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Sefton Council 

MEETING: PLANNING COMMITTEE

DATE: 14th April 2021

TIME: 1.00 pm

VENUE: Remote Meeting

Member

Cllr. Daren Veidman (Chair)
Cllr. Brenda O'Brien (Vice-Chair)
Cllr. Janis Blackburne
Cllr. Clare Carragher
Cllr. John Dodd
Cllr. Denise Dutton
Cllr. Richard Hands
Cllr. John Kelly
Cllr. Bob McCann
Cllr. Paula Murphy
Cllr. Michael Roche
Cllr. Anne Thompson
Cllr. Lynne Thompson
Cllr. Paul Tweed
Cllr. Carran Waterfield

Substitute

Cllr. Leslie Byrom C.B.E.
Cllr. Janet Grace
Cllr. Linda Cluskey
Cllr. Anthony Carr
Cllr. Pat Keith
Cllr. Tony Brough
Cllr. David Pullin
Cllr. Mhairi Doyle, M.B.E.
Cllr. Pat O'Hanlon
Cllr. Gordon Friel
Cllr. Steve McGinnity
Cllr. Patrick McKinley
Cllr. Yaso Sathiy
Cllr. Dave Robinson
Cllr. John Sayers LLB. Cert PA.

COMMITTEE OFFICER: Ruth Appleby
Democratic Services Officer
Telephone: 0151 934 21181
E-mail: ruth.appleby@sefton.gov.uk

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting by switching their camera and microphone off during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer by 12 Noon the day before the meeting to determine whether the Member should withdraw from the meeting room, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

3. Minutes of the meeting held on 17 March 2021 (Pages 5 - 10)

4. Applications for Planning Permission - Petitions

Report of the Chief Planning Officer

A DC/2021/00125 - 10 St Andrews Drive, Crosby (Pages 11 - 24)
Report of the Chief Planning Officer

B DC/2020/02267 - 2 Argyle Road, Southport (Pages 25 - 34)
Report of the Chief Planning Officer

C DC/2021/00270 - 12 Kew Road, Formby (Pages 35 - 42)
Report of the Chief Planning Officer

5. Applications for Planning Permission - Approvals

Report of the Chief Planning Officer

A DC/2020/00590 - Site Of Mayflower Industrial Estate (Pages 43 - 54)
Liverpool Road, Formby
Report of the Chief Planning Officer

B DC/2020/00418 - Site Of Former Royal British Legion (Pages 55 - 78)
326 Liverpool Road South, Maghull

Report of the Chief Planning Officer

C DC/2020/02392 - 392 Stanley Road, Bootle (Pages 79 - 88)
Report of the Chief Planning Officer

D DC/2021/00281 - 27 Timms Lane, Formby (Pages 89 -
104)
Report of the Chief Planning Officer

6. Planning Appeals (Pages 105 -
158)

7. Plans and Photographs

A Plans/Photos for item 4A (Pages 159 -
166)

B Plans/Photos for item 4B (Pages 167 -
174)

C Plans/Photos for item 4C (Pages 175 -
178)

D Plans/Photos for item 5A (Pages 179 -
180)

E Plans/Photos for Item 5B (Pages 181 -
196)

F Plans/Photos for item 5C (Pages 197 -
200)

G Plans/Photos for item 5D (Pages 201 -
206)

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THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

PLANNING COMMITTEE

MEETING HELD AT THE REMOTE MEETING ON 17 MARCH 2021

PRESENT: Councillor Veidman (in the Chair)
Councillor O'Brien (Vice-Chair)

Councillors Blackburne, Dodd, Dutton, John Kelly,
McCann, Murphy, Roche, Anne Thompson,
Lynne Thompson, Tweed, Waterfield, Carr and
Pullin

111. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carragher and Hands.

112. DECLARATIONS OF INTEREST

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declarations of personal interest were made and the Member concerned did not take any part during the consideration of the item, and did not vote thereon:

Member	Minute No.	Nature of Interest
Councillor Carr	Minute No. 114 DC/2017/01528 - Land Bounded by School Lane to the North, a Railway Line to the West and Whinny Brook to the South, Maghull	Has already voiced his objection to the developments at Maghull Town Council
Councillor Carr	Minute No. 115 DC/2020/01778 - Land Bounded by Poverty Lane to the South, a Railway Line to the West, Whinny Brook to the North and the M58 Motorway to the East	Has already voiced his objection to the developments at Maghull Town Council

113. MINUTES OF THE MEETING HELD ON 17 FEBRUARY 2021

RESOLVED:

That the Minutes of the meeting held on 17 February 2021 be confirmed as a correct record.

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PLANNING COMMITTEE- WEDNESDAY 17TH MARCH, 2021

114. DC/2017/01528 - LAND BOUNDED BY SCHOOL LANE TO THE NORTH, A RAILWAY LINE TO THE WEST AND WHINNY BROOK TO THE SOUTH, MAGHULL

Further to Minute No. 75 of 22 January 2020, the Committee considered the report of the Chief Planning Officer recommending that the above hybrid application (part full, part outline) which sought full planning permission for a new access off School Lane, a distributor road and a flood relief channel alongside Whinny Brook and outline planning permission for up to 855 homes, an older persons' housing scheme, a mixed-use local centre and ancillary infrastructure, be approved subject to conditions and for the reasons stated or referred to in the report.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and in Late Representations and subject to the completion of a Section 106 Legal Agreement.

115. DC/2020/01778 - LAND BOUNDED BY POVERTY LANE TO THE SOUTH, A RAILWAY LINE TO THE WEST, WHINNY BROOK TO THE NORTH AND THE M58 MOTORWAY TO THE EAST

Further to Minute No. 76 of 22 January 2020, the Committee considered the report of the Chief Planning Officer recommending that the above hybrid application (part full, part outline) which sought full planning permission for the erection of 841 homes and outline planning permission for an older persons' housing scheme comprising approximately 25 homes. (Public open space and ancillary infrastructure were also proposed), be approved subject to conditions and for the reasons stated or referred to in the report.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and in Late Representations and subject to the completion of a Section 106 Legal Agreement.

116. DC/2020/00590 - UNIT 1, SITE OF MAYFLOWER INDUSTRIAL ESTATE LIVERPOOL ROAD, FORMBY

The Committee considered the report of the Chief Planning Officer recommending that the above application for the removal of condition 1 pursuant to planning permission DC/2019/01870, previously approved on 4 April 2020, be approved subject to conditions and for the reasons stated or referred to in the report.

The proposal related to the acceptability of providing a significantly reduced financial contribution towards off site affordable housing, having regard to the viability of the scheme as a whole. The applicant had prepared a full viability assessment and the Council's Viability Consultants had acknowledged that the full affordable housing contribution could not be viably provided.

Members expressed concern at the reduced financial contribution and requested further details of the viability study and the report of the Council's Viability Consultants.

RESOLVED:

That the application be deferred to enable Members to receive a presentation by the Council's Viability Consultants of the reasoning for the reduced financial contribution.

117. DC/2019/00464 - REAR OF 54 SEFTON ROAD, LITHERLAND

Further to Minute No. 8 of 10 June 2020 the Committee considered the report of the Chief Planning Officer recommending that the above application for the Erection of a 2-unit mews development following demolition of existing three storey building, be approved subject to conditions and for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a representation in objection to the application from Councillors Dowd, Lappin and Moncur, Ward Councillors, and a response from Mr. R. Egan, Atelier 2 Architecture Ltd. (Agent) on behalf of the applicant.

RESOLVED:

That the recommendation not be approved and the application be refused for the reason:

"The development is cramped and overdeveloped and therefore contrary to policy EQ2 (Design) of the Sefton Local Plan, the development by virtue of its design being 3 storey with a flat roof is inappropriate and out of character with the area and therefore contrary to policy EQ2 (Design) of the Sefton Local Plan, and the narrow driveway is too close to adjacent properties which have windows which will therefore be harmful to the amenities of the residents of those properties and therefore contrary to the Sefton Local Plan."

118. DC/2020/01024 - WAITROSE LIMITED, THREE TUNS LANE, FORMBY

The Committee considered the report of the Chief Planning Officer recommending that the above application to vary conditions 2, 3 and 4 on

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planning permission N/2001/0527, previously approved on 24 September 2001 for an initial period of 12 months, be approved subject to conditions and for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a representation in objection to the application from Councillor Nina Killen, Ward Councillor, and a response from Mr. T. Williams, Firstplan Ltd. (Agent) on behalf of the applicant.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and in Late Representations.

119. DC/2020/02508 - 6 CAMBRIDGE ROAD, SOUTHPORT

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a two storey extension to the side incorporating a dormer and Juliette balcony to the front and alterations to the existing front dormer including a Juliette balcony together with a raised patio area to the side of the dwelling, be approved subject to conditions and for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a representation in objection to the application from Councillor Pat Keith, Ward Councillor, and a response from Mr. M. Atkinson (Agent) on behalf of the applicant.

RESOLVED:

That the recommendation be approved and the application be granted subject to the conditions and for the reasons stated or referred to in the report and in Late Representations.

120. PLANNING APPEALS

The Committee considered the report of the Chief Planning Officer on the results of the undermentioned appeals and progress on appeals lodged with the Planning Inspectorate.

<u>Appellant</u>	<u>Proposal/Breach of Planning Control</u>	<u>Decision</u>
Susan Rimmer	DC/2020/01546 – Land Adjacent to 6 Ansdell Grove Southport. Appeal against the refusal by the Council to grant Planning Permission for the erection of 1 dwelling including alterations to vehicle access to existing dwelling.	Dismissed 23/02/2021

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Ibrahim Bilir	DC/2020/02440 – 119 Brownmoor Lane Crosby Liverpool Appeal against refusal by the Council to grant permission for a change of use from Retail (A1) to hot food takeaway (A5).	Dismissed 10/02/2021
Simon Holmes	DC/2020/01643 – Pygons Hill House Pygons Hill Lane Lydiate Liverpool Appeal against refusal by the Council to grant Planning Permission for the construction of railings above the existing brick wall and erection of two sets of gates, 2 metres in height, to existing vehicular access points to the front boundary of the dwellinghouse.	Dismissed 09/02/2021

RESOLVED:

That the report be noted.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 14th April 2021

Subject: [DC/2021/00125](#)
[10 St Andrews Drive, Crosby, L23 7UX](#)

Proposal: Erection of 2 detached dwellinghouses, following demolition of the existing dwellinghouse.

Applicant: Ms. Monica Salt **Agent:** Mrs. Alison Tudor
RAL Architects Ltd

Ward: Blundellsands Ward **Type:** Full Application

Reason for Committee Determination: Petition Endorsed by Cllr Howard

Summary

The proposal is for the erection of two dwellings following demolition of the existing dwelling. The main issues to be considered are design, character and the living conditions of future occupiers and existing neighbours. The proposal is considered to be acceptable in principle and while the rhythm and density of St Andrews Drive would be somewhat altered, the proposal provides a generous plot to dwelling ratio consistent with dwellings within the vicinity on Manor Road and Hall Road East. The design of the dwellings themselves is deemed acceptable in terms of height relative to neighbouring dwellings and in terms of appearance given the variation within the local street scene.

It is not considered that the proposal would cause significant harm to existing residents by virtue of loss of light or overlooking and conditions can be applied to ensure certain environmental protections are implemented during the construction phase. The proposal would make a limited contribution to housing supply however the identified harm on the whole is minimal. On balance it is considered that the proposal is acceptable and to comply with the Sefton Local Plan and Supplementary Planning Document 'New Housing'. The proposal is therefore recommended for approval.

Recommendation: Approve with Conditions

Case Officer Steven Healey
Email planning.department@sefton.gov.uk

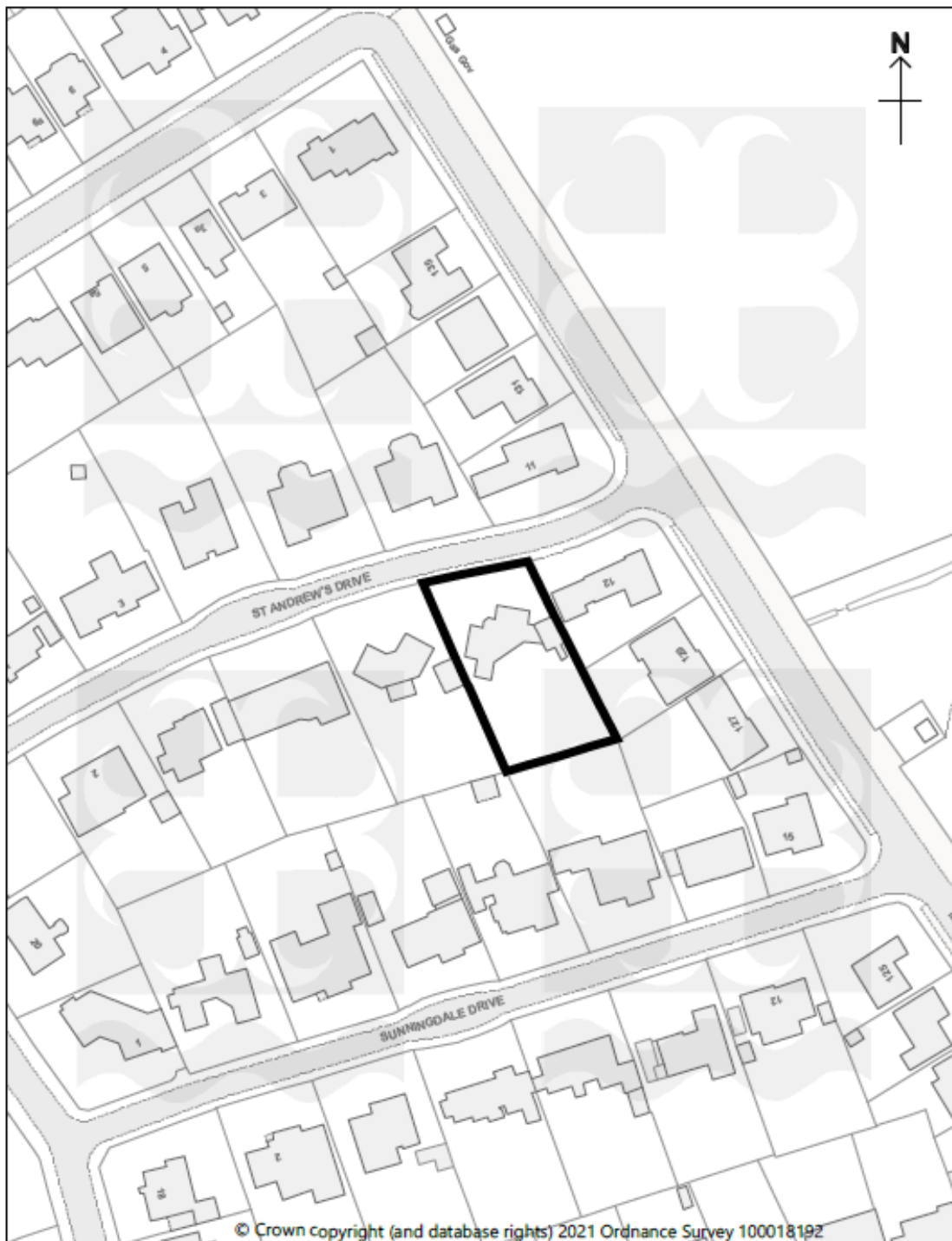
Telephone 0345 140 0845

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QN6MW7NWH0E00>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 30/03/2021
Scale: Scale 1:1250
Created by: Initials

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The Site

The application site is 10 St Andrews Drive, Crosby which currently contains a detached dormer bungalow with south-facing rear garden.

History

Planning permission granted in September 1994 for the erection of a single storey extension at the rear with dormers above, dormers to rear of existing property, one dormer to front of existing property, and front porch extension (reference S/1994/0354).

Consultations

Environmental Health

No objection.

Flooding and Drainage Manager

No objection.

Highways Manager

No objection.

Merseyside Environmental Advisory Service

No objection subject to precautionary measures being implemented in relation to protected species.

Natural England

No objection.

Tree Officer

No objection.

United Utilities

No objection subject to foul and surface water being drained on separate systems with latter in most sustainable way.

Neighbour Representations

A 32-signature petition has been received by Planning Services. The petition is endorsed by Councillor Howard and opposed the development on the grounds of inappropriate design and density, loss of light and privacy to existing residents, harm to wildlife and an increase in traffic.

Objections also received from 8 individual addresses (St Andrews Drive, Manor Road and anonymous) on the following grounds: -

- The design is out of keeping with the character of the area with only bungalows and shorter dormer bungalows to south side of road
- Size and density of development is inappropriate with earlier applications refused on St Andrews Road for infill development
- Increased level of overlooking to neighbours from first floor windows and if existing hedge is removed
- Significant overshadowing of neighbour's dwellings and gardens and of solar panels
Dwellings would create a wind tunnel effect in adjoining existing line of trees and forming a barrier
- Flood risk associated with peat in the ground and due to increased hardstanding
- Impact on local wildlife including red squirrel
- Increased traffic and parking issues, St Andrews Drive is narrow and sufficient room ought to be provided within the site for parking
- Construction noise, disturbance, dust and traffic management issues
- Impact on foundations of existing neighbours particularly if piling is required
- Lack of notification and issues with trying to sell a house

Objection received from Lancashire Wildlife Trust raising concerns over impacts on Red Squirrel.

Policy Context

The application site lies within an area designated as residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

Principle of Development

The application site is situated within a Primarily Residential Area subject to Local Plan policy HC3 where development of new housing is considered acceptable in principle.

Design, Character and Landscaping

St Andrews Drive was laid out in the 1920s alongside parts of Hall Road East and Sunningdale Drive in a spacious manner. Development of a slightly higher density followed on Manor Road in the 1970s, while more recently there are multiple examples of replacement dwellings being built (3, 7 and 11 St Andrews Drive) and infill development (Hall Road East).

The application site currently contains its original dwelling, a 'U-shaped' Arts and Crafts style bungalow later extended into the roof space, and the neighbouring number 8 is of matching design. However aside from this there is no prevailing architectural style along St Andrews Drive.

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The street is characterised by deep plots with dwellings which typically span the whole width of the plot. The proposed subdivision of the application site would constitute a higher density than the remainder of the street, which comprises wider plots, however this is not considered to be significantly harmful given the site's location towards the end of the street adjacent to the more varied plot to dwelling ratios of Manor Road. The resulting density and plot width would be comparable to a number of properties on Hall Road East, including both original and infill developments.

In terms of the scale and appearance of the proposed dwellings. The dwellings would span the width of their respective plot, respecting the building line and are deemed to be of a suitable massing and height with respect to the surrounding street scene. While concerns have been raised over the height of the dwellings there are other two storey dwellings on both sides of St Andrews Drive, namely number 6 features a similar full height gable element. Neighbour comments refer to infill or back land development refused elsewhere on St Andrews Drive. Permission has been refused at numbers 4 and 5 in 1995 and 2002 respectively, however permission was granted at the former address for the erection of a pair of semi-detached dwellings in 2009.

Spatially, while the rhythm, grain and density would not necessarily align with the majority of St Andrews Road it is considered to be consistent with adjacent Manor Road and the wider area. Each plot would remain spacious exceeding 500sqm. From a visual perspective the proposed development would not dominate or jar with its closest neighbours, and it is of an acceptable design incorporating contemporary features and materials of traditional influence which respond positively to the surrounding street scene.

In terms of landscaping there are no proposals to remove the existing trees or hedgerow within the application site. These could of course take place without the need for planning permission, although in order to ensure the development does not harm the trees protective measures can be agreed prior to works starting on site. The submitted Site Plan and Design and Access Statement indicate a low-level brick wall to the front of the site slightly higher than the existing boundary wall which is acceptable. Further detail can be secured by condition.

Living Conditions

Impacts on Existing Neighbours

The proposal has the potential to impact on a number of neighbouring properties. Supplementary Planning Document 'New Housing' sets out guidelines and standards in order to protect the living conditions of existing neighbours. Concerns have been raised over an increased level of overlooking, however the rear elevations of the proposed dwellings would be over 21m from the rear boundary far exceeding the Council's 10.5m garden depth standard. Whether or not leylandii hedgerow is maintained there would not be an unacceptable loss of privacy to the rear. It is considered the perception of overlooking to gardens either side would be reduced given the existing angled first floor dormer windows of the existing building. The only side windows

proposed serve non-habitable rooms therefore a condition can be applied ensuring that these are retained as obscure glazing.

In terms of impacts on light and outlook, the dwellings would occupy a greater footprint than the existing dwelling and concerns have been raised over the potential for significant overshadowing. To the east is number 12 St Andrews Drive which has a side extension. The proposed dwelling on 'Plot A' would project further than the existing dwelling however it would not encroach within a 45-degree line of sight from the closest rear windows of number 12. It is the lowest part of the dwelling which faces number 12 and replaces an existing attached garage which is positioned on the boundary. It is not considered that there would be a significant level of overshadowing caused to this neighbour.

