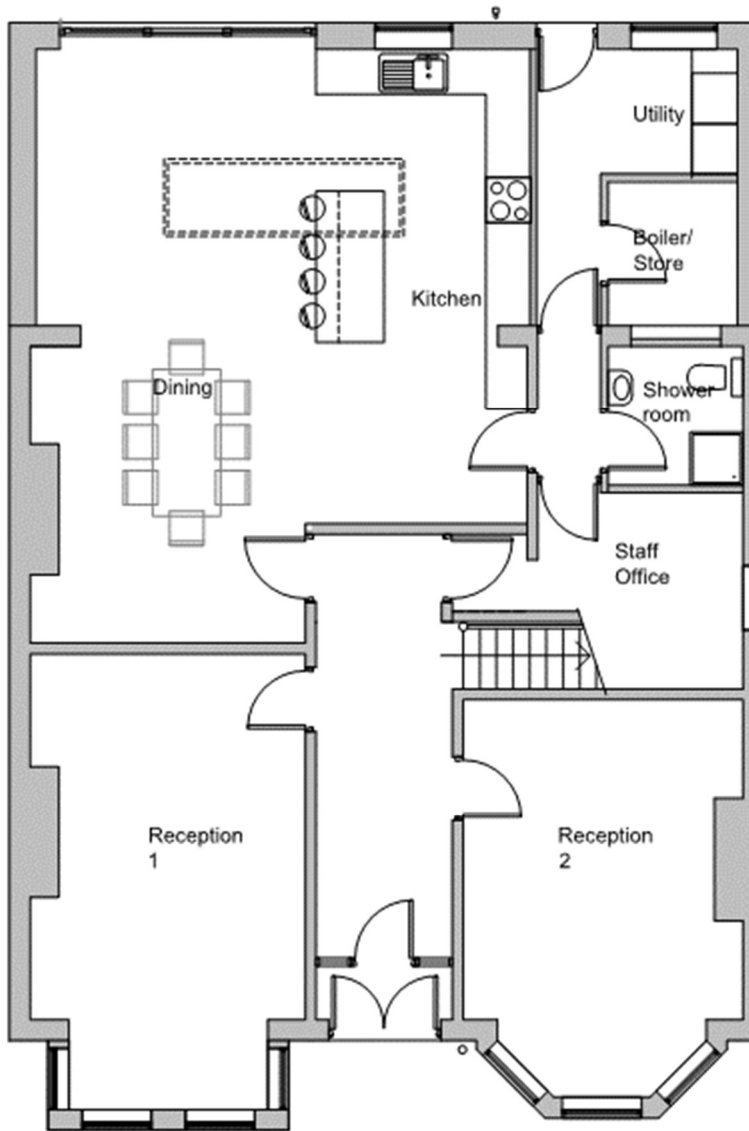
Reason: For the avoidance of doubt.

Original Proposed Floor Plan



Ground Floor Plan

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Ground Floor Plan

Amended Proposed Floor Plan

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Photographs of the property have been submitted alongside the additional objections and are provided below :



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A further letter has been received from Councillors Brodie Browne, Shaw and Pugh in relation to the application.

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Councillor Iain Brodie Browne
Councillor Simon Shaw
Councillor John Pugh



To: Planning Officer
Committee Clerk

Southport Town Hall
Lord Street
Southport
PR8 1DA

Tel: 0151 934 2252

Date: 12th March 2024

Dear Stephen,

Having been approached by residents of properties in Carlisle Rd about application DC/2023/01865 - 12 Carlisle Road, Birkdale PR8 4DJ, we wish to make the following representations.

The committee need to assure themselves that the development is in keeping with the road and subject to the same constraints applicable to other buildings in the area – as well as being suited for the purposes intended.

Our interest though is wider in policy terms. Proper management of the facility is an essential requirement. The history of such developments in Southport has been a chequered one with some poor provision and supervision by inexperienced providers. One could cite the case of Arbour St (Kew) where children lacked the appropriate care and other local children with challenging behaviour migrated and congregated.

Assurance on this is more difficult when children are domiciled locally but come from distant local authorities.

We respectfully suggest that the committee looks carefully at provider capacity and experience and liaises with our own Children's Services who understandably struggle with this problem.