The proposed dwelling on 'Plot B' would be closest to number 8 St Andrews Drive to the west. The angled rear elevation of number 8 contains a number of windows serving habitable rooms and which face the application site. The greatest impact of the proposed development would be evident here however there is already a detached garage between these windows and the proposed dwelling on Plot B which restricts outlook and light and would act as a step-up to the proposed dwelling. At the closest point in a straight line the dwelling would be over 8m from a neighbouring window. Given the existing arrangement, the angle of the affected windows and modest depth of the proposed dwelling it is not considered that significant harm would be caused to outlook. While additional overshadowing would occur this similarly is not considered to be to an unacceptable degree.

Concerns have been raised over the dwellings causing wind tunnel effect however there is no evidence to demonstrate that this would be the case or harmful in planning terms. Overall it is considered that the proposal would cause minimal harm to the living conditions of existing neighbours.

Living Conditions of Future Occupiers

In applying the guidelines and standards of Supplementary Planning Document 'New Housing', it is considered that future occupiers would be afforded a good standard of amenity. All habitable rooms within are afforded a good level of light, outlook and privacy whereas both dwellings would benefit from gardens of over 250sqm which exceeds the Council's minimum standards.

Transport and Highway Safety

The proposal would retain the two existing site accesses with one to serve each dwelling. The submitted plans indicate that the hardstanding to the front of either dwelling would provide space to park 2 vehicles with the addition of an integral garage. This is considered an acceptable level of parking which ought not to place an unacceptable burden or demand for on-street parking. The Highways Manager has reviewed the proposed development and has raised no objection on highway safety grounds.

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Environmental Matters

Ecology

The application is accompanied by a Bat and Bird Survey. This identifies limited roosting potential within a small part of the existing dwelling. As a precautionary approach Merseyside Environmental Advisory Service (MEAS) has recommended that the building be demolished in winter months, if not possible a licensed ecologist will be required to supervise the removal of plastic cladding in line with the survey report's recommendations. Regarding other species, concerns have been raised over the impact on Red Squirrel. There are no proposals to remove hedgerow or trees, therefore MEAS has raised no concern over the impacts of the proposed development.

MEAS considers that there are no pathways that could result in likely significant effects on designated sites within the vicinity. In the interest of securing biodiversity gain, bat and bird boxes are a reasonable request which can be secured by condition.

Ground Conditions and Drainage

The application site is located within Flood Zone 1 indicating low flood risk, although it is susceptible to surface water drainage. Given the minor scale of development it is considered that drainage can be satisfactorily addressed through Building Regulations which also requires consideration to be given to the sustainable drainage hierarchy.

Should the ground conditions necessitate the use of piling, details can be agreed with the Environmental Health Manager in order to reduce noise and vibration.

Other Matters

Infrastructure

In the interest of supporting the growth of electric vehicles and incorporating energy efficiency and low carbon design in accordance with the Council's guidance on 'New Housing', charging points can be secured by condition.

The revised National Planning Policy Framework states under paragraph 112 that planning decisions should support the expansion of communication networks such as full fibre broadband connections; this can be secured by condition.

Neighbour Comments

Most of the neighbour representations received to this application are addressed within the above report. Aside from this given the small scale of the development it is considered unreasonable to require a Construction Environmental Management Plan. While development is always likely to

cause a degree of disturbance Best Practicable Means can be implemented during the construction phase in order to minimise harm. The Environmental Health Manager would also have powers to address any unacceptable impacts whether that be noise or dust.

Concerns have been raised over the lack of consultation, however the Council has notified neighbours in accordance with the adopted Statement of Community Involvement. Another concern raised by a neighbouring resident is that a house sale has fallen through due to the proposal. Unfortunately, this along with loss of property value, cannot be considered as part of the assessment process.

Planning Balance and Conclusions

Overall the proposal is considered to be of acceptable. The plots would be narrower in width than others on St Andrews Drive, altering its rhythm and density however the adjoining streets including Manor Road and Hall Road East are more varied in character and include many examples of similar densities and plot widths. This is afforded substantial weight in assessing the proposal due to the positioning of the site towards the end of St Andrews Drive. The height and architectural style of the dwellings are considered to be acceptable given local variation; the overall scale and width are acceptable with respect to the character of the wider area.

In terms of impacts on neighbouring residents, the proposed development would not result in an unacceptable degree of overlooking, or even perception of overlooking due to the angling of existing first floor windows at the rear. The proposed dwellings would not cause significant overshadowing of any of its neighbours. The greatest impact is considered to be on the angled rear elevation of 8 St Andrews Drive. The windows to this elevation are already restricted by an existing garage, and the proposed dwelling behind would not cause a significantly greater level of overshadowing or harm to outlook than the existing dwelling. Simply due to being visible and a change to the existing arrangement does not necessarily translate to harm in planning terms.

There are no highway safety concerns, and no proposals to remove existing vegetation on site. In order to protect existing trees a condition can be applied requiring the submission of protective measures. Overall, whilst there is a limited degree of harm which has been identified in terms of street rhythm and grain, there are no other overriding concerns which weigh against the proposal and the presumption in favour of sustainable development. The proposal on balance is considered to comply with the policies of the Local Plan and standards and guidelines contained within Supplementary Planning Document 'New Housing' and is therefore recommended for approval.

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Recommendation - Approve with Conditions

Conditions

This application has been recommended for approval subject to the following conditions and associated reasons:

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five 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).

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents: Location Plan (L01), Proposed Site Plan (L03 Rev A), Proposed Floor Plans (G01 Rev A) and Proposed Elevations (G02).

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence until details of a scheme for the protection of trees shown to be retained on site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out throughout the course of the development including demolition works.

Reason: These details are necessary prior to the commencement of development to safeguard all existing trees on site.

- 4) Prior to construction works commencing should piling be necessary a methodology, which provides justification for the method of piling chosen and details of noise and vibration suppression methods proposed must be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented throughout the course of development.

Reason: In order to safeguard the living conditions of neighbouring residents during the course of construction.

During Building Works

- 5) If it is necessary to demolish the existing dwelling outside of the winter season (November-February inclusive), demolition shall proceed under the supervision of a licensed ecologist in line with the recommendations of part 8 of the approved Bat and Bird Report.

Reason: In order to prevent harm to protected species.

- 6) Samples of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: In the interest of visual amenity.

Before the Development is Occupied

- 7) All first floor side-facing windows shall be fitted with obscured glazing, and any part of the windows that are less than 1.7m above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: In order to protect the privacy of neighbouring occupiers.

- 8) No part of the development shall be occupied until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of hard and soft landscaping, boundary treatments, retained and additional trees, hedgerow, shrubs and groundcover planting. The approved scheme shall be carried out in full prior to first occupation of development.

Reason: To ensure an acceptable visual appearance to the development.

- 9) No part of the development shall be brought into use until details of a scheme (including a timetable for implementation) which enhances the site's biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include boxes for birds and bats and be carried out in accordance with the agreed timetable.

Reason: In order to provide net biodiversity gain in accordance with the provisions of the National Planning Policy Framework.

- 10) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled and surfaced in accordance with the approved plans and these areas shall be retained thereafter for that specific use.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

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- 11) No dwellinghouse shall be occupied unless and until an electric vehicle charging point for that residential unit has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be permanently retained thereafter.

Reason: To facilitate the use of electric vehicles and to reduce air pollution and carbon emissions.

- 12) No dwellinghouse hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any dwelling or apartment in accordance with the approved details.

Reason: To ensure adequate broadband infrastructure for the new dwellings and to facilitate economic growth.

Informatives

Addresses

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4569 or E-Mail snn@sefton.gov.uk to apply for property numbers.

Drainage

- 2) The Council advises that sustainable drainage on a property level is considered by the applicant in order to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development. This includes taking measures such as installing water butts, permeable paving and roof gardens.

The applicant should implement the drainage scheme in accordance with the surface water hierarchy below, discharge of surface water into anything other than the ground must demonstrate why the other sequentially preferable alternatives cannot be implemented:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer;
- to a combined sewer.

The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Piling

- 3) There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to

influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy

- Pressed-in methods, e.g. Hydraulic jacking
- Auger / bored piling
- Diaphragm Walling
- Vibratory piling or vibro-replacement
- Driven piling or dynamic consolidation

Should the contractor propose to use a method which is not the preferred lower impact option, then satisfactory justification will need to be provided in order to demonstrate the piling method that is utilised meets Best Practicable Means (BPM) . Please note vibration monitoring will be required for all piling projects. For further advice on what to include in your piling methodology scheme and current standards please contact Sefton's Pollution Control Team.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 14th April 2021

Subject: [DC/2020/02267](#)
[2 Argyle Road, Southport, PR9 9LH](#)

Proposal: Erection of a semi-detached dwelling

Applicant: Mr. David Black **Agent:** Mr. Rod Ainsworth
Rod Ainsworth Architect

Ward: Cambridge Ward **Type:** Full Application

Reason for Committee Determination: Petition objecting to the proposal endorsed by Councillor Keith and a call-in by Councillor Keith

Summary

This application seeks consent for a part 3, part 4 storey building with dual pitched roof to be built to the side of an existing detached building on the south side of Argyle Road.

The main issues to consider in respect of the proposal are the principle of development, the impact on the character of the area, the impact on the living conditions of neighbouring properties and future occupiers. It is considered for the reasons within the report that the application is acceptable on all grounds and should be granted consent with conditions.

Recommendation: Approve with Conditions

Case Officer Neil Mackie

Email planning.department@sefton.gov.uk

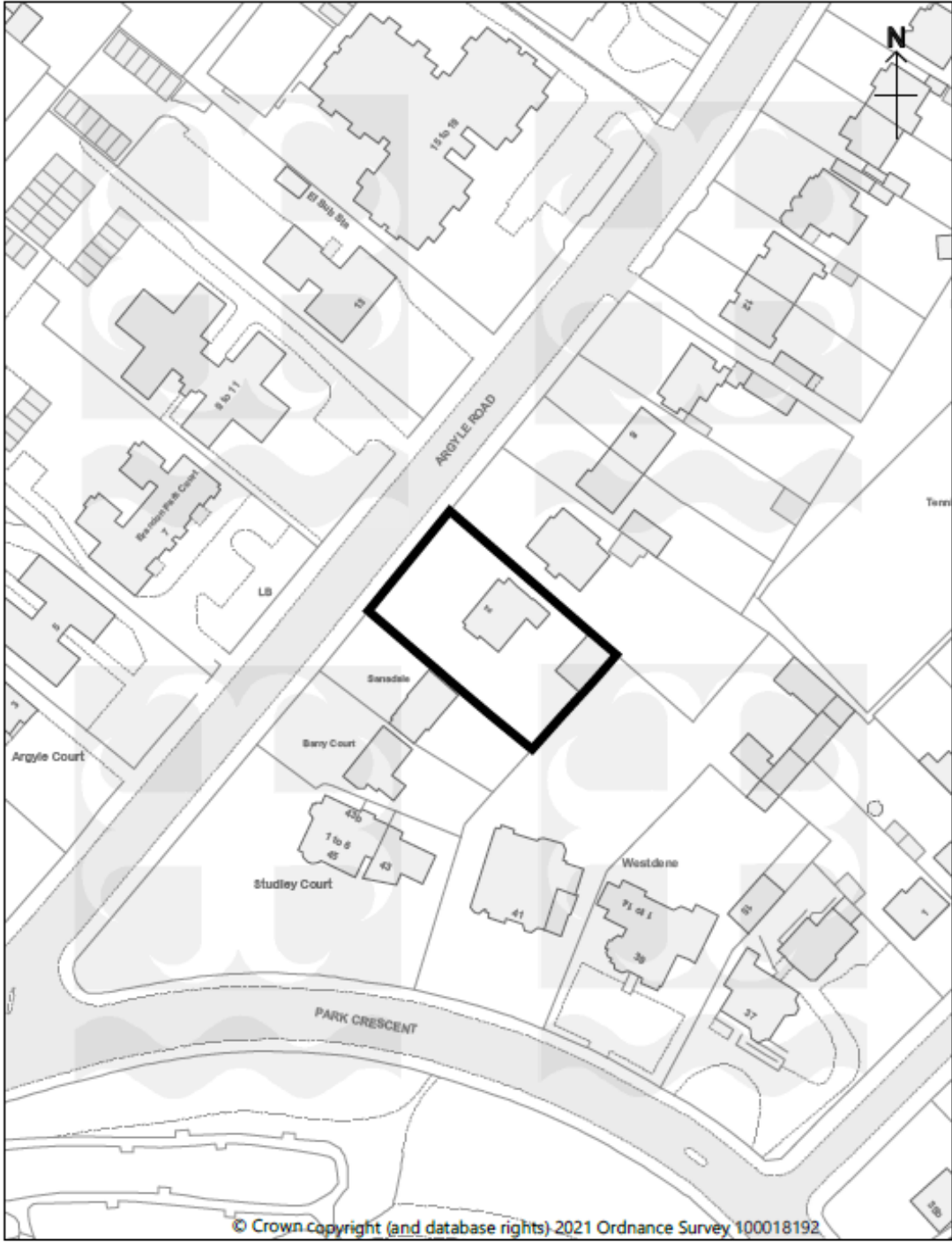
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJFALFNWY100>

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Site Location Plan



Reference: Map reference
Date: 30/03/2021
Scale: Scale: 1:1250
Created by: Initials

The Site

A large detached property on Argyle Road within a primarily residential area of Southport.

History

Planning permission was granted in August 2020 to change the use of the existing basement of No.2 Argyle Road into a self contained flat (app.ref: DC/2020/01903).

There have also been two recent applications to erect new dwellings on the site, both of which were withdrawn (app.ref: DC/2020/02017 and DC/2019/02112).

Consultations

Environmental Health

No objection to the proposal.

Highways Manager

No objections to the proposal subject to conditions in respect of a new access, layout of the car parking area prior to first occupation and the installation of at least 1 electric vehicle charging point.

United Utilities

No objection subject to conditions being added to any approval in respect of surface and foul water.

Neighbour Representations

Petition

A petition with 48 signatures objecting to the proposal, endorsed by Councillor Keith, has been received. It states that the proposal is not in keeping with the area or streetscene. That it is overbearing and has an overbearing impact on Number 2a Argyle Road [*Sanadale*] and negative on existing bedroom window to side elevation.

Neighbours

Letters of objection have been received from a representative on behalf of Number 2a Argyle Road (Sanadale), Number 4 Argyle Road, 3 Holcombe Court 9/11 Argyle Road and Apartments 8 and 9 41 Park Crescent

Points of objection relate to:

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Amenity

- Insufficient private outdoor amenity space to be retained for the existing flats, multiple applications being submitted to obfuscate this matter
- Detrimental impact on the amount of natural light to 41 Park Crescent *[to the south of the application site]*
- Proposal will overshadow and be overbearing to Number 2a Argyle Road

Design and heritage

- Proposal would look cramped in the street scene, harming the character and appearance of Argyle Road
- Proposal would introduce a terracing effect, contrary to the character of the area
- Proposal would not result in a symmetrical appearance that one would expect for a pair of semi-detached properties
- Loss of significance of designated heritage assets, with no public benefits to outweigh this harm

Highway safety

- Queries regarding existing car parking provision to the rear of 2 Argyle Road and whether they can be accessed *[unchanged by this application other than the proposed removal of the garage]*
- Insufficient off-street car parking leading to increased pressure for on-street car parking, and new access will lessen the amount of immediate on-street car parking to serve the new property

Other Matters

- Queries regarding accuracy of drawings relating to the rear garage block and amenity space of the existing building

Councillors

This application has been called-in by Councillor Keith who states that the proposal is harmful to residential amenity, harmful to a heritage asset, harmful to highway safety, it is of a poor design quality and impacts on the quality of life of future occupants. Further, Councillor Keith states that the proposal is too close to a neighbouring house and the design for the extension is not in keeping with the building nor other properties on the road.

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

The main issues to consider in respect of this proposal are the principle of development, the impact on the character of the area, the impact on neighbouring living conditions and the living conditions to be provided to future occupiers.

Principle of Development

As this site lies within a designated Primarily Residential Area, Local Plan policy HC3 'Residential Development and Primarily Residential Areas' is of direct relevance. This allows for new residential development where it is consistent with other Local Plan policies.

Subject to the assessment of the other matters that follow, the principle of development can be accepted.

Character of the Area

Local Plan policy EQ2 'Design' only permits development where it responds positively to the character, local distinctiveness and form of its surrounding.

The details of and materials to be used in the construction of this dwelling match those seen to the existing property at Number 2 Argyle Road. The reduction in height will clearly demarcate new from old and when viewed in terms of its impact to the existing building it is acceptable.

In considering the wider streetscene, there are a number of redeveloped plots of multi-storey residential uses alongside extensions, infills and other residential uses. This proposal will be read amongst this varied highway on which development up to shared side boundaries is not uncommon.

Concern has been raised regarding the increase in height of the proposal against the neighbouring property to the right hand side, 'Sanadale' Argyle Road. The submitted streetscene does show this increase in scale but when moving along both directions of Argyle Road such an increase is not likely to be dominant or overwhelming to the extent that it would cause significant harm to the character of the area. This would be the case as the existing building would either screen or act as a backdrop against what this proposal would be read. Limited views of the increase in height would be seen, but they would be largely limited to directly in front of the properties in question which results in a limited impact on the wider street scene.

Consideration may be had to the change of the roof type to the proposed dwelling, with a hip rather than a gable towards Sanadale. However, the existing building at Number 2 Argyle Road has gables to both sides and to introduce a hip to one end may result in an unbalanced appearance to the properties. As such, the design of the roof is considered acceptable in this instance.

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The provision of a car parking area to the front of the proposed property will not be contrary to the prevailing arrangement along Argyle Road and is acceptable and therefore would not harm the character of the area.

As the proposal responds positively to the character of the area it is considered that it is acceptable on this matter.

Living Conditions

Neighbouring Properties

Due to the orientation of the proposal and neighbouring properties it will not contribute to overshadowing to any neighbouring rear gardens or to habitable room windows as it is to the northeast of 'Sanadale' and to the north of properties on Park Crescent.

Sufficient distances are to be provided from any windows to the rear boundary to ensure compliance with the Council's guidance regarding overlooking and there also won't be any harm arising from overlooking from the front of the building.

There is a proposed side access door that would face towards the side elevation of 'Sanadale', along with windows to upper floors. So as to prevent overlooking or a loss of privacy it is considered reasonable to ensure that these windows are obscurely glazed (and non-opening) while requiring the door to either be solid or, if glazing is to be used, it must be obscurely glazed.

The comings or goings from the side door, as it accesses a utility room, are unlikely to be so severe as to cause significant noise to the occupiers of 'Sanadale', particularly as this will be a single dwellinghouse.

While there are upper floor windows to the side elevation of 'Sanadale' facing the proposal, it has been stated by the occupier of that property that those windows are secondary with the rooms also served by windows to the front elevation. While the outlook from these windows will be impacted by the proposed development, the presence of larger windows front and rear ensures that the impact on the living conditions of current or future occupiers of 'Sanadale' will not so great as to be unacceptable.

Finally, regard must be had as to the living conditions of the existing self-contained flats at 2 Argyle Road.

The subdivision of the plot will reduce the amount of private outdoor amenity space to this property, which the applicant is seeking to remedy by removing the detached garage at the rear and increasing the grassed area. This approach is acceptable as it will result in an outdoor area that exceeds the Council's requirements. A condition can be attached requiring this to be implemented.

The proposed dwelling would have a negative impact on the outlook and light from a habitable room window to the roofspace of the existing building since the sole window serving that room is to the side elevation. As evident on the submitted plans, two rear dormers are proposed to the existing rear roof to allow for a reasonable outlook and sufficient light to this room. A condition will be required to ensure that the dormers are implemented and completed prior to any external works or development that may otherwise obscure that window.

In view of the above it is considered that the proposal will not cause unacceptable harm to the living conditions of neighbouring properties and is acceptable on this issue.

Future Occupiers

Good outlook will be provided to all habitable room windows and the rear garden is of a size that exceeds the minimum requirements. The proposal is acceptable in this regard.

Other Matters

Heritage

The proposal will not have any impacts on the setting or character of neighbouring listed buildings to the south of the site along Park Crescent. This site is functionally separate from those to the south and the building itself will be separated from the shared rear boundary by a sufficient degree.

Highway Amenity & Safety

Concern has been raised regarding on-street car parking, but as evident from the comments of the Highways Manager this proposal will not cause harm. There is sufficient off-street car parking and there aren't any restrictions or controls for parking on what is a relatively wide carriageway

Conclusion

From the assessment set out above, it is considered that subject to conditions this application complies with the aims and objectives of the Local Plan and all other material considerations and as such should be granted consent with conditions.

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Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five 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).

Approved Plans

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

2496-602 'Proposed Site plan and Street Scene

2496-604 'Proposed Plans'

2496-606 'Proposed Elevation'

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 4) Prior to any development that would obscure or otherwise externally block off the clear glazed habitable room window to the apex of the right hand side gable of the existing property, the two dormers hereby approved to the rear roof of the existing property must be installed and completed.

Reason: In the interests of the living conditions of current or future occupiers of the top floor flat at 2 Argyle Road.

During Building Works

- 5) The materials to be used in the construction of the external surfaces of the development must be of similar appearance to those used in the existing building at 2 Argyle Road

Reason: To ensure an acceptable visual appearance to the development.

Before the Development is Occupied

- 6) The new dwellinghouse shall not be occupied until a means of vehicular access to the development has been constructed.

Reason: In the interests of highway safety.

- 7) The dwellinghouse shall not be occupied until an area for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and this area shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 8) The dwellinghouse shall not be occupied until at least one electric vehicle charging point to serve that dwelling has been installed and is operational. The approved infrastructure shall be permanently retained thereafter.

Reason: To facilitate the use of electric vehicles and to reduce air pollution and carbon emissions.

Ongoing Conditions

- 9) Within the first planting/seeding season following first occupation of the new dwellinghouse, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out; 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.

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Reason: To ensure an acceptable visual appearance to the development.

- 10) Within the first planting/seeding season following first occupation of the new dwellinghouse, all planting, seeding or turfing comprised in the approved details of landscaping for the existing building at Number 2 Argyle Road shall be carried out; 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.

Reason: To ensure an acceptable visual appearance to the development.

- 11) The windows and door (if containing any glazing) to the side elevation facing Sanadale must be fitted with obscured glazing, to at least level 3 of the Pilkington scale or similar, and for the windows non-opening where the means of opening is below 1.7m as measured from the internal floor height.

The windows and door must be maintained as such thereafter.

Reason: In the interests of residential amenity.

- 12) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 14th April 2021

Subject: [DC/2021/00270](#)
[12 Kew Road, Formby, Liverpool, L37 2HB](#)

Proposal: Variation of condition 2 pursuant to planning permission DC/2020/00847 to allow changes to the approved drawings.

Applicant: Mr. Neal Roberts **Agent:** Mr. Mark Bennett
MBED ARCHITECTS LTD

Ward: Harington Ward **Type:** Variation of condition

Reason for Committee Determination: Petition objecting to the proposal endorsed by Councillor Irving & call-in by Councillor Irving

Summary

This application is seeking to vary an existing approval, by way of reducing the scale and extent of the side extension adjacent to the shared boundary with Number 10 Kew Road.

The issues to consider are whether the variation introduces matters that were not previously considered, the impacts on neighbouring living conditions and if the proposal is more than a minor material amendment to the extant permission.

It is considered that the proposed variation is less harmful than the extant permission and does not raise any issues not previously considered. The proposal is acceptable as a minor material amendment.

Recommendation: Approve with Conditions

Case Officer Neil Mackie

Email planning.department@sefton.gov.uk

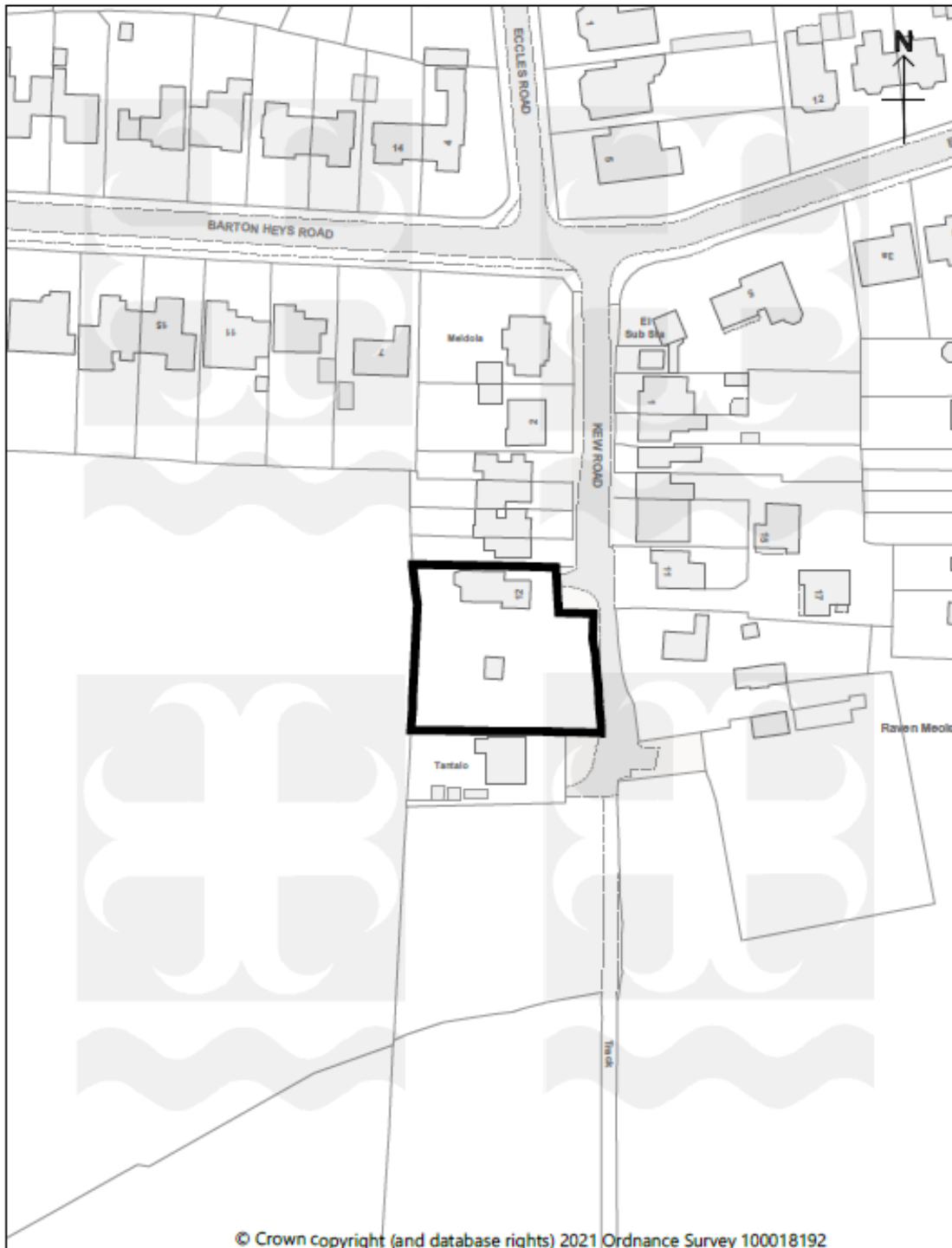
Telephone 0345 140 0845

Application documents and plans are available at:

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<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNW686NWHCP00>

Site Location Plan



Reference: Map reference
Date: 30/03/2021
Scale: Scale: 1:1250
Created by: Initials

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The Site

A detached two-storey dwellinghouse on the west side of Kew Road, Formby. The main dwellinghouse lies within a designated primarily residential area and the majority of the side garden, to the south of the house, lies within designated Green Belt.

History

Permission was granted in 1990 for the erection of a detached two storey dwellinghouse and garage (N/1990/0631).

In May 2020 an application was refused for the erection of two storey extensions to the front and side, a single storey extension to the opposite side of the existing dwellinghouse and erection of a new dwellinghouse on land adjacent (South) to the existing dwellinghouse (DC/2019/02270). The application was refused due to the impact of the proposed dwelling on the Green Belt. A subsequent appeal was dismissed in December 2020.

In July 2020, an application was approved for the erection of a two storey extension to the side and rear incorporating a garage, a single storey extension to the opposite side and a two storey extension including a porch to the front of the dwellinghouse following the demolition of existing conservatory (DC/2020/00847).

Following the grant of this permission, the neighbours at 10 Kew Road complained about the loss of light that the extension would cause to the windows to their dining room and bedroom which had windows on the side elevation directly adjoining the proposed extension, and also about the impact on their outlook.

This has led the applicant to submit the current proposal.

Neighbour Representations

Petition

A petition with 33 signatures, endorsed by Councillor Irving, has been submitted in opposition to the proposal. The accompanying petition statement states that the development is oppressive, it is much larger than what the Council previously considered to be acceptable, it creates a terracing effect that would act as a precedent for the remainder of the road to 'land grab' their borders before their neighbours do and is completely out of character with the street.

Neighbours

Objections have been received from neighbouring residents on the following grounds:

- Concerns and complaints are made regarding the approval of the extant permission, along with an extensive history of development to this site. They consider that due to issues relating to the extant [i.e. 'existing'] permission that no further approvals should be granted, that the extant permission should be recognised as void and, furthermore, they request that all 2020 and 2021 building work is removed and the property restored to its former design.
- Consider that the proposal would have a harmful effect on the living conditions of occupiers at Number 10 with particular regard to outlook and privacy from a habitable room window. Also consider that the size and scale of the extension will have a detrimental effect on the street scene and would be contrary to local and national planning guidance. Further, they consider that this updated application is not a non-material application due to the additions of three new windows that will impact the privacy of Number 10.
- Expresses concern regarding the impact on outlook, loss of light and subsequent overshadowing of habitable room windows to the side elevation of Number 10 facing this application site. Consider that this is contrary to policies and guidance within the Local Plan as well as policies within the Formby & Little Altcar Neighbourhood Plan

Councillors

This application has been called-in by Councillor Irving for the following reasons: the proposal is contrary to planning policies, harmful to residential amenity and is of a poor design quality.

In addition, Councillor Irving has submitted an individual objection stating that the east side of the new build (that closest to Number 10 Kew Road) looks like a 'Prison Wall' with no features whatsoever. The scale and massing gives a dominant effect on the occupiers of 10 Kew Road and will no doubt take a lot of natural light away from their garden as well as their rear living room windows. The application is contrary to several policies in the Formby & Little Altcar Neighbourhood Plan.

Policy Context

The application site lies within an area designated as Primarily Residential and Green Belt in the Sefton Local Plan which was adopted by the Council in April 2017.

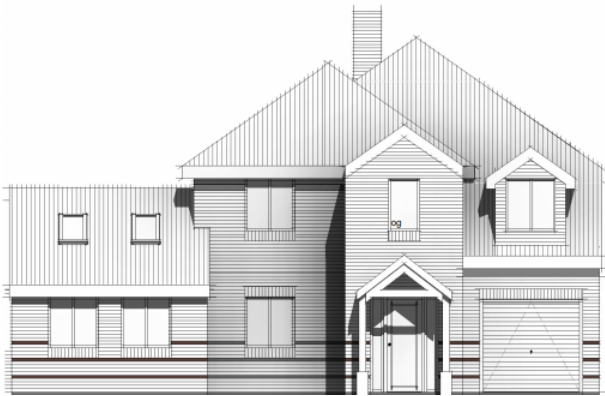
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Assessment of the Proposal

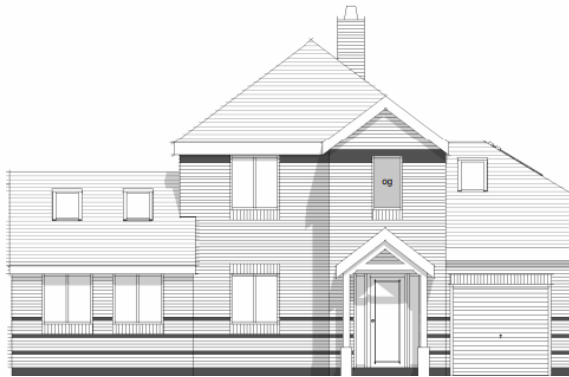
This application is seeking permission to vary a condition attached to extant planning permission DC/2020/00847. The condition in question is Condition 2 that requires development to be carried out in accordance with the approved plans.

In effect the application is seeking to allow for a reduced development compared to that approved. The key differences are shown below as extracts from the approved and proposed drawings:

Approved Front Elevation



Proposed Front Elevation



Approved Side Elevation



Proposed Side Elevation



Living Conditions

To the side elevation of the neighbouring property at Number 10 Kew Road are two windows (one to the ground-floor and one to the first-floor). These are the sole windows serving two habitable rooms.

This extension is reduced in scale, in terms of its height and massing, from a true two-storey extension to one with much lower eaves height and rooms largely contained within the roofspace and served by rooflights (which will be obscurely glazed to the side elevation). This would lessen the impact on outlook to the first-floor window and overshadowing to the first-floor window and, potentially based upon the seasons, the ground-floor window. This is an improvement over the existing permission and is acceptable in this regard.

The harm arising from the impact on outlook from the ground-floor window will largely remain the same as with the approved development. Mindful of the existing permission this is considered to be acceptable.

The three rooflights to the side elevation are shown to be obscurely glazed, so as to mitigate any potential harm arising from overlooking or loss of privacy to the neighbouring property. To improve this approach further it could be considered reasonable to require a condition to be added to install restrictors on the rooflights (that could be removed in the event of emergency egress) so as to prevent them opening fully.

Design and Character of the Area

In respect of the impacts on the character of the area, the proposal will still have a two-storey front extension to act as the entrance to the property but the impacts of the side extension on the character of the streetscene will be less than that previously accepted. This will occur due to the overall lower ridge height of the side extension, removal of the dormer window, a lower eaves height and the sloping back of the roof.

Overall, it is considered that the proposed side extension would be an improvement to the overall massing of the building and would not cause harm to the character of the street scene. Whilst it is acknowledged that the side gable of the extension would have limited features, this is not uncommon for side extensions. Much of the side gable would be screened from public view by the neighbouring property.

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Conclusion

This proposal is considered to be acceptable in design and on its impact on the street scene. It is also considered to have less impact on the living conditions of the immediate neighbours bearing in mind the existing permission which provides a 'fall back' position.

It is recommended that this application is granted consent with the conditions that follow. Members may also wish to consider whether it is necessary for a condition to be attached to any approval requiring restrictors to be installed on the three obscurely glazed rooflights.

Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five 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).

Approved Plans

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

19.1009 P (00) 101 Rev C 'proposed floor & roof plans'

19.1009 P (00) 102 Rev D 'proposed elevations'

Reason: For the avoidance of doubt.

Report to: PLANNING COMMITTEE **Date of Meeting:** 14th April 2021

Subject: [DC/2020/00590](#)
[Unit 1 Site Of Mayflower Industrial Estate Liverpool Road Formby](#)

Proposal: Removal of condition 1 pursuant to planning permission DC/2019/01870 approved 04/04/2020

Applicant: Mr Terry Riley **Agent:** David Bennett
Ascot Property Group Keith Davidson Partnership
Architects

Ward: Ravenmeols Ward **Type:** Removal of condition

Reason for Committee Determination: Matter of Principle

Summary

Permission was granted for a block of 32 apartments (for over 55's) only in October 2017 and changes to the elevation were approved in April 2020. This application requests removal of condition 1 of that permission which was to secure the provision of affordable housing provision.

This application was reported to last Committee on 17th March and deferred so members could receive a presentation on viability issues.

The main issue for consideration with this proposal relates to the acceptability of providing a significantly reduced financial contribution towards off site affordable housing, having regard to the viability of the scheme as a whole.

It is concluded there is no market demand for on site affordable housing and a financial contribution of £266,000 towards off site affordable housing provision would be acceptable, ensuring that the scheme can be delivered and outweighing any harm to the living conditions of neighbouring residents. It is therefore recommended that planning permission be granted subject to the applicant entering into a Section 106 legal agreement to secure the financial contribution towards off site affordable housing.

Recommendation: Approve with Conditions and subject to the signing of a Section 106 legal agreement.

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Case Officer Kevin Baker

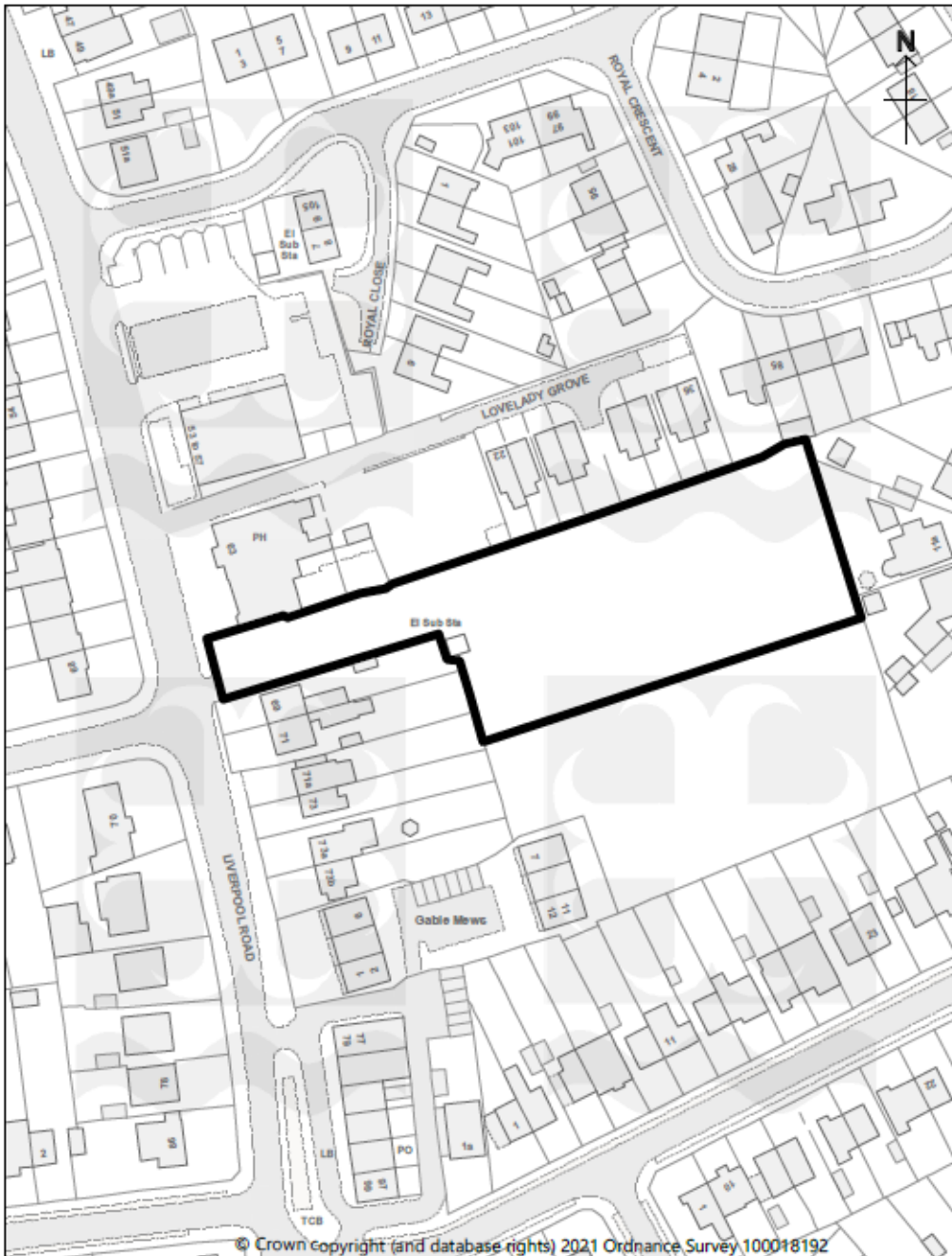
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8D80ONWJ8D00>

Site Location Plan



Reference: Map reference
Date: 03/03/2021
Scale: Scale: 1:1250
Created by: Initials

Agenda Item 5a

The Site

The application site is part of a larger site which comprised a former industrial estate. The sole vehicular access is gained between the Royal Hotel Public House and No.69 Liverpool Road.

With the exception of the public house the site is bound by a mix of existing residential properties. A care home, recently constructed, is in operation adjacent to the site on the remaining area of the former industrial estate.

The site is currently under construction and is nearing completion.

History

Planning permission was granted in January 2017 for the erection of a three storey apartment block containing 22 apartments for the over 55's and the erection of a care home. This included the demolition of no.65 Liverpool Road (Beamans Bathrooms) and all buildings within the Mayflower Industrial Estate to accommodate the development and an acceptable access off Liverpool Road (app.ref: DC/2016/00230).

A separate application for planning permission was approved in October 2017 for the erection of a block of 32 apartments (for over 55's) only, replacing the 22 apartments element of the previous approval (app.ref: DC/2017/00387).

In August 2018, permission was granted to vary the October 2017 permission to allow various changes to the elevations of the scheme (app.ref: DC/2018/01066)

An application to approve details required by a number of planning conditions attached to the original October 2017 permission was also determined (app.ref: DC/2018/00737).

In October 2018, an application was submitted to remove condition 1 (affordable housing) pursuant to planning permission DC/2018/01066, but was subsequently withdrawn by the applicant (app.ref: DC/2018/01796)

In April 2020, a further application to make changes to the 2018 permission was granted approval (app.ref: DC/2019/01870)

Consultations

Highways Manager

No objection.

Local Planning Manager

Consider that an off site contribution of £266,000 is acceptable.

Neighbour Representations

Correspondence has been received from 2 local residents objecting to the proposal on the following

grounds:

- Residents have had to look at the monstrosity for too long. If the new company cannot make a profit then they should not have entered into the agreement,
- Flies in the face of the Local Plan.
- Residents of Formby should not be subsidising the project on behalf of commercial developers.
- Complete lack of respect for those who will be affected.

Policy Context

The application site lies within an area designated as primarily residential in the Sefton Local Plan which was adopted by the Council in April 2017.

The Formby and Little Altcar Neighbourhood Plan was 'made' (i.e. adopted) on 21st November 2019 and carries full weight in decision making.