The separation of legal responsibility and the care setting has been of serious concern to communities and police and other agencies across Sefton and no development of this kind should proceed that does not address it squarely and to general satisfaction.

Yours sincerely,

Councillor Iain Brodie Browne
Councillor Simon Shaw
Councillor John Pugh

Appendix 5 – Approvals

Item 5A: DC/2023/01055 – Formby Village Sports Club, Rosemary Lane, Formby

Condition 3 is to be amended to include reference to Table 4.2 within the Acoustic Assessment as well as the reference to Table 4.3. The amended condition if agreed would read as follows:

- “3) a) Following the installation of the padel tennis court and associated structures and prior to the commencement of use of the court (other than that required for the undertaking of the survey) a verification survey must be undertaken in line with the measures set out within Section 5.2 of the approved Acoustic Assessment and a copy must be submitted to the Local Planning Authority for approval.
- b) If the verification survey in (a) above demonstrates that the noise from the use of the padel court would exceed the results within Tables 4.2 and 4.3 of the approved Acoustic Assessment then a mitigation scheme must be submitted to and approved by the Local Planning Authority prior to the commencement of use of the court (other than that required for surveying and/or considering mitigation).
- c) The mitigation scheme required under (b) above must be installed prior to the commencement of use of the padel court and maintained as such thereafter for the duration of the use.

Reason: So as to ensure no adverse noise impacts on neighbouring residential properties.”

Item 5B: DC/2024/00229 – 1 Harris Drive, Bootle, L20 6LD

The wording of Condition 4 to be amended:

4) ~~Prior to first occupation~~ **Prior to the commencement of the use**

- a) A scheme of sound insulation to protect existing residential dwellings from the proposed drinking establishment shall be submitted to and approved in writing by the Local Planning Authority prior to the proposed change of use taking place.
- b) The soundproofing shall be carried out in accordance with the scheme approved under (a) before the drinking establishment is brought into use and shall be retained for the lifetime of the development.

Reason: To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity.

The re-organisation of planning conditions as follows:

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development shall be carried out in accordance with the following approved plans and

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documents:

- 1865/02 (Rev D) – Proposed Site Plan
 - 1865/03 (Rev B) – Proposed Ground Floor Plan
 - 1865/07 (Rev A) – Proposed Harris Drive Elevation
 - 1865/08 (Rev A) – Proposed Hawthorne Road Elevations
 - 1865/09 (Rev /) – Proposed Rear Elevation
 - 1865/10 (Rev /) – Location Map & Site Plan
- Reason: For the avoidance of doubt.

3) The outdoor seating plan shall be carried out in accordance with the Proposed Site Layout Plan ref. 1865/02 (Rev D).

Reason: For the avoidance of doubt and to ensure control is maintain over the scale of the outdoor seating area to protect neighbouring residents.

4) ~~Prior to first occupation~~ **Prior to the commencement of the use**

a) A scheme of sound insulation to protect existing residential dwellings from the proposed drinking establishment shall be submitted to and approved in writing by the Local Planning Authority prior to the proposed change of use taking place.

b) The soundproofing shall be carried out in accordance with the scheme approved under (a) before the drinking establishment is brought into use and shall be retained for the lifetime of the development.

Reason: To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity.

5) Prior to the change of use of the building hereby permitted, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that that the refuse will be appropriately stored and collected from the site in the interest of protecting neighbouring residential.

6) The premises shall not be open for business outside the hours of 09:00 to 23:00 Monday to Saturday and 14:00 to 22:00 Sunday and Bank Holidays.

Reason: To protect nearby residents from unacceptable levels of late evening and night time noise and disturbance.

7) 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 22:00 Monday to Saturday and 14:00 to 22:00 Sunday and Bank Holidays.

Reason: To protect nearby residents from unacceptable levels of late evening and night time noise and disturbance.

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8) No live, amplified or recorded music or entertainment shall take place within the premises above a level of LAeq 65dB, 10 minutes, measured 1 metre from any instrument, speaker or wall located within the premises.

Reason: To prevent noise and disturbance to nearby residents and to prevent the emission of noise above a level that would be detrimental to the aural amenity of the area.

9) No live music, amplified music, or live entertainment shall take place outside of the premises.

Reason: To prevent noise and disturbance to nearby residents and to prevent the emission of noise above a level that would be detrimental to the aural amenity of the area.

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