Assessment of the Proposal

The principle of the development and impacts were considered and agreed in the granting of the previous permissions. Subsequently, the issue for consideration relates specifically to the change proposed, that being to remove the affordable housing condition in favour of providing an off-site financial contribution towards affordable housing provision.

Affordable Housing Provision and Viability

As members will be aware, the original planning permission was subject to a planning condition requiring the applicant to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing. The affordable housing contribution, in line with policy HC1 of the local Plan, equated to a total of 10 affordable housing units on site. Despite the subsequent variations to the original permission as recognised in the planning history, the condition and its requirements have remained intact with each decision.

In October 2018, a similar application to that now proposed was submitted to the authority. This application provided evidence demonstrating a lack of interest in the potential uptake of the affordable housing provision by several registered providers familiar to Sefton. The reasoning then, as now, related to the shared tenure (private and social) and difficulty in managing and servicing within the apartment block. In such circumstances, and in line with the Council's planning guidance for affordable housing, a financial contribution was sought to secure affordable housing off-site. However, whilst the applicant argued that the scheme would not be viable if required to provide the commuted sum, sufficient evidence was not provided to back this. The application was subsequently withdrawn by the applicant.

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This current application maintains the same stance to that previously submitted in October 2018, in that the applicant considers there is no market demand for on site affordable housing and that the required off site contribution as calculated in the Council's guidelines would make the scheme unviable. The applicant advises that this is more relevant now as the building contractor originally contracted for the development fell into financial difficulties in December 2019 and the company was dissolved. Subsequently the scheme under construction has been carried out by a 'step in' contractor which has significantly increased the build costs.

In support of the application, the applicant has prepared a full viability assessment, whilst reliance has been given to the initial marketing responses received and submitted as part of the 2018 application (i.e. no market demand for providing the units within the site).

In relation to the demand for on site affordable housing provision, it is evident from the information provided that there is no demand for this development. Whilst an updated marketing exercise has not been carried out for this application, it is considered that it would be unreasonable to require this as there is unlikely to be a change to the evidence submitted in 2018. Consequently, whilst Policy H3 (Affordable Housing) of the Formby and Little Altcar Neighbourhood Plan seeks to provide affordable housing on site, it is simply not possible for this development.

Policy H3 of the Neighbourhood plan is silent on the scenario of where affordable housing cannot be achieved on site. However, Policy HC1 (Affordable and Special Needs Housing) identifies that a financial contribution can be considered towards providing affordable housing off site. Given the silence on the matter in the neighbourhood plan, and the exceptional circumstances, Policy HC1 becomes the relevant policy.

The Council's planning guidance for affordable housing sets out a step by step approach to calculating an acceptable off site contribution. Using this approach the Council's retained viability consultants have confirmed that the commuted sum payable by the developer to meet the full off site affordable housing provision is £1,451,638.

The applicant has confirmed that the required off site contribution would make the scheme unviable and have therefore prepared a viability assessment, which has also been assessed by the Council's viability consultant. In summary, the Council's viability consultants have acknowledged that the full affordable housing contribution cannot be viably provided here. They agree that a significant reduction is required. Taking account of all relevant factors, they have suggested that an appropriate contribution would be £266,000.

Policy H3 of the Neighbourhood plan and HC1 of the Local Plan both in their explanatory text acknowledge that affordable housing would be subject to economic viability. Para 57 of the National Planning Policy Framework confirms that planning applications that comply with the local plan policies should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment. It does go on, however, to say that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. Additionally, planning practice guidance suggests that an acceptable profit for a developer is between 15% and 20%. This, in essence, is the risk incentive to developing a site.

The Council's viability consultant has confirmed that the reduced contribution, would ensure a revenue of 15%. This is at the lower end of the range considered acceptable nationally. It is therefore considered that whilst the scheme would not be viable to provide the full off site financial contribution as identified in the Council guidelines, it would be viable should a contribution of £266,000 be provided. This contribution needs to be weighed in the overall balance of relevant factors when coming to a decision.

Other Matters

It was acknowledged within the original report to Planning Committee that some harm would be caused to the living conditions of residents on Lovelady Grove, specifically in relation to overlooking and loss of privacy as a result of a minor shortfall in interface distances. However, the report concluded that the harm was outweighed by the benefits of the development including the provision of affordable housing and the contribution of the development to the Borough's housing supply. The development, as constructed, does not overcome the harm originally identified and this needs to be weighed in the overall balance.

The 2019 permission was subject to various conditions which, other than the condition specifically relating to this proposal, remain relevant. Consequently, it is recommended that the conditions are re-attached to any decision, should permission be granted.

Planning balance and conclusion

This application seeks to remove the affordable housing condition attached to the 2019 planning permission. In support of the application, the applicant has demonstrated that there is no market demand for on site affordable housing and has successfully demonstrated a viability argument which has been verified by the Council's retained viability consultant. In this instance, it is considered that a financial contribution of £266,000 towards providing affordable housing off site locally would be a viable contribution. It is disappointing that the affordable housing contribution cannot be achieved on site or in full. However, the lack of interest in the affordable housing units and difficulties with appointing a new developer have presented significant challenges and have necessitated the need to re-assess the situation based on the new circumstances.

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It is acknowledged that the development presents some harm to the living conditions of existing residents at Lovelady Grove. However, the development contributes towards the Council's 5 year housing supply and still supports the provision of affordable housing, albeit off site and at a reduced amount.

It is considered that the reduced affordable housing contribution would still weigh in favour of the development and would ensure the delivery of new housing within the borough, specifically for the over 55's.

Overall, the benefits of the development would still outweigh the harm caused and it is therefore recommended that the application be approved. The applicant would be required to enter into a Section 106 legal agreement to ensure the payment of the financial contribution.

Recommendation - Approve with Conditions and subject to the applicant entering into a Section 106 legal agreement.

Approved Plans

- 1) The development hereby granted shall be carried out strictly in accordance with the following approved drawings:

1000 Rev.Q; 1102 Rev.C; 1103 Rev.F.

And the following drawings attached to the original permissions (app.ref: DC/2017/00387 and DC/2018/01066):

Location Plan, 100, Proposed Landscaping scheme; 1001 Rev.F; 1002 Rev.E; 1003 RevD; 1004 Rev.C; 1010 Rev.D; 1011 Rev.D.

Reason: To ensure a satisfactory development.

During Building Works

- 2) The provisions of the Construction Traffic Management Plan approved under application DC/2018/00737 shall be implemented in full during the period of construction.

Reason: In the interests of highway safety.

- 3) The measures set out within Chapter 4 of the approved Red Squirrel Protection Strategy reference RT-MME-122310-02 must be implemented.

Reason: In the interests of ecology.

Before the Development is Occupied

- 4) Following completion of the remedial works identified in the approved remediation strategy, a verification report that demonstrates compliance with the agreed remediation objectives and criteria must be produced, and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 5) a) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

b) Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by Condition 4.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 6) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- 7) The development shall be completed in accordance with the surface water drainage scheme approved under application DC/2018/00737.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 8) No part of the development shall be brought into use until a means of vehicular and pedestrian access to the development has been constructed.

Reason: In the interests of highway safety.

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- 9) No part of the development shall be brought into use until the required highway improvement works approved under application DC/2018/00737 have been constructed.

Reason: In the interests of highway safety.

- 10) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 11) The hard and soft landscaping scheme, to be comprised of species identified as being suitable for red squirrels within the approved Red Squirrel Protection Strategy (reference RT-MME-122310-02) shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

b) Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season.

Reason: In the interests of visual amenity.

- 12) The boundary details approved under application DC/2018/00737 must be implemented prior to the commencement of use and maintained as such thereafter.

Reason: In the interests of visual and residential amenity.

- 13) The window details identified on drawing no.1051, as approved under application DC/2018/00737, shall be implemented in full prior to first occupation and retained as such thereafter.

Reason: In the interest of residential amenity.

Ongoing Conditions

- 14) The development shall be completed, maintained and managed in accordance with the sustainable drainage management and maintenance plan approved under application DC/2018/00737.

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Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

- 15) The cycle parking facilities hereby approved shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 16) The 32no. flats hereby permitted shall only be occupied by:
- persons aged 55 or above;
 - persons living as part of a single household with such a person or persons;
 - persons who were living as part of a single household with such a person or persons who have since died.

Reason: The proposed development is considered an exemption to providing infrastructure contributions towards education improvements in the local area and the Council wishes to maintain control over this.

- 17) The Travel Plan approved under application DC/2017/00387 shall be implemented in full in a timetable to be agreed in writing with the Local Planning Authority / in accordance with the timetable approved in writing by the Local Planning Authority. The approved Travel Plan shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety

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Report to: PLANNING COMMITTEE **Date of Meeting:** 14th April 2021

Subject: [DC/2020/00418](#)
[Site of Former Royal British Legion, 326 Liverpool Road South, Maghull L31 7DJ](#)

Proposal: Erection of Retirement Living Housing of 44 residential units (Category II type accommodation) with associated communal facilities, landscaping and car parking following the demolition of the existing building

Applicant: McCarthy & Stone **Agent:** Mr Chris Butt
Retirement Lifestyles Ltd The Planning Bureau Ltd

Ward: Park Ward **Type:** Full application - major

Reason for Committee Determination: Called in by Councillor John Sayers and a major application with 5 or more objections

Summary

This application seeks planning permission to construct a retirement living scheme of 44 residential units following demolition of the existing club building. The site lies within a 'primarily residential area' as identified in the Local Plan.

The application was considered at Planning Committee on 17 February 2021 when it was deferred to enable further discussion with the applicant to address concerns over the viability assessment, the affordable housing contribution and the building design. The report has been amended to incorporate the late representations submitted prior to the February meeting and to provide an update since the deferral.

The main issues to consider include the principle of the development, affordable housing requirements, visual impacts, effects on living conditions and highway safety as well as landscaping, ecology and drainage considerations.

The proposal complies with adopted local plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions and the completion of a Section 106 legal agreement to secure off-site affordable housing provision.

Recommendation: Approve with Conditions subject to the completion of a Section 106 Legal Agreement

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Case Officer Diane Humphreys

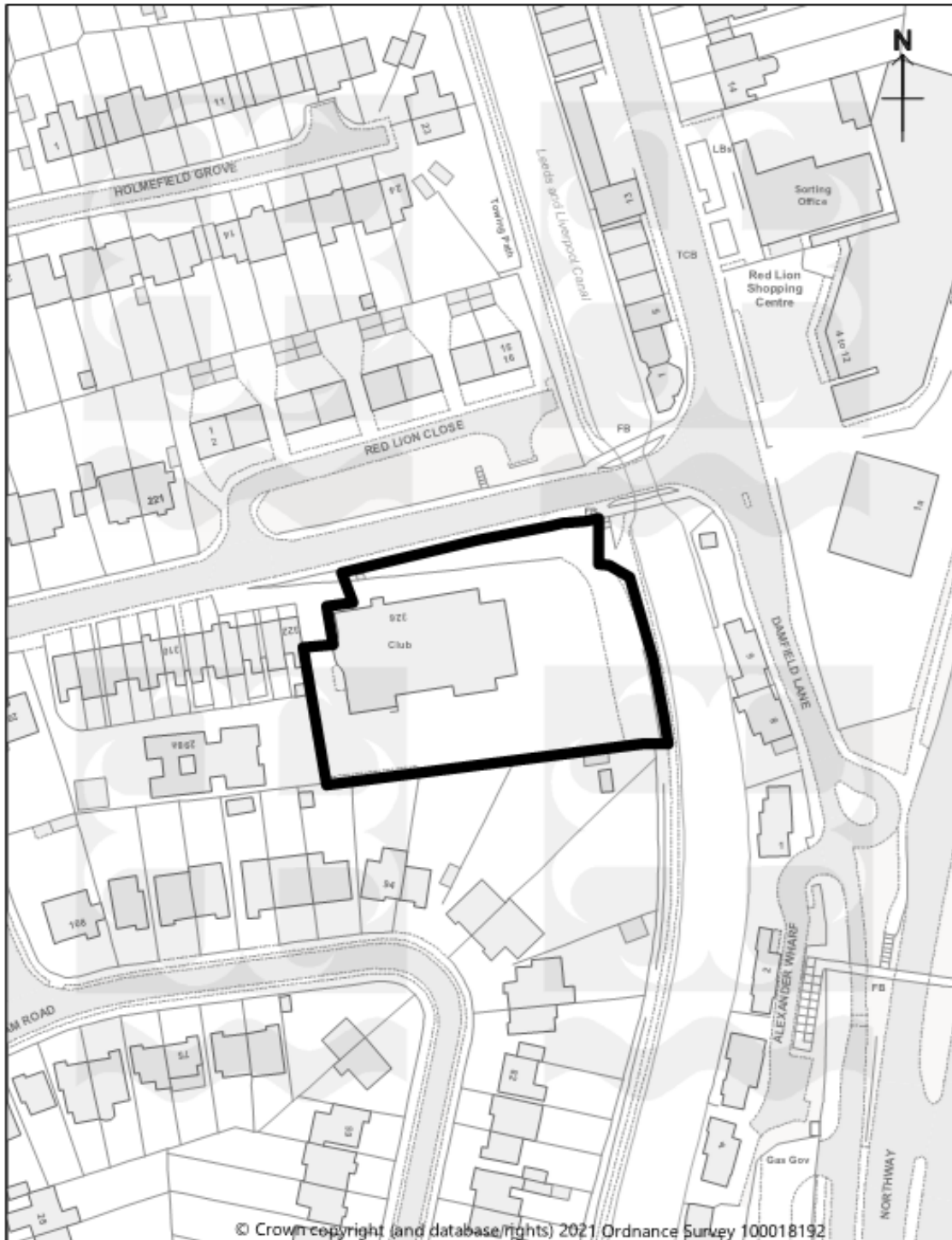
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6S4LLNWIQH00>

Site Location Plan



Reference: Map reference
Date: 02/02/2021
Scale: Scale: 1:1250
Created by: Initials

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The Site

The site comprises the former Royal British Legion premises located on the south side of Liverpool Road South and bounded by the Leeds and Liverpool canal to the east with residential property situated immediately to the south and west.

The building on the site is brick built and single storey with a pitched roof and flat roof additions. It is located fairly centrally on the site (although closer to its west than its east boundary) and is presently vacant. The building is largely surrounded by hardstanding with a sloped grass embankment at the Liverpool Road South frontage due to the site being set at a lower level than the road. Access to the site is currently taken from Liverpool Road South at the western end of the site frontage.

History

None relevant.

Consultations

Local Plans Manager

No objections subject to conditions and a Section 106 legal agreement.

Maghull Town Council

No formal objection but wish to make the following points:

- Access is close to the Red Lion Bridge making ingress and egress difficult
- Fewer parking spaces than apartments does not seem appropriate
- The ramp appears too tight
- Four storey building is incongruous
- Possible overlooking to nearby properties
- Loss of amenity caused by loss of trees
- Level access required to the towpath

Further to the above, Councillor Sayers on behalf of Maghull Town Council has expressed concern that the development breaches MAG 4 of the Maghull Neighbourhood Plan as the four storey development is not consistent with the Parkhaven Character Area.

Conservation

No objections.

Canal and River Trust

No objection subject to conditions.

Environmental Health Manager

No objections subject to conditions.

Highways Manager

No objections subject to conditions.

Tree Officer

No objections subject to appropriate mitigation planting which can be secured by condition.

Merseyside Environmental Advisory Service

No objections subject to conditions. The Council does not need to consider the proposals against the three tests (Habitats Regulations).

Flooding & Drainage Manager

No objections to the latest drawing.

United Utilities

No objections subject to conditions.

Contaminated Land Team Leader

No objections subject to conditions.

Fire and Rescue Service

No objections.

Neighbour Representations

Written objections/concerns have been received from 5 local addresses as well as from Bill Esterson MP, the main points of which are summarised below:

Living Conditions

- Overlooking and loss of privacy to adjacent properties including back gardens
- Too close to adjacent garden and garage
- 4 storey development will block out light
- Noise
- Detrimental impact on peaceful canal environment

Access and Parking

- Possible loss of access to canal towpath
- Should include improvements to canal access which currently has no disabled access

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- Access close to Red Lion Bridge which is narrow and a traffic accident hotspot
- Lack of parking
- What is proposed route for construction traffic?
- Inaccurate information in submitted reports eg accessibility of site and parking levels

Visual Impacts

- Height and design not in keeping with local property
- Grey cladding not in keeping
- Cottages to the east are low level dormer bungalows

Landscaping

- Would prefer certain trees to be retained and others to be removed contrary to tree report
- Mature evergreen trees should be planted on the site frontage which will provide greenery all year round, improve outlook for new residents and soften the stark appearance of the development
- There is a line of trees on the east side of the site
- Trees are inaccurately shown on the plans
- Will there be additional planting?

Other Issues

- Concerned about structural stability of house and garage
- Inappropriate time to be consulting on a major application due to covid restrictions
- Concerned about disruption during construction
- Possible rat problem

Four written letters of support have been received and these include the following comments:

- There is a demand for retirement living in Maghull
- We need smaller more manageable apartments so people can downsize and free up properties which may have become a burden
- Helps older people lead happier, healthier lifestyles amongst likeminded people
- A bonus to the community
- More aesthetically pleasing than the current site
- Wish for the British Legion to be remembered in Maghull in some way

Ward Councillor John Sayers submitted a statement which was read out at the Planning Committee meeting on 17 February 2021 and the main points are summarised below:

- Residents have written to the developer but received no response and their concerns have been ignored
- Windows overlooking Buckingham Road properties will be frosted but those overlooking properties closer to the site will have clear glass and balconies causing a loss of privacy

- The size and design of the building is incongruous with the architecture of other buildings in the town and conflicts with Local Plan policies HC4 and EQ2, NPPF para 127, Sefton's House Extensions SPD and the Maghull Neighbourhood Plan MAG 4.
- The building will overshadow homes and gardens on the opposite side of the canal and will result in a significant loss of outlook and have an overbearing impact on these properties in conflict with Local Plan policy HC4, NPPF para 130 and Sefton's House Extensions SPD.
- Developers have ignored request to afford level access to the canal
- Grave concerns regarding parking and road safety

Policy Context

The application site lies within an area designated as primarily residential in the Sefton Local Plan which was adopted by the Council in April 2017.

The Maghull Neighbourhood Plan was 'made' (i.e. adopted) on 24th January 2019 and carries full weight in decision making.

Update Since the Deferral

The application was deferred at the February Planning Committee meeting to enable discussion with the applicant to address concerns over the viability assessment, the affordable housing contribution and the building design. The applicant has since provided further information in respect of viability, has increased the affordable housing contribution and has amended the design of the building. These matters are discussed in more detail below.

Assessment of the Proposal

This application seeks planning permission to construct a retirement living complex of 44 residential units comprising 23 one bed apartments and 21 two bed apartments within a part three/part four storey L-shaped building. It comprises Category II type accommodation, defined as 'warden supported self-contained accommodation for the less active elderly, which includes the full range of communal facilities' (Department for Communities). The proposal includes communal facilities such as a communal lounge, a house manager's office and an alarm system.

The main issues to consider include the principle of the development, affordable housing requirements, visual impacts, effects on living conditions and highway safety as well as landscaping, ecology and drainage considerations.

Principle

Local Plan

The site lies within an area designated as 'primarily residential' in the adopted Sefton Local Plan and the proposal for retirement flats is acceptable in principle under policy HC3. In addition, there is an

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identified need for this type of accommodation in Maghull.

Neighbourhood Plan

The Maghull Neighbourhood Plan was made (i.e. adopted) on 24 January 2019 and forms part of the development plan for Sefton. One of the main objectives of the Neighbourhood Plan is to support housing development which meets identified needs where such housing is appropriate to its environment with good design features and usable public green space for the benefit of all residents. Maghull Town Council does not raise an objection to the proposal in principle although they do raise some points of concern which are addressed in other areas of this report.

Policy MAG 4 'Residential Character Areas' sets out that 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.

This proposal is within the Parkhaven Character Area. Many houses within the Character Area are traditional 1930s villas with tree lined roads as well as considerable tree planting in the gardens. The roads are narrow and do not allow parking on both sides. Whilst this proposal is different in character than most of the housing in the area, it is at the eastern edge of the area and is close to modern buildings on the opposite site of the canal, some of which are larger than two storey dwellings. The site is also close to the town centre, which would support a scheme of higher density. Concern has been expressed by Maghull Town Council about the proposal's consistency with the Parkhaven Character Area. However, the site is at the edge of the character area where there is a mix of development styles and where there is limited three storey commercial and residential development very close to the site. The road rises up to the Red Lion Bridge which is equivalent to two storey eaves level. The design of the proposal has taken account of its location next to the town centre and adjoining the canal.

Conclusion on Principle

There is an identified need for retirement flats in Maghull and the site's location within a 'primarily residential area' makes it suitable for the proposed development. Whilst the development does not strictly comply with the Neighbourhood Plan policy MAG 4, in that it is different in character to the rest of the Parkhaven Character Area, the scheme is considered appropriate for its canalside setting and location close to the town centre. The assessment has given due weight to the Neighbourhood Plan and to factors relevant to this specific site and concluded that a higher development can be justified.

The proposed development is acceptable in principle.

Affordable Housing

New developments that create 15 or more residential units should provide affordable housing. In Maghull the requirement is for 30% of the scheme to be affordable housing.

The applicant has submitted a viability appraisal that sets out that due to viability issues it is not possible to provide the required affordable housing within the scheme.

The Council instructed its retained viability consultants, CP Viability, to undertake an independent review of the viability appraisal submitted by the applicant. A key issue our consultants raised for this scheme was in relation to sales values. There is a lack of direct comparable evidence on which to base the assessment of value and therefore adjustments had to be made from the best comparable evidence in different market areas. This increases the risk of inaccuracy in the identified values. To reflect this uncertainty our consultants modelled 3 scenarios. Scenario 1 accepted the sales values put forward by the applicant as being reasonable, which resulted in only a modest surplus of £19,000 which could be put towards planning contributions. Scenario 2 assumed an increase of 5% in sales revenue. This results in a significantly higher affordable housing contribution of £330,000. They also ran a Scenario 3 where the values were reduced by 5%, which results in a nil contribution.

On this basis, due to uncertainty of the sales values for the site, our consultants recommended a compromise position in the region £150,000 as a reasonable contribution towards local affordable housing provision in lieu of affordable housing on site. The applicant agreed to the £150,000 off-site contribution on the condition that they could retain their ability to charge ground rents. Legislation is currently being drawn up by Government to remove this ability.

With regards to the off-site contribution, part 10 of Local Plan policy HC1 states:

Off-site provision of affordable housing, or a financial contribution of broadly equivalent value, will be considered where it can be robustly justified, and where the agreed approach contributes to the objective of creating mixed and balanced communities.

In this case, the applicant's viability consultant advises "the development seeks an off-site contribution due to the specialist nature of the retirement development proposed. It is well established that affordable housing provision cannot be provided onsite within a single retirement block with its associated management regime and relatively high service charges."

It is accepted that the affordable housing requirement cannot be met within the retirement scheme proposed and the contribution can be secured by a Section 106 legal agreement and used in connection with affordable housing provision in the area.

As the justification for accepting no on-site affordable housing is based on the specialist nature of the retirement development it is considered appropriate to restrict the age of residents within the scheme. The applicant's Planning Statement advises that the apartments will be occupied by persons over 60 years of age and, in the case of a couple, one person must be over the age of 60 and the other 55 years. This can be covered by condition.

Based on the above assessment, the Council's policy on affordable housing is met.

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The reasons for deferring the application at the February Planning Committee meeting included concerns over the viability assessment and the affordable housing contribution with an opportunity given for further discussion with the applicant over these matters.

Since this time the applicant has advised that the Mayhall Court development in Maghull was first occupied in 2000 and that 3 of its flats were sold in the last 12 months for an average of just over £119k which is some way below the sales values considered appropriate for the current scheme and would indicate a lower affordable housing contribution for the present application. The applicant has also advised that they cannot agree to any form of claw back mechanism as these are only appropriate when set out in Local Plan policy and usually apply to larger, multi-phase schemes.

The applicant has, however, agreed to increase the contribution to off-site affordable housing to £175,000. As previously stated, they have agreed to the figure on the basis that they can charge ground rents on the properties. Legislation is currently being drawn up by Government to remove this ability.

Visual Impact

The proposal comprises an L-shaped building of predominantly 3 storeys in height with a small element of 2 storeys on its western elevation and 4 storeys on the majority of its north and east elevations overlooking Liverpool Road South and the Leeds and Liverpool canal respectively.

Concerns over the design of the building were one of the reasons for deferring the application at the February meeting. Since then, the design has been amended. The grey cladding has been replaced with a sandstone brick chosen to reflect the local use of sandstone identified in the Parkhaven Character Area section of the Neighbourhood Plan. A cornice has been added to the roofline, the central render panel on the canal elevation has been extended to full height and additional windows added on the building's Liverpool Road South elevation. The building has a modern appearance with a flat roof and has been carefully designed through massing and the use of a variety of materials, including red brick, off white render and sandstone brick, which add interest and reduce its overall impact. Red brick and render are common features of the area and the use of sandstone can be seen on boundary walls and properties further along Liverpool Road South to the west of the site. Balconies overlooking the canal add further detail. The site is set at a lower level to the road and canal and much of the ground floor of the building will not be visible from public view outside the site further minimising its impact.

It is acknowledged that most of the buildings in the vicinity of the site are two storeys in height. This includes housing to the rear and west side of the site and on the opposite side of Liverpool Road South. One of the properties on the opposite side of the canal is single storey but some of the newer properties in Alexander Wharf are more than two storeys in scale with dormers at second floor level giving them greater height. There are also taller commercial buildings with a greater massing close to the site on Liverpool Road North with the building announcing 'Maghull Business Centre' occupying a prominent position adjacent to the elevated Red Lion Bridge.

The proposed building is sited close to the road and canal frontages allowing generous spaces to remain between the building and adjacent properties. The building's stepped design allows it to integrate with its surroundings by providing lower elements adjacent to existing properties.

The Canal and River Trust welcome the positive interaction of the building with the canal corridor but request that the iron railings proposed adjacent to the canal towpath are no more than 1 metre in height and this can be covered by condition.

The design of the proposed development is considered appropriate for its setting which is adjacent to the canal and close to the town centre.

Living Conditions

Surrounding Residents

Local residents have raised concerns about overlooking and loss of light. The building has been designed so that these impacts are minimised and a drawing has been provided to show how the building casts a shadow on the canal at different times of the year in response to concerns raised by residents living on the opposite side of the canal. There is a distance of approximately 26 metres between the east elevation of the proposed building to the cottages on the opposite side of the canal at 6 and 8 Damfield Lane and approximately 40 metres between the building's south elevation and houses at the rear on Buckingham Road (90, 92 and 94). The blank gable wall of the adjacent house at 322 Liverpool Road South is over 20 metres away. These distances all exceed the minimum separation distances set out in the Council's 'New Housing' Supplementary Housing Document (SPD) which is 21 metres between habitable room windows and 12 metres between a blank wall and a habitable room window.

A condition can be imposed so that all of the windows in the south elevation close to the boundary with 90 Buckingham Road are obscurely glazed in order to minimise overlooking impacts to this neighbouring garden. The windows all serve communal corridors where obscure glazing is appropriate and will not harm residents' outlook from within the building.

The Environmental Health Manager recommends that an acoustic barrier is provided for any boundary with residential dwellings and a condition can be imposed to secure the provision of an acoustic barrier along the southern and western boundaries of the site.

Occupiers of the Site

The Council's 'Flats and Houses in Multiple Occupation' SPD provides guidance on standards of amenity expected for occupiers of flats. It sets out that one bedroom flats should have a minimum floor area of 37 square metres and a two bedroom flat 61 square metres. The proposed flats all exceed this standard.

All habitable rooms should have a window with a reasonable outlook and prospect and the proposal complies with this guidance. The ground floor flats on the building's front elevation will be facing a

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grassed embankment sloping up to the road. Their habitable rooms are served by large patio doors which open out onto a terraced area and this is considered acceptable.

In terms of outdoor amenity space, the SPD states that it is important for residents to have access to an area of outdoor amenity space and a minimum of 20 square metres per flat should be provided. This equates to 880 square metres for the 44 proposed apartments.

The applicant has demonstrated that the proposal provides useable outdoor amenity space, including communal gardens, patios and paths for exercise, totalling 804 square metres. There are also 11 private balconies with a total floor area of approximately 110 square metres. In addition, landscaped areas to the north and east of the building provide an attractive outlook for residents and total some 508 square metres in area. The quality and quantity of outdoor amenity space provided for future occupiers of the site is considered acceptable and in accordance with the SPD standards.

The Environmental Health Manager has reviewed the submitted noise assessment report which concludes that road traffic noise is the main environmental noise source impacting the development site. It is accepted that noise levels for residents of the scheme will be acceptable both inside the building and in the external communal areas. A condition is recommended to minimise noise levels from any new fixed plant on the site.

Highway Safety

A number of objections have been received on highway safety grounds, many of them concerning access and parking issues.

The application, including the applicant's Transport Statement (TS), has been reviewed by the Council's Highways Manager.

The access arrangements for the site is a 5.5m carriageway with a 2.0m wide footway. The Highways Manager advises this is an acceptable access into the site and will provide safe pedestrian movements and allow 2 way vehicular traffic. Tactile paving and dropped crossings will be required at the junction and inside the site and bus stops should be updated.

The industry standard TRICS database has been used to obtain estimated trip rates for this current proposal, which is an accepted method and has made the comparison of the level of use from other similar developments in order to establish the extent of extra traffic that is likely to be generated by the proposals. The statement shows that the existing site will generate 7 two way trips in the AM peak and 11 two way trips in the PM peak hour. The TS has highlighted that 44 apartments will generate 3 two way trips in the AM peak and 4 two way trips during PM peak period. Therefore, the net impact of the proposed development is likely to generate fewer two way vehicular movements during both the AM and PM peak hour periods than the previous use.

Pedestrian movements will increase and will be served by the provision of the new 2.0m footway into the site.

The parking provision is shown as 34 car parking spaces for the development which includes the provision of 2 disabled parking bays and is acceptable. The proposal includes 8 visitor parking spaces, an ambulance bay, a taxi drop off point and 2 electric vehicle charging points which accords with the standards set out in the Supplementary Planning Document (SPD) 'Sustainable Travel and Development'. Staff parking should also be provided.

As car parking levels were mentioned at the February committee meeting, the applicant has advised that the Mayhall Court scheme in Westway has 15 spaces for the 43 units.

Cycle parking is required in accordance with the SPD. Cycle stands are shown close to the entrance to the building and the applicant advises that a mobility scooter store inside the building includes charging points for the scooters and can be used to store bikes.

The submission and subsequent implementation of a Residential Travel Plan can also be secured by condition.

The Highways Manager has raised no objections to the proposal subject to conditions relating to access details, off-site highway works, parking provision, a travel plan and a construction traffic management plan.

Landscaping

The proposal requires the loss of 9 trees which the Council's Tree Officer does not object to on the basis that the trees are of low quality with one identified as dead. Mitigation tree planting on a one for one basis and a landscaping scheme are required in accordance with Local Plan policy EQ9 and a condition is recommended to secure this. The scheme should include tree planting along the Liverpool Road South frontage and adjacent to the canal.

A local resident has requested that some of the trees shown for removal are retained and vice versa. The Tree Officer has looked at this request but advises that he is unable to object to the proposed tree removal based on its low quality but that this is subject to satisfactory mitigation planting. One of the trees requested for removal by the resident lies outside the site while the other is of moderate quality so should be retained as it would be difficult to mitigate its loss.

Ecology

The applicant has submitted a Preliminary Ecological Appraisal report which has been reviewed by Merseyside Environmental Advisory Service (MEAS). The report finds no evidence of bat use or presence and the Council does not need to consider the proposals against the three tests (Habitats Regulations).

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Conditions are recommended to protect potential habitats for bats and breeding birds.

Drainage

The latest drainage proposals show that foul water and surface water will drain separately into the existing public sewers on Liverpool Road South. A hydrobrake will limit surface water discharge to 5 litres per second which is acceptable to United Utilities and the Flooding and Drainage team. United Utilities had requested conditions and these requirements have been accommodated on the latest drainage scheme therefore drainage conditions are not required.

Section 106 Legal Agreement

Affordable housing is required for this application in accordance with Local Plan policy HC1 as set out above under the sub-heading 'Affordable Housing'.

In lieu of on-site provision, the applicant has agreed a £175,000 financial contribution towards affordable housing in the local area. This can be secured through a Section 106 legal agreement.

Other Issues

Conservation

Any impact on the Damfield Lane Conservation Area, which lies on the opposite side of the A59 (to the east), is considered to be minimal and the Conservation team have raised no objections.

Contaminated Land

The Phase 1 desk study report identifies no potential sources of contamination, with the exception of 'made ground' associated with the previous development of the site, and the overall risk from land contamination is considered to be low. The Contaminated Land Team Leader recommends standard conditions in relation to contaminated land.

Invasive Species

Japanese knotweed is present on the site and conditions are recommended to secure a suitable scheme for controlling the invasive species and remediating the site.

Waste

As the proposal is for major development, Merseyside Environmental Advisory Service recommend a waste audit or similar mechanism, such as a site waste management plan, is secured by condition in accordance with policy WM8 of the Merseyside and Halton Waste Joint Local Plan which requires the minimisation of waste production and efficient use of resources.

Canal

The Canal and River Trust recommends a condition requiring details of the retaining wall proposed along the canal side of the development.

Broadband

The National Planning Policy Framework (NPPF) outlines how high quality and reliable communications infrastructure is essential for economic growth and social well-being. A condition is recommended to secure such broadband services for all dwellings within the development in accordance with Local Plan policy IN1 'Infrastructure and Developer Contributions' and the NPPF.

Planning Balance and Conclusion

The proposal will deliver retirement apartments in Maghull for which there is an identified need and will contribute to housing delivery within a 'primarily residential area'. An appropriate contribution to affordable housing is also secured.

Whilst not strictly complying with the Neighbourhood Plan in terms of character areas, the scheme is considered appropriate in visual terms for its canalside setting and location close to the town centre.

The scheme will not have any significant detrimental impacts on the living conditions of existing residents, on future occupiers of the scheme, on matters of highway safety or on landscaping and matters of ecology subject to conditions.

The proposal complies with Local Plan policy and, in the absence of any other material considerations, approval is recommended subject to conditions and the completion of a Section 106 legal agreement.

Recommendation - Approve with Conditions subject to the completion of a Section 106 Legal Agreement

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five 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).

Approved Plans

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

Drawing No. A001 Site Location Plan

Drawing No. A101 rev B Proposed Site Plan

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Drawing No. A107 rev A Proposed Ground Floor Plan
Drawing No. A108 rev A Proposed First Floor Plan
Drawing No. A109 rev A Proposed Second Floor Plan
Drawing No. A110 rev A Proposed Third Floor Plan
Drawing No. A111 Proposed Roof Plan
Drawing No. A112 rev B Proposed Elevations Sheet 1 of 2
Drawing No. A113 rev B Proposed Elevations Sheet 2 of 2
Drawing No. McC&S-RBL-M-004 rev B Proposed Drainage Layout

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence, including any works of demolition, until details of all wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall include provision for the wheel washing of every vehicle directly engaged in construction/demolition activity prior to it leaving the site and shall be implemented during the course of the entire demolition/construction period.

Reason: To ensure the safety of highway users during both the demolition and construction phase of the development.

- 4) No development shall commence, including any works of demolition, until a Highways Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the demolition and construction phase of the development. If the details are not approved prior to commencement it will prejudice the safety of highway users.

- 5) No development shall commence, including any works of demolition, until a waste audit or similar mechanism, such as a site waste management plan, has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the demolition and construction period.

Reason: To minimise the production of waste and secure efficient use of resources.

- 6) No development shall commence until a method statement showing the extent of Japanese knotweed and a scheme for its eradication from the site has been submitted to and approved in writing by the local planning authority. The method statement shall include:-
 - i. A plan showing the extent of the invasive species,

- ii. what methods of eradication will be used to prevent the plant spreading further, including demarcation,
- iii. what methods of eradication will be used,
- iv. a timetable for its implementation; and,
- v. details of ongoing monitoring.

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

Reason: The details are required prior to commencement to ensure that Japanese knotweed is eradicated from the development site and to prevent the spread of the plant through development works.

- 7) No development shall commence until the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. Remediation shall proceed in accordance with the approved details.

Reason: The details are required prior to development or site clearance commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 8) No development shall commence until a remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, has been submitted to and approved in writing by the Local Planning Authority. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development. The remediation strategy must be carried out in accordance with the approved details at all times.

Reason: The details are required prior to development or site clearance commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9) No development shall commence until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the local planning authority. The details shall:

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- i. Demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure;
- ii. Provide detailed cross sections showing the distance from the canal to the proposed retaining wall and proposed buildings and relative levels;
- iii. Include the design, depth and means of construction of the foundations of the retaining wall, method for monitoring of vibrations of any piling, together with any other proposed earthmoving and excavation works required in connection with demolition or construction of the retaining wall and building;
- iv. Include details of the drainage layout to be provided as part of the retaining wall to deal with surface water run-off and current or future leaks/seepage from the canal;
- v. Specify how the canal will be protected during the works and include any proposed protective fencing to be erected to safeguard the waterway infrastructure during construction; and
- vi. Specify the method for how the trees on the boundary with the canal would be removed whilst safeguarding the stability of the canal infrastructure.

The development shall be carried out in accordance with the approved Risk Assessment and Method Statement.

Reason: To protect the structural stability of the canal infrastructure.

During Building Works

- 10) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the building are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: These details are required prior to external construction to ensure an acceptable visual appearance to the development.

- 11) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by condition 28.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12) No tree felling, scrub clearance or earth works, shall take place during the period 1 March to 31 August inclusive unless all buildings, trees, and scrub are first checked by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and approved in writing by the local planning authority.

Reason: To protect birds during their breeding season.

- 13) Prior to the erection of any lighting on the site, a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats shall be submitted to and approved in writing by the local planning authority. The approved mitigation strategy shall be implemented prior to occupation of the development and thereafter retained in perpetuity.

Reason: To safeguard conservation of bats.

- 14) The dead tree located in the north-east corner of the site shall be removed during the winter months (November to January inclusive) unless the removal of the tree is directly supervised by a licensed bat ecologist.

Reason: To safeguard conservation of bats.

Before the Development is Occupied

- 15) No apartment hereby approved shall be occupied until a validation report confirming the remediation treatment carried out on the site in respect of invasive species has been submitted to and approved in writing by the local planning authority which demonstrates that the site has been free from invasive species for 12 consecutive months.

Reason: The details are required prior to occupation to ensure that Japanese knotweed has been eradicated from the development site.

- 16) Before the development is occupied, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:

- i) Existing and proposed levels or contours
- ii) Proposed and existing services above and below ground
- iii) Details of boundary treatments and hard surfaces
- iv) The location, size and species of all trees to be planted
- v) The location, size, species and density of all shrub and ground cover planting
- vi) A schedule of implementation.

Reason: In the interests of visual amenity.

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- 17) Within the first planting/seeding season following completion of the development, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out; 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.

Reason: To ensure an acceptable visual appearance to the development.

- 18) Prior to the occupation of the development hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved before the development is occupied and retained as such thereafter.

Reason: To ensure an acceptable visual appearance to the development and/or to ensure that the privacy of neighbouring occupiers/land users is retained at all times.

- 19) Before the development hereby permitted is first occupied, the windows in the south elevation of that part of the building closest to the boundary with 90 Buckingham Road shall be fitted with obscured glazing, and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: To ensure that the privacy of neighbouring occupiers/land users is retained at all times.

- 20) The use hereby permitted shall not be occupied until a written scheme of noise control for any plant and equipment to be installed on site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: To safeguard the living conditions of neighbouring/adjacent occupiers and land users.

- 21) The development hereby approved shall not be occupied until details of full fibre broadband connections to all proposed dwellings within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any dwelling in accordance with the approved details.

Reason: To ensure adequate broadband infrastructure for new dwellings and to facilitate economic growth.

- 22) The development shall not be occupied until a minimum of two electric vehicle charging points have been installed and are made available for use within the development as permitted. The approved infrastructure shall be permanently retained thereafter.

Reason: To facilitate the use of electric vehicles and to reduce air pollution and carbon emissions.

- 23) a) A scheme of works for the proposed vehicular and/or pedestrian access shall be submitted to and approved in writing by the Local Planning Authority.
- b) No part of the development shall be brought into use until a means of vehicular and/or pedestrian access to the site/development has been constructed. These works shall be in accordance with the scheme approved under (a) above.

Reason: In the interests of highway safety.

- 24) The development shall not be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i. New pedestrian tactile dropped crossing on either side of the junction into Liverpool Road South; and
 - ii. Updated bus stops adjacent to the new development on both sides of Liverpool Road South via Merseytravel.

No part of the development shall be brought into use until the required highway works have been constructed in accordance with the approved details.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

- 25) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 26) No part of the development shall be brought into use until space and facilities for cycle parking have been provided in accordance with the approved plan and these facilities shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 27) The development shall not be occupied or brought into use until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local

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Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In order to meet sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

- 28) Before any part of the development hereby permitted is occupied/brought into use a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Ongoing Conditions

- 29) The development shall not be occupied until a scheme and appropriate scaled plan identifying suitable locations on the site for the erection of bat boxes together with a timetable for implementation has been submitted to and approved in writing by the local planning authority. The approved scheme of bat boxes shall be installed in accordance with the approved details and timetable.

Reason: To safeguard conservation of bats.

- 30) The occupation of the apartments shall be restricted at all times to people of 60 years and above or those over that age with a spouse or partner of at least 55 years old.

Reason: To accord with affordable housing policy.

Informatives

- 1) This permission is subject to a Section 106 legal agreement.
- 2) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.
- 3) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.

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- 4) Bats may be present in your building. Bats are protected species. If you discover bats you must cease work immediately.
- 5) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 and 9 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 12 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.

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Report to: PLANNING COMMITTEE **Date of Meeting:** 14th April 2021

Subject: [DC/2020/02392](#)
[392 Stanley Road, Bootle, L20 5AB](#)

Proposal: Change of use from hairdresser/beauty salon to licensed bar (sui generis)

Applicant: Mr. Jonathan Smallwood **Agent:** Mr. Brian Williams
North Park Tavern Williams Planning and Building
Design Services

Ward: Derby Ward **Type:** Full Application

Reason for Committee Determination: Call-in by Councillor Robinson

Summary

The proposal is to change the use of the property (ground and first floor) to a bar. The main issues to consider are the principle of development and impacts on the living conditions of neighbours. The application site lies within Bootle Town Centre; therefore development of hospitality uses is acceptable in principle, there would not be an overconcentration of similar uses within the vicinity and thus the proposal supports the vitality and viability of the centre.

There are a number of residential properties nearby including flats opposite and above commercial units. The Environmental Health Manager has raised no objection to the proposal subject to a scheme of soundproofing, no live music or entertainment taking place and for an appropriate hours' restriction. The hours originally requested by the applicant have been reduced while an outdoor beer garden within the rear yard area has also been omitted. Overall the proposal would bring into use a vacant unit within Bootle Town Centre and subject to conditions would not cause unacceptable harm to the living conditions of existing neighbours. The proposal complies with adopted local and national policy and is therefore recommended for approval.

Recommendation: Approve with Conditions

Case Officer Steven Healey

Email planning.department@sefton.gov.uk

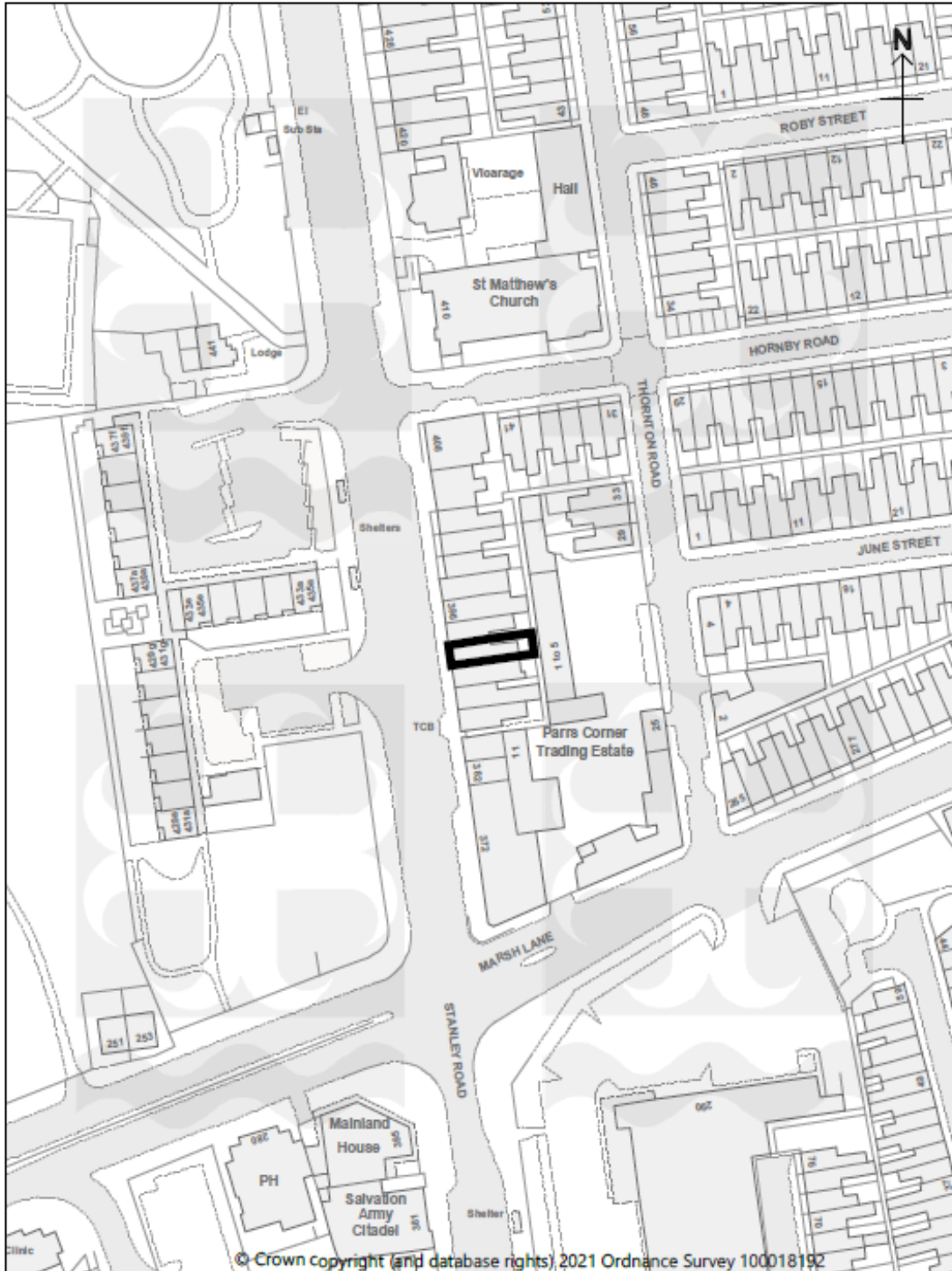
Telephone 0345 140 0845

Application documents and plans are available at:

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<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QK8X0SNW08800>

Site Location Plan



Reference: Map reference
Date: 30/03/2021
Scale: Scale: 1:1250
Created by: Initials

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The Site

The application site is 392 Stanley Road, Bootle, a two storey mid-terrace property close to North Park most recently occupied by a hair and beauty salon 'Rouge'.

History

None of relevance.

Consultations

Conservation Officer

No objection.

Environmental Health Manager

No objection subject to conditions.

Highways Manager

No objection.

Merseyside Police Architectural Liaison Officer

No objection.

Neighbour Representations

Application has been called in to Planning Committee by Cllr Robinson at the request of a local resident due to concerns over noise and anti-social behaviour.

Objections received from two addresses on Stanley Road, one on Hornby Road and one on Thornton Road on the following grounds: -

- Noise and disturbance due to drunk patrons
- Noise during unsociable hours will disrupt sleep and religious practices
- Impact on mental health and wellbeing of neighbours
- Anti-social behaviour and activity within rear alleyway
- Will have to relocate if proposal is allowed
- Insufficient consultation with neighbours

Policy Context

The application site lies within an area designated as Bootle Town Centre and a Regeneration Area in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

The proposal is to change the use of the whole building to a bar. The applicant has submitted a statement outlining their business model which specialises in craft and continental beers, also offering soft drinks, tea and coffee. The main issues to consider are the principle of development, impacts on the living conditions of neighbours and matters relating to access and highway safety.

Principle of Development

The application site lies towards the northern end of Bootle Town Centre subject to Local Plan policy ED2 where retail, leisure and other main town centre uses (including bars and pubs) are deemed acceptable in principle.

The site lies outside of the Primary Shopping Area and retail frontages therefore there is no requirement to retain a certain percentage of units as retail. Nevertheless, policy EQ10 states that food and drink uses ought not to result in unacceptable groupings of similar uses where they would harm the character of the area or vitality and viability of the town centre.

The proposal would occupy a currently empty unit within a run of around a dozen units beyond the junction of Stanley Road and Marsh Lane. There are various uses within the immediate vicinity but no drinking establishments and only one hot food takeaway. In this respect it is not considered there would be an unacceptable grouping of similar uses.

The site also lies within the Bootle Central Regeneration Area subject to policy ED6 of the Local Plan. One of the objectives of this policy is to support the development of new restaurants, leisure facilities and other appropriate town centre uses.

Overall it is considered that the proposal is acceptable in principle.

Impact on Living Conditions of Neighbours

While the application site lies within Bootle Town Centre, it is close to the centre's edge and it is understood there are flats to the first floor either side of the property, alongside other dwellings in the vicinity. Local Plan policies EQ2 and EQ10 require consideration to be given to the living conditions of neighbouring residents, with the latter indicating that development of food and drink uses ought only to be refused if significant harm would be caused to local amenity.

With regard to internal noise activity, the Environmental Health Manager has raised no objection subject to a condition requiring details of soundproofing and another preventing live music and entertainment. The applicant has agreed to the following hours' restriction: 08:00-22:30 weekdays and 08:00-12:00 weekends. This is a substantial reduction on the hours initially applied for and is deemed acceptable with respect to the site's town centre location. The encompassing shopping parade contains a convenience store and hot food takeaway which operates until 10pm on weekdays, therefore comings and goings and general activity continue within the locality outside

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of traditional business hours and indicate that the opening hours of the proposed bar are acceptable.

The application was initially submitted incorporating a beer garden within the rear yard. The Environmental Health Manager raised concerns over noise impacts and requested a Noise Assessment, however the applicant elected to omit this element of the proposal. It has also been agreed that the rear yard will not be accessible for patrons to smoke or otherwise congregate. This would also prevent unauthorised access to the rear alley.

While concerns have been raised over possible anti-social behaviour there is no evidence to suggest this would occur and cannot be considered a ground for refusal. The Police Architectural Liaison Officer has also raised no objection to the proposed development, however has made recommendations in terms of security measures which can be set out within an informative. There is no indication of a kitchen or need for extraction equipment. Overall it is considered that subject to conditions the proposal would not cause unacceptable harm to the living conditions of neighbouring residents.

Access and Highway Safety

The proposal has been reviewed by the Highways Manager who has raised no objection on highway safety grounds. While there are no off-street parking spaces proposed the site is located within Bootle Town Centre and there is some on-street parking directly fronting the site and public car parks nearby. It is likely that the proposal will result in a small number of new trips, however some of these will either be a redistribution of patronage between existing businesses or linked trips. Furthermore, the site is considered to be highly accessible with bus and train services in walking distance.

Other Matters

Neighbour Comments

The above report addresses the majority of concerns raised by existing neighbours. Numerous personal circumstances have been referred to in terms of shift patterns, medical conditions and religion. However, subject to conditions being attached securing soundproofing, preventing use of outdoor areas and restricting opening times there is no evidence to suggest that the bar would cause significant adverse impacts on health or wellbeing. Furthermore, a Premises Licence for the sale of alcohol has already been granted for the bar which can be reviewed should any issues emerge.

Concerns have been raised over a purported lack of consultation, however all neighbours within 30m of the application site have been notified which accords with the Council's Statement of Community Involvement.

Planning Balance and Conclusion

Overall the proposed use of the property as a bar is acceptable given its location within Bootle Town Centre. It would bring into use a vacant property, diversifying and supporting the centre's vitality and viability while not causing an unacceptable concentration of similar uses. The applicant has addressed concerns raised by Planning Services in relation to hours of opening and use of outdoor space.

It is considered that subject to conditions the proposal would not cause unacceptable harm to the living conditions of existing neighbours nor would general comings and goings. The site is within an accessible location with on-street parking available nearby. Overall it is considered that the proposal complies with adopted local and national policy and is therefore recommended for approval.

Recommendation - Approve with Conditions

Conditions

This application has been recommended for approval subject to the following conditions and associated reasons:

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five 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).

Approved Plans

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

Reason: For the avoidance of doubt.

Before the Development is Occupied

- 3) A scheme of sound insulation which protects adjoining residential units from noise disturbance must be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the bar being brought into use and be retained as such thereafter.

Reason: In order to protect the living conditions of nearby occupants.

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Ongoing Conditions

- 4) No primary cooking of raw food shall be carried out within the premises. Only cold food or reheated food that has been prepared elsewhere shall be served within the premises.

Reason: To allow assessment of odour impact should the premises diversify in the interest of preventing the emission of fumes that would be detrimental to the amenity of the area.

- 5) A scheme of noise control for any plant and equipment installed on site must be agreed in writing with the Local Planning Authority. The approved scheme must be installed before the plant becomes operational and retained thereafter.

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.

- 6) No live music, amplified music or live entertainment shall take place on 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.

- 7) The rear yard must not be made accessible to patrons of the bar at any time.

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.

- 8) The premises shall not be open for business outside of the hours of 08:00 to 22:30 on Mondays to Thursday, 08:00 to 00:00 Friday and Saturday and 09:00 to 22:00 on Sunday and Bank Holidays.

Reason: To prevent potential late-night noise and disturbance to nearby residents.

Informatives

Background Music

- 1) Background music is not prescribed under the Licensing Act 2003 and is exempt from other activities regarded as regulated entertainment. It shall be defined as any amplified music, which has a music noise level not exceeding LAeq 10min 65dB. Measurements to determine the music level shall be made at a position not less than 1 metre from any loudspeaker, instrument or wall.

Security

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- 2) Merseyside Police Architectural Liaison Officer recommends the following measures be put in place: -
- The main entrance door be controlled with a maglock
 - CCTV and an alarm system to be installed
 - A management area be included for cash handling
 - The rear yard be lit and kept tidy
 - Rear door/gate be kept locked to prevent access for patrons

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Report to: PLANNING COMMITTEE **Date of Meeting:** 14th April 2021

Subject: [DC/2021/00281](#)
[27 Timms Lane, Formby, Liverpool, L37 7DW](#)

Proposal: Erection of a part two-storey/part single storey extension to the side, two-storey extension to the side, single storey extension to the rear, single-storey garage to front and side and alterations to all elevations of the dwellinghouse including replacement pitched roof, following the demolition of existing garage.

Applicant: Mr. Latham **Agent:** Mr. Bailey
Mount Acre Homes Limited NJSR Chartered Architects LLP

Ward: Harington Ward **Type:** Householder application

Reason for Committee Determination: Called-in by Councillor Irving

Summary

This application seeks approval for a number of extensions and alterations to an existing two-storey dwellinghouse on the north side of Timms Lane within a primarily residential area of Formby.

The proposal is appropriate in terms of its impacts on the character of the area and the impact on the living conditions of neighbouring properties. It is therefore recommended for approval with conditions.

Recommendation: Approve with Conditions

Case Officer Neil Mackie

Email planning.department@sefton.gov.uk

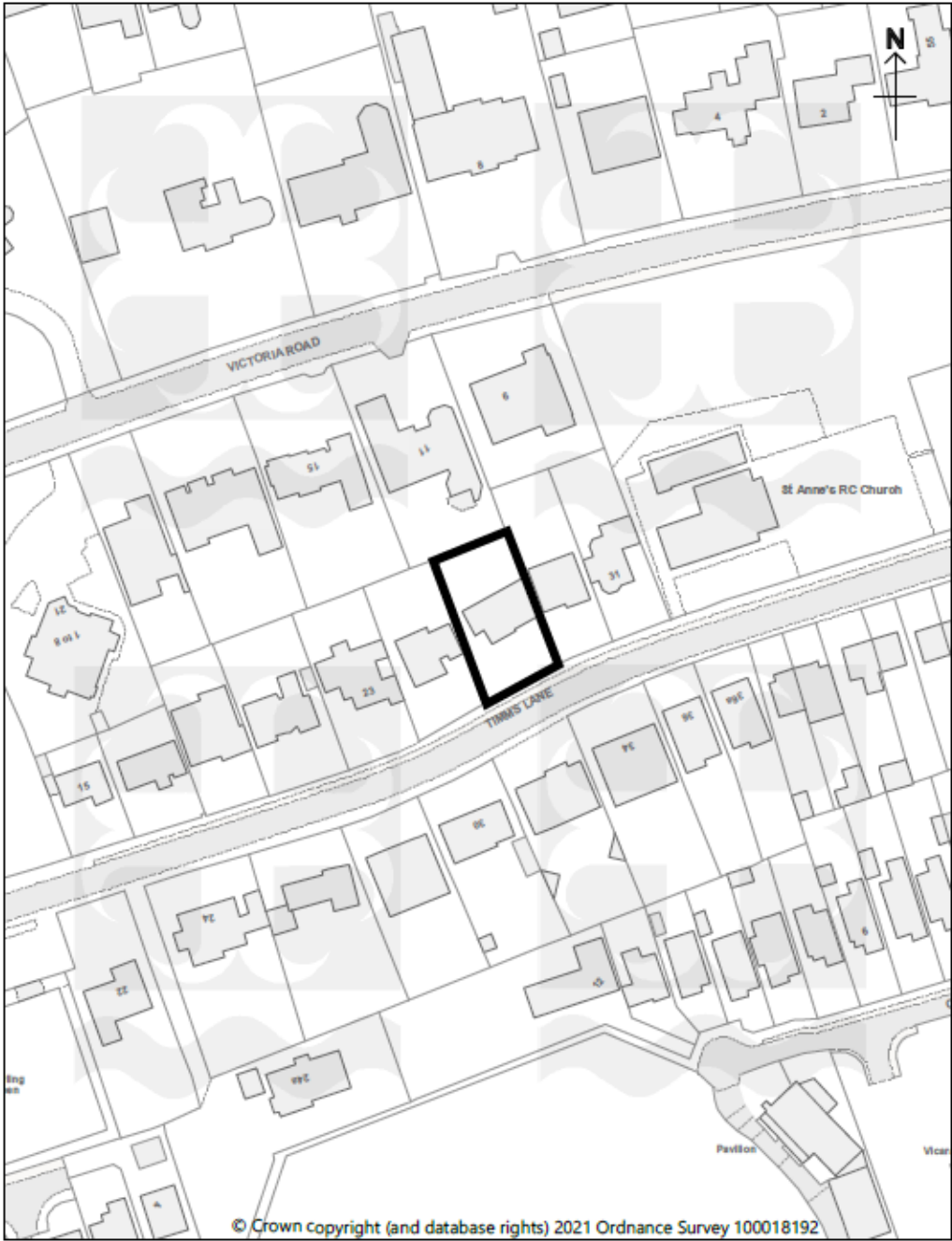
Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNWK6RNWHDI00>

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Site Location Plan



Sefton Council



Reference: Map reference
Date: 30/03/2021
Scale: Scale 1:1250
Created by: Initials

The Site

The application site comprises a detached two-storey dwellinghouse to the north side of Timms Lane within a primarily residential area of Formby.

History

Planning permission was granted in January 2021 for the erection of a two storey extension to both sides and a single storey extension to the rear following demolition of the existing garage, existing flat roof replaced with pitched roof, new render with window and door detailing to elevations (app.ref: DC/2020/02101).

Consultations

Conservation

The property at 27 Timms Lane is near a Non-Designated Heritage Asset (Roman Catholic Church of St Anne). The proposal will not damage in any way the character of the Non-Designated Heritage Asset.

Neighbour Representations

Neighbours

A letter of objection has been received from Number 29 Timms Lane who consider that the siting of the proposed garage represents an awkward and unwieldy attempt to shoehorn the structure into an inadequately sized space. The forward projection will give the house a cramped and unbalanced appearance, which will be unsympathetic to the original design. In the event of any approval they request that permitted development rights are removed from this property, as they were for the recent permission. This neighbour is also surprised that they received notification of an amended proposal only a matter of weeks after the proposal had been given for what appeared to be a definitive remodelling scheme.

An anonymous representation has also been received objecting to the proposal.

A neighbouring property has submitted support for the proposal stating that it will not harm the existing building line as it is no further to the road than that of Number 25 Timms Lane, the density of the proposal is appropriate to the area in terms of its density, scale and appearance

Councillor

This application has been called-in by Councillor Irving. He states that the proposal is contrary to planning policies, harmful to residential amenity and is of a poor design quality. He considers that this is 'Planning Creep' and goes against many policies in the Formby and Little Altcar Neighbourhood Plan as well as Sefton's Local Plan.

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In a separate objection, Councillor Irving considers that the development will have an impact on the neighbouring property at Number 29 Timms Lane, taking away a lot of natural light from the front and side. The proposal will give a very dominant effect to the street scene and the added proposal of the garage will be detrimental to visual amenity. The resulting density of the property will fail to respect the character of the area.

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

The Formby and Little Altcar Neighbourhood Plan was 'made' (i.e. adopted) on 21st November 2019 and carries full weight in decision making.

Assessment of the Proposal

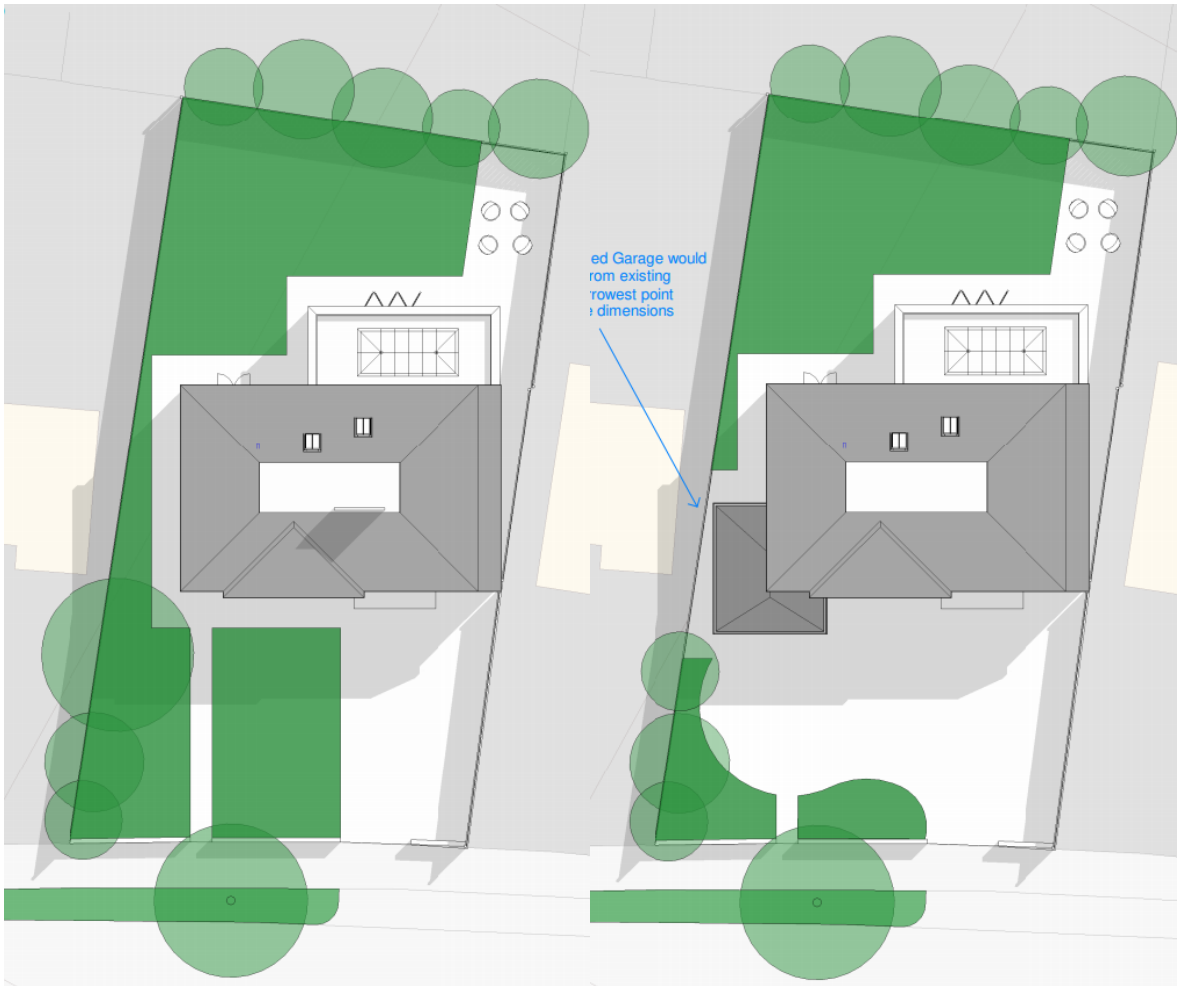
Members may recall the recently granted approval for house extensions at this site, planning application reference DC/2020/02101 (the committee report for which is attached as an appendix). This proposal differs from the extant permission by removing the integral garage to the right hand side of the property and proposing a wrap-around single-storey garage to the front and left-hand side elevation (west facing).

As all other matters relating to the proposal have been assessed against both the Neighbourhood Plan and Local Plan and found to be acceptable by way of granting approval to previous permission, the sole issue to consider is the impact of the proposed garage.

Below are extracts from the approved and proposed drawings demonstrating the changes to the footprint and to the front elevation:

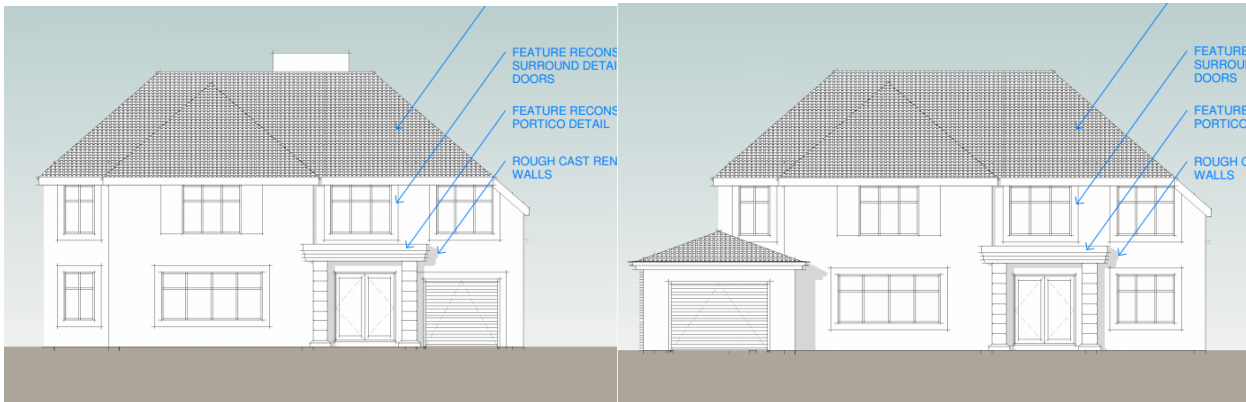
Approved Footprint

Proposed Footprint



Approved Front Elevation

Proposed Front Elevation



Agenda Item 5d

The garage will project 1.7m from the front elevation and 2.4m from the side elevation, with eaves at 2.6m and maximum ridge height of 3.5m.

The Council's guidance for front extensions states that they must be of a high quality design that respects the existing property and the street. In particular, extensions that project forward 1.5m from the main wall will be acceptable in principle. Extensions projecting beyond this distance will only be permitted provided that they do not cause harm to the existing building, neighbouring properties, the character of the area or highway safety as a result of a reduction in parking space.

In this instance the 1.7m projection is considered acceptable.

The proposal does not cause harm to the existing building as it draws on materials used in the main property, has a hipped roof to match the main property and reflects the stepped front elevation of the existing house.

In respect of the impact on neighbouring properties, there is a ground-floor habitable room window to the side of Number 25 Timms Lane (as shown on drawings for a recent approval at this neighbouring property) that will face towards the proposed garage. This window will be at least 7m from the nearest point of the garage. Given the modest size of the proposed garage and existing boundary treatments it is not considered that the garage will have an unacceptable impact on outlook from this habitable room window.

Due to the curve of Timms Lane there isn't a strong or consistent building line to the front of properties that would be significantly harmed by this proposal. The submitted location plan shows the footprint of the proposal along with that of neighbouring properties. It is evident that the garage will not project further forward than the existing buildings at Numbers 23 and 25 Timms Lane. This is a modest addition to a previously consented scheme and it is not agreed that the increase in footprint by itself gives rise to a development that is not in keeping with the character of Timms Lane. It is therefore considered that the proposal does not cause harm to the character of the area.

With regards to the final aspect in the Council's guidance, the garage is sufficiently separated from the highway so as to not cause harm to highway safety or amenity and it does not reduce the overall car parking space. As seen from the approved and proposed footprint snapshots above, the amount of car parking is likely to increase with this proposal.

Turning to the Formby & Little Altcar Neighbourhood Plan, policy H7 'Design of Car Parking' requires garages to be large enough to be useable (generally 4m by 6m), they should be designed to reflect the architectural style of the house they serve, and they should be set back from the street frontage.

As scaled from the proposed drawings the garage is 3.9m wide by 5m deep (as measured internally). While short of the recommended size within the Neighbourhood Plan it exceeds the Council's minimum requirements for a car parking space (2.5m x 5m) and is considered to be useable. The garage is considered to reflect the architectural style of the house and the garage is set back from the street frontage (the Neighbourhood Plan does not provide a minimum distance that it must be set back from the street frontage, nor the frontage of the house). The proposal therefore complies with the requirements of policy H7.

In view of the above it is considered that the proposed development is acceptable and complies with the Local Plan and the Neighbourhood Plan and should be granted consent with conditions.

Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five 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).

Approved Plans

- 2) The development is hereby permitted in accordance with the following approved plans:

A102 Rev 5 'Proposed Plans and Elevations'

A103 'Proposed Loft Level Plan'

A104 Rev 1 'Location Plan'

Reason: For the avoidance of doubt.

Ongoing Conditions

- 3)
 - a) The window at first-floor to the left hand side elevation (west facing) serving an unlabelled room on drawing A102 Rev 5 'Proposed Plans and Elevations' shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening.
 - b) The window shall be permanently retained in that condition thereafter.

Reason: To ensure that the privacy of neighbouring occupiers is retained at all times.

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- 4) All provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification) that are applicable to a dwellinghouse are removed from this property.

Reason: In the interests of amenity.

Appendix 1 – Previous Approval Committee Report

Report to:	PLANNING COMMITTEE	Date of Meeting:	20th January 2021
Subject:	DC/2020/02101 27 Timms Lane, Formby, Liverpool, L37 7DW		
Proposal:	Erection of a two storey extension to both sides and a single storey extension to the rear following demolition of the existing garage, existing flat roof replaced with pitched roof, new render with window and door detailing to elevations		
Applicant:	Mr. Latham Mount Acre Homes Limited	Agent:	Mr. Bailey NJSR Chartered Architects LLP
Ward:	Harington Ward	Type:	Householder application
Reason for Committee Determination:	Called-in by Councillors Irving and Pitt		

Summary

This application seeks approval for a number of extensions and alterations to an existing two-storey dwellinghouse on the north side of Timms Lane within a primarily residential area of Formby. The proposal is considered to be appropriate in terms of its impacts on the character of the area and the impact on the living conditions of neighbouring properties. It is therefore recommended for approval with conditions.

Recommendation: Approve with Conditions

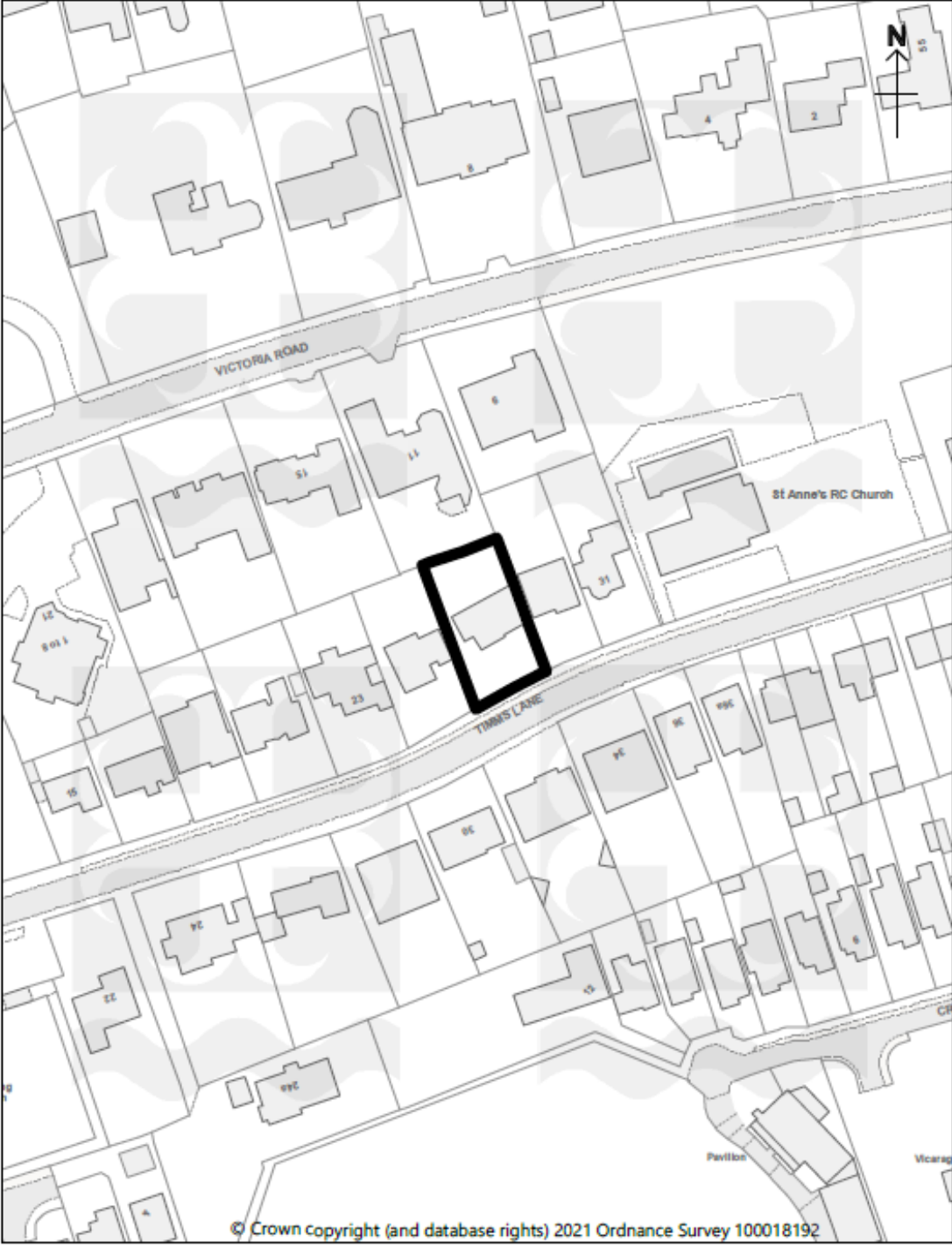
Case Officer	Neil Mackie
Email	planning.department@sefton.gov.uk
Telephone	0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QIDY5ONWMK700>

Agenda Item 5d

Site Location Plan



Sefton Council



Reference: Map reference
Date: 06/01/2021
Scale: Scale 1:1250
Created by: Initials

The Site

The application site comprises a detached two-storey dwellinghouse to the north side of Timms Lane within a primarily residential area of Formby.

History

DC/2020/01253 - Erection of a detached dwellinghouse following demolition of the existing dwellinghouse. Withdrawn.

Consultations

Tree Officer

No objections

Neighbour Representations

This application has been called-in by Councillor Irving stating on the required call-in form that the "height and massing of the development is detrimental to visual amenity and street scene. It is also contrary to the Local Plan Policy HC4 House Extensions. The SPG House Extensions, Formby and Little Altcar Neighbourhood Plan and the National Planning Policy Framework." Councillor Irving has also requested to speak at Planning Committee.

It has also been called-in by Councillor Pitt with the required call-in form stating that the proposal is contrary to planning policies.

A letter of objection from a property on Timms Lane and an objection from an unknown address have been received raising the following comments:

- The proposal is not just remodelling but a development that would result in a property being unrecognisable from that existing.
- The larger resulting building would have an overbearing impact and an unpleasing, overpowering or oppressive impact.
- The extensions are not set back sufficiently from the existing wall
- The loft could be used for habitable space in the future, emphasising the excessive size of the proposal.
- The proposal will result in a loss of light to habitable room windows and a loss of aspect from habitable room windows.
- Insufficient separation being retained between the proposal and neighbouring property, which is contrary to the character of the area and to the living conditions of that neighbouring property.
- Rear extension is too close to neighbouring property.
- Insufficient rear garden space is retained.
- The proposal extends beyond their site

A letter of support has been received from a property on Timms Lane stating that the proposal is appropriate to street and plot in terms of style and size.

Agenda Item 5d

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

The Formby and Little Altcar Neighbourhood Plan was 'made' (i.e. adopted) on 21st November 2019 and carries full weight in decision making.

Assessment of the Proposal

This application seeks approval for the extensions and alterations to an existing two-storey dwellinghouse with attached single-storey flat roof garage.

The proposed extensions to either side largely replace the single-storey garage and infill 'gaps' to the front left and rear left parts of the house, along with a single-storey flat roof extension to the rear.

Of direct relevant to this application is Local Plan policy HC4 'House Extensions, Houses in Multiple Occupation and Flats'. This policy states that extensions and alterations to dwellinghouses will be approved where:

- a) they are of a high quality design that matches or complements the style of the dwelling and surrounding area;
- b) the size, scale and materials of development are in keeping with the original dwelling and the surrounding area;
- c) the extensions and alterations are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties. In particular, extensions must not result in:
 - i. loss of outlook, from the main windows of neighbouring habitable rooms,
 - ii. a significant loss of light/overshadowing for neighbours,
 - iii. an overbearing or over-dominant effect on the habitable rooms of neighbouring properties,
 - iv. a significant loss of privacy for neighbouring residents.

While there isn't a specific house extension policy within the Formby & Little Altcar Neighbourhood Plan policy ESD2 'High Quality Design' is applicable to developments as a whole. This policy states that "To achieve high quality design, development should make a positive contribution to local character and proposals should demonstrate consideration of the following:

- a) Scale, density, height, landscape, layout, materials, access, frontages, and residential amenity.
- b) Retaining or creating good quality boundary and gateway features.
- c) Safety of movement and circulation of walkers, cyclists, vehicles and people with limited mobility/disability, both within and to/from the site.
- d) The outlook towards, within and from the development.

e) The delivery of high-quality green infrastructure including accessible open space commensurable with the scale of development and consistent with Local Plan policy EQ9.

The following sections will consider the requirements of both of the above policies where applicable.

Design, Scale and Massing

The proposed extensions and alteration reflect the form and materials used within the existing dwellinghouse or those seen to neighbouring properties along Timms Lane. The slight setback retained to either flanking wing to the central hipped gable reflects the current property along with a common design approach seen to extended or replacement dwellinghouses on Timms Lane.

While the overall ridge height has been increased from a maximum height of 7.9m to 8.2m this increase is more apparent to the wings flanking the central gable as at present they are a maximum 6.8m in height. This increase will be noticeable but given the sloping roof and the separation from the highway this will not be an obvious or overwhelming alteration that would detract significantly from the character or appearance of the existing dwelling.

In respect of the wider area, there is variety to the extent, height and form of properties along Timms Lane that ensures this proposal will not depart from the prevailing form nor detract from this varied residential character. It is also not uncommon for properties along Timms Lane to be built up to the side boundaries at single or two-storey height and so the extensions being proposed will also be appropriate in that context.

Objectors have raised concerns about the extent of extensions being sought here, with comments that the resulting development will be akin to a new dwelling. As is evident from the submitted drawings the extensions either largely act as in-fill developments to the corners of the property or replace existing single-storey development. Extensions as a matter of course will by their very nature extend a property. It is therefore a judgement to be undertaken by the Authority when determining such proposals as to whether they are in keeping with the original dwelling as required in part by criteria (b) of Local Plan policy HC4. In this instance it is considered that the extensions as proposed are in keeping with the original dwelling.

In view of the above the proposal complies with Neighbourhood Plan policy EDS2 and Local Plan policy HC4 as it is appropriate in scale, massing and design to the host dwelling and is also appropriate within the wider street scene.

Neighbouring Living Conditions

The absence of main windows to the east elevation of Number 25 to the left hand side ensures the proposal will not cause harm through introducing a poor outlook or causing unacceptable harm through overshadowing. Further, the recently approved first-floor extension above the garage to this neighbour will also lessen any potential harm from this proposal to existing windows to the side elevation of this neighbour. The infill extensions and 1.4m increase in height to the main ridgeline will not give rise to significant detrimental impacts through overshadowing the rear garden.

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The neighbour to the right hand side, Number 29, has two clear glazed windows to the ground-floor side elevation that serve a habitable room, the main window for which faces the rear garden. The two-storey extension to the right hand side will obstruct views from these windows, but as there is no right to a view and as they are secondary windows (given the larger window to the rear being considered the primary window) this is not sufficient to warrant refusal of the application.

While the proposal will overshadow these secondary windows and cause a loss of light this is already the case to some extent with the existing garage to No 27. The proposed extensions will be readily apparent from these two secondary windows but not from the main window serving the habitable room and so it is considered that the proposal will not give rise to an unacceptable overbearing or over dominant effect on this room as a whole.

The single-storey extension to the rear is appropriate in projection and height and it is considered this will not cause significant or unacceptable impacts through overshadowing or introducing an overbearing development to the rear garden or rear windows of Number 29. A rear extension of almost similar proportions could be built without the need for planning permission and this is an important factor.

The sole overlooking that may arise from the proposal is from a first-floor window to the left hand side of the building serving an unlabelled room. So as to ensure there is no overlooking of Number 25, however minor, it is reasonable to attach a condition to any approval requiring this window to be non-opening and obscurely glazed below 1.7m in height as measured from the internal floor level.

As set out there will be impacts on the living conditions in respect of a likely loss of light to ground-floor secondary windows to the west facing side elevation of Number 29. The proposal will be visible from these two secondary windows to a greater degree than currently experienced. However this is not considered to be so significant as to cause unacceptable impacts that would be contrary to the requirements of the Neighbourhood Plan or the Local Plan.

Therefore, in terms of the impacts on neighbouring properties it is considered that the proposal complies with the aims and objectives of Neighbourhood Plan policy EDS2 and Local Plan policy HC4.

Response to Objections

The comments made by objectors that the proposal has been submitted in an incorrect form is not agreed with as it is evidently a number of extensions to an existing dwellinghouse rather than a replacement dwelling.

Similarly for the reasons set out above it is not agreed that the proposal would be detrimental to the character of the area or cause a significant reduction in the living conditions of occupiers of neighbouring properties.

Conclusion

As the proposal complies with the requirements of Formby & Little Altcar Neighbourhood Plan policy ESD2 and Local Plan policy HC4, does not cause harm to the character of the area nor result in a

significant reduction in the living conditions of occupiers of neighbouring properties it is considered to be acceptable. This application is therefore recommended for approval with the conditions that follow.

Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five 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).

Approved Plans

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

A102 Rev 4 'Proposed Plans and Elevations'

A103 'Proposed Loft Level Plan'

A104 'Location Plan'

Reason: For the avoidance of doubt.

Ongoing Conditions

- 3)
 - a) The window at first-floor to the left hand side elevation (west facing) serving an unlabelled room on drawing A102 Rev 4 'Proposed Plans and Elevations' shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening.
 - b) The window shall be permanently retained in that condition thereafter.

Reason: To ensure that the privacy of neighbouring occupiers is retained at all times.

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Agenda Item 6

Report to:	Planning Committee	Date of Meeting:	Wednesday 14 th April 2021
Subject:	Planning Appeals		
Report of:	Chief Planning Officer	Wards Affected:	(All Wards)
Cabinet Portfolio:	Planning and Building Control		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To advise members of the current situation with regards to appeals. Attached is a list of new appeals, enforcement appeals, development on existing appeals and copies of appeal decisions received from the Planning Inspectorate

Recommendation(s):

- (1) That the contents of this report be noted for information since the appeals decisions contained herein are material to the planning process and should be taken into account in future, relevant decisions.

Reasons for the Recommendation(s):

To update members on planning and enforcement appeals

Alternative Options Considered and Rejected: (including any Risk Implications)

N/A

What will it cost and how will it be financed?

(A) **Revenue Costs**
N/A

(B) **Capital Costs**
N/A

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Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): There are no resource implications
Legal Implications: There are no legal implications
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6356/21) and Chief Legal and Democratic Officer (LD4557/21) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

Contact Officer:	Tina Berry
Telephone Number:	0345 140 0845
Email Address:	planning.department@sefton.gov.uk

Appendices:

The following appendices are attached to this report:

Appeals extract from the back office system plus copies of any Planning Inspectorate decisions.

Background Papers:

The following background papers, which are not available anywhere else on the internet can be accessed on the Council's website www.sefton.gov.uk/planapps

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Appeals Received and Decisions Made

Email: planning.department@sefton.gov.uk

Contact Officer: Mr Steve Matthews 0345 140 0845

Please note that copies of all appeal decisions are available on our website:

<http://pa.sefton.gov.uk/online-applications/>

Appeals received and decisions made between 24 February 2021 and 22 March 2021

Appeal Decisions

[37 Dorbett Drive Crosby Liverpool L23 0RY](#)

Reference: DC/2020/01921 (APP/M4320/D/21/3266769)

Prior approval submission for a proposed rear extension projecting 4.8 metres from the rear wall of the original dwellinghouse with a height of 2.82 metres at the eaves and a maximum height of 3.87 metres, after demolition of single storey outrigger (Valid 23.09.2020)

Procedure: Householder Appeal

Start Date: 27/01/2021

Decision: Dismissed

Decision Date: 11/03/2021

[Land Bounded By Poverty Lane To The South, A Railway Line To The West, Whinny Brook To The North And The M58 Motorway To The East, Maghull](#)

Reference: DC/2017/01532 (APP/M4320/W/20/3257252)

Hybrid application seeking full planning permission for the demolition of existing buildings and the erection of 841 residential dwellings (C3), new vehicular accesses off Poverty Lane, public open space and ancillary infrastructure and outline planning permission for an older persons housing scheme (C2, C3) and ancillary infrastructure with all matters reserved.

Procedure: Informal Hearing

Start Date: 24/08/2020

Decision: Allowed

Decision Date: 22/02/2021

[235 Worcester Road Bootle L20 9AE](#)

Reference: DC/2020/00083 (APP/M4320/W/20/3258298)

Change of use from a garage/dwelling to a House in Multiple Occupation (HMO) (Sui Generis) (7 units).

Procedure: Written Representations

Start Date: 23/09/2020

Decision: Allowed

Decision Date: 20/01/2021

[157 College Road Crosby Liverpool L23 3AS](#)

Reference: DC/2020/01362 (APP/M4320/Z/20/3261132)

Advertising Consent for the display of 1 internally illuminated 16 sheet sign on the gable wall of the property to replace existing sign

Procedure: Householder Appeal

Start Date: 10/12/2020

Decision: Allowed

Decision Date: 08/01/2021

[45 Stanley Road Bootle L20 7AW](#)

Reference: DC/2019/02007 (APP/M4320/W/20/3258714)

Variation of Condition 2 pursuant to planning permission DC/2019/00163 approved 28/05/2019 amended plans due to the re positioning of the cycle store due to introduction of electric meter services and alterations and amendments to elevations

Procedure: Written Representations

Start Date: 30/09/2020

Decision: Allowed

Decision Date: 21/12/2020

Agenda Item 6

New Appeals

Eden Salon 32 Arbour Street Southport PR8 6SQ

Reference: DC/2020/00949 (APP/M4320/D/20/3265736)

Erection of a two storey extension to the rear of property

Procedure: Written Representations

Start Date: 09/03/2021

Decision:

Decision Date:

34 St Andrews Road Crosby Liverpool L23 8UB

Reference: DC/2020/01866 (APP/M4320/D/20/3266008)

Erection of two storey extensions to the both sides and rear, alterations to the roof, rear dormer extension, incorporating a balcony, a living green wall to form part of rear dormer, and alterations to the rear boundary and landscaping of the dwellinghouse (part retrospective).

Procedure: Householder Appeal

Start Date: 09/03/2021

Decision:

Decision Date:

Former Central Buildings Church Road Crosby

Reference: DC/2020/00734 (APP/M4320/W/20/3266042)

Erection of a four-storey building containing 2 commercial units and 39 apartments with associated parking

Procedure: Written Representations

Start Date: 22/03/2021

Decision:

Decision Date:

144 College Road Crosby Liverpool L23 3DP

Reference: DC/2020/01972 (APP/M4320/W/21/3266665)

Change of use from Retail (E(a)) to Cafe/ Hot Food Takeaway (Sui generis).

Procedure: Written Representations

Start Date: 02/03/2021

Decision:

Decision Date:

Abbotsford Court 24 Abbotsford Road Crosby Liverpool L23 6UX

Reference: DC/2020/00455 (APP/M4320/W/21/3266992)

Erection of a fourth floor to accommodate 2 self-contained flats.

Procedure: Written Representations

Start Date: 02/03/2021

Decision:

Decision Date:

Meadowcroft 2 Old Rectory Green Sefton Village Liverpool L29 6YD

Reference: DC/2020/02082 (APP/M4320/W/21/3267517)

Change of use from garden room to office for administration only (retrospective application)

Procedure: Householder Appeal

Start Date: 12/03/2021

Decision:

Decision Date:

Highways Land Green Lane Thornton Liverpool L23 1TJ

Reference: DC/2020/01140 (APP/M4320/W/21/3267905)

Procedure: Written Representations

Prior Notification Procedure for the installation of a 20 metre high streetworks column supporting 6 antennas, two 0.3m dishes and ancillary equipment, the installation of 2 equipment cabinets and development ancillary thereto

Start Date: 22/03/2021

Decision:

Decision Date:

Appeal Decision

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/M4320/D/21/3266769

37 Dorbett Drive, Crosby, L23 0RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Mark McLaughlin against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01921, dated 20 September 2020, was refused by notice dated 3 November 2020.
 - The development proposed is the demolition of a single storey outrigger and the construction of a single storey extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal has been determined on the basis of the plans as the issue is a technical matter solely dependent upon the provisions of the above Order. No site visit has been undertaken.

Main Issue

3. Whether the proposed extension would constitute permitted development.

Reasons

4. The provisions of Article 3, Schedule 2, Part 1, Class A to the GPDO enable the enlargement of a dwellinghouse to be permitted development. However, under A.1.(j) an extension would not be permitted development if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.
5. There is no dispute between the parties that the extension would extend beyond a wall forming a side elevation of the original dwellinghouse. I note the appellant's argument that the original outrigger has never been habitable. Nevertheless, it has been attached to the house and therefore forms part of the the original dwellinghouse.

6. The Permitted Development Rights for Householders Technical Guidance¹ (TG) explains that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. The side wall of the outrigger is neither a front or a rear wall.
7. The TG goes on to say that where an extension is beyond any side wall, the restrictions in (j) will apply and that any such extension can not be more than half the width of the original house. The extension would be the full width of the house. It also specifically says that where an extension fills the area between a side elevation and a rear wall, then the restrictions on extensions beyond rear walls and side walls will both apply.
8. For the above reasons, the proposed extension does not constitute permitted development and the appeal is dismissed.

Siobhan Watson

INSPECTOR

¹ Ministry of Housing Communities and Local Government, September 2019

Appeal Decision

Hearing opened on 15 December 2020

Site visits made on 4 & 13 January 2021

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 February 2021

Appeal Ref: APP/M4320/W/20/3257252

Land north-east of Poverty Lane, Maghull

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for full and outline planning permission.
 - The appeal is made by Countryside Properties (UK) Ltd & Persimmon Homes Ltd against Sefton Council.
 - The application Ref DC/2017/01532, is dated 23 August 2017.
 - The development proposed was originally described as 'a hybrid application seeking full planning permission for the demolition of existing buildings and the erection of 830 residential dwellings (C3), new vehicular accesses off Poverty Lane, public open space and ancillary infrastructure; and outline planning permission for an older persons housing scheme (C2, C3) and ancillary infrastructure with all matters reserved'.
 - The hearing was conducted over three days, 15-17 December 2020.
-

Decision

1. The appeal is allowed: full planning permission is granted for the demolition of existing buildings and the erection of 841 residential dwellings (C3), new vehicular accesses off Poverty Lane, public open space and ancillary infrastructure; and outline planning permission is granted for an older persons housing scheme (C2, C3) and ancillary infrastructure with all matters reserved; in both cases on land north-east of Poverty Lane, Maghull, in accordance with the terms of the application, Ref DC/2017/01532, dated 23 August 2017, subject to the conditions in schedule 1.

Procedural matters

2. An inquiry had originally been scheduled for this appeal. At that stage, Maghull Town Council (TC) had served a statement of case in accordance with Rule 6(6) of The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000. There was a broad measure of agreement between the three main parties, as set out in their statements of case, and at the case management conference they agreed that a hearing would be an appropriate procedure for the appeal. For that reason, and with no need for evidence to be formally tested through formal questioning by an advocate, I decided that the appeal should be considered at a hearing. The Town Council took a full part in the proceedings of the hearing, and I have continued to consider it as a main party in this appeal.
3. On the application form the location of the proposed development is given as land bounded by Poverty Lane to the south, a railway line to the west,

Whinney Brook to the north, and the M58 motorway to the east. At the case management conference, it was agreed that the location of the site should be referred to simply as land north-east of Poverty Lane, Maghull, and I have identified it accordingly in the appeal details above.

4. Full planning permission was originally sought for 830 dwellings. Subsequently this part of the proposal was amended to provide for 841 dwellings, and the application was considered by the Local Planning Authority (LPA) on that basis. It was agreed at the case management conference that the proposal should be described as follows: *a hybrid application seeking full planning permission for the demolition of existing buildings and the erection of 841 dwellings (C3), vehicular accesses from Poverty Lane, public open space and ancillary infrastructure; and outline planning permission for an older persons housing scheme (C2, C3) and ancillary infrastructure with all matters reserved.*
5. An environmental statement accompanied the planning application. I am satisfied that this statement meets the requirements of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011.
6. A planning agreement has been submitted in connection with the appeal proposal (Document H20). It contains obligations concerning the provision and management of open space, the flood relief channel, affordable housing, and financial contributions relating to monitoring, recreational pressure, education, healthcare, public transport, highway works, and the Leeds-Liverpool Canal.
7. A set of core documents was prepared for the hearing. Statements and documents submitted after the hearing opened are detailed in the lists appended to this decision.
8. The Town Council requested that the programme of site visits include Maricourt Catholic High School, which is situated on Hall Lane and Damfield Lane beyond the north-west end of Poverty Lane, and St Andrew's Church of England Primary School and Deyes High School, both of which are further away on Deyes Lane. Although I have seen the position of all three schools, it was not possible to be present during the normal start or end of the school day due to the restrictions on school attendance in force as a consequence of the covid-19 pandemic. However I am aware of the position of the schools in relation to the appeal site and, in my experience, I anticipate that more vehicle movements would normally occur around these establishments at the beginning and end of the school day than is currently the case.

Main Issues

9. The appeal was made against the failure of the LPA to give notice of its decision on the planning application within the prescribed period. The planning application had previously been recommended for approval, but a decision had been deferred for preparation of a construction environmental management plan (CEMP) and an update on arrangements for early completion of the distributor road across the site. Subsequently the appeal was submitted, which the LPA resolved not to contest: in its statement of case it expressed the view that the proposal is acceptable in policy terms, and that planning permission should be granted subject to conditions and a planning agreement. The LPA also explained that it was working to secure a CEMP and

early completion of the distributor road. In its statement of case, Maghull TC stated support for the comprehensive development of the land east of Maghull (of which the appeal site forms part), it also stressed the importance of a co-ordinated approach to the delivery of infrastructure, referring to the flood relief channel, the distributor road, the routing of construction traffic, and phasing in relation to provision of a local centre.

10. Having regard to the representations of the parties, I consider that the main issues in this case are:
 - (i) Whether the proposed development including its construction, would include satisfactory proposals for vehicle movement, having regard to traffic flow, highway safety and the living conditions of existing residents.
 - (ii) Whether the proposed development would be consistent with policies in the Development Plan.
 - (iii) The effect of other considerations on the overall planning balance.

Planning policies

The Development Plan

11. The Development Plan comprises the Sefton Local Plan (CD3.1) and Maghull Neighbourhood Plan (CD3.2). Those policies of most relevance to the appeal proposal concern the land east of Maghull. In the Local Plan, Policy MN3 identifies this land as a strategic mixed-use allocation. The appeal site forms much of the southern part of this allocation, the full extent of which is shown on the Policies Map (Document H8). Development of the land is intended to create a sustainable urban extension, and must be consistent with a masterplan. Components of the overall development are to include a minimum of 1,400 dwellings, small-scale commercial and retail development, a main park along Whinney Brook, and a distributor road (also referred to by parties as the spine road) running across the allocated land between School Lane in the north and Poverty Lane in the south. Part 6 of the policy includes a series of phasing requirements. This land is the subject of Policy MAG 6 in the Neighbourhood Plan, which requires the masterplan to include the distribution of land uses and a framework for the delivery of essential infrastructure.
12. A number of other policies are also of relevance to the proposed development. Policy MN1 of the Local Plan provides for the development of 11,520 new homes in Sefton between 2012 and 2030: housing allocations identified in Policy MN2 are one of the sources for meeting this requirement. In Policy MN2, site MN2.47 is the land east of Maghull, and has an indicative capacity of 1,400 dwellings. Housing policies HC1, HC2 and HC3 are concerned respectively to secure affordable housing, a mix of dwellings, and (as a general rule) a minimum density of 30 dwellings per hectare (dph).
13. Where appropriate, contributions will be sought to enhance and provide infrastructure to support new development (Policy IN1). Amongst other matters, Policy EQ4 seeks to minimise the risks of adverse impacts from pollution (amongst other matters), and proposals must not increase flood risk within the site or elsewhere (Policy EQ8). Policy NH2 is concerned with nature conservation: development which may adversely affect the integrity of internationally important sites should only be permitted where there are no

alternative solutions, there are imperative reasons of overriding public interest, and where suitable compensatory provision has been made. Proposals which affect protected species should include details of avoidance, mitigation and/ or compensation and management where appropriate.

14. The Neighbourhood Plan Proposals Map shows several proposed green corridors within the land east of Maghull. Policy MAG 5 requires that proposals should not have a significant adverse impact on the open character, visual amenity and purpose of these corridors.

Supplementary planning documents

15. Several supplementary planning documents (SPDs) have been referred to in the representations. Of most relevance in this case is the Land East of Maghull (LEM) SPD (CD 4.1). Policy LEM1 sets out requirements for preparation of the masterplan, and seeks an integrated approach to the management of flood risk across the allocation. Other policies are concerned with accessibility, flood risk, the main park along Whinney Brook, housing and infrastructure.

Land East of Maghull Masterplan

16. The Masterplan (CD4.2) was prepared by the Appellants and neighbouring landowners and adopted by the LPA in 2019. A concept masterplan (figure 6.1) shows the general location of housing, two older persons housing schemes, the business park, local shopping provision, the distributor road and public open space. Phasing proposals are also included: the appeal site covers parts of phases 1a (housing and part of the flood relief channel), 2 (the southern part of the distributor road), and 4 (housing). Phase 1a includes a maximum of 250 dwellings which may be served from Poverty Lane before completion of the distributor road.

Other development proposals

17. An outline planning application for up to 855 homes, older persons' housing and a mixed-use local centre has been submitted for the area between School Lane and Whinney Brook, also within the allocated land east of Maghull and immediately to the north of the appeal site¹. A decision on that application was deferred for the same reasons as for the appeal proposal. Subsequently, the application has been amended to a hybrid format, with full planning permission sought for the flood relief channel. The LPA advised that following amendment of the description of development, that application was the subject of a reconsultation exercise.
18. At the north-eastern corner of the land east of Maghull, planning permission has been granted for a petrol station, a drive-through café and two drive-through restaurants², and construction work has commenced.

Reasons

Vehicle movement

19. The appeal proposal is for a major residential development. The effect of the appeal proposal on the highway network was modelled together with the

¹ The site of this application is marked B on the plan at Appendix 2 to Document 13.2, the appeal site is marked A.

² The planning permission is Document H9 and a plan of this site is at Document H10.

proposed development on the land to the north (above, para 17), in a joint transport assessment (CD 6.1). It is common ground between the Appellants and the Council as Local Highway Authority (LHA) that the South Saturn model used and the detailed assessments of individual junctions provided a suitable means to assess the effects of traffic generated by the developments on the highway network.

Poverty Lane

20. Two access points are proposed on Poverty Lane: the southern end of the distributor road would join the existing road at a new roundabout junction towards the south-east end of the site frontage, and a secondary access would be formed further along Poverty Lane to the north-west. These positions are consistent with Policy LEM3 of the LEM SPD.
21. That policy also says that the secondary access should only serve a limited number of dwellings, making reference to a maximum number of 50, whereas the number of dwellings served from this junction would be 71. Application of the trip rates agreed with the Council indicates that in the morning and afternoon peak periods, an additional 12 and 11 vehicle movements respectively would be generated by the higher number of dwellings served from this access³.
22. Summerhill Primary School is situated on the opposite side of Poverty Lane to the appeal site, and parking occurs along this side of the road at the beginning and end of the school day. On this stretch of the road there are several raised tables and speed cushions which have a role in reducing the speed of traffic past the school. The proposal would enhance features having a bearing on the speed of traffic movement along Poverty Lane: in particular the raised table close to the school access would be extended and a signalised crossing would be provided there⁴. Speed cushions and a raised table close to the position of the secondary access would be retained, and this access road would be about 70m away from the school entrance. It is intended that waiting restrictions would be imposed on each side of the new junction, and laybys for parking would be provided closer to the School entrance. The highway works proposed along Poverty Lane could be secured by a condition. Taking these factors into account, I do not consider that the use of the secondary access by vehicles serving an additional 21 dwellings would increase the prospect of conflict with road users going to and from Summerhill School. Nor would the proposed layout result in an inappropriate level of vehicle movements on any residential roads within the development. In this regard, I note that it is common ground between the Appellants and the LHA that, in principle, the secondary access would have an acceptable junction layout, and that it is acceptable in highway terms for it to serve 71 homes⁵.
23. The roundabout junction between the distributor road and Poverty Lane/ Leatherbarrows Lane has been designed in accordance with the Design Manual for Roads and Bridges, part CD116 - Geometric Design of Roundabouts. The model outputs indicate that for each of the three development scenarios (2021, 2027 and 2034), the junction would operate

³ CD13.4 tables 3.1 & 3.2.

⁴ A plan showing the highway works on Poverty Lane is at CD13.4 Appendix 3.

⁵ CD9.3 paras 1.6 & 1.7.

well within capacity with minimal queueing and delay at peak periods⁶. The Appellants' evidence that accident data from the Council indicates that there were no personal injury accidents on Poverty Lane in the vicinity of the appeal site in the period from 2015 to 2020⁷ has not been disputed.

The wider local highway network

24. Junction 1 of the M58 motorway is adjacent to the north-east corner of the LEM allocation. A major upgrade of the junction has recently taken place with the construction of south-west facing slip roads. The Transport Assessment explains that this improvement will significantly increase the ability of the junction to cope with future demand, and a planning obligation would provide for a contribution of £432,500 towards the scheme, in line with Policy MN3(3c) of the Local Plan.
25. It is agreed between the Appellants and the LHA that most of the assessed junctions would operate satisfactorily with the development in place. Increased queueing and delays were, however, forecast at the junctions of Damfield Lane and Hall Lane with the A59: the A59 is a busy main road which runs through the built-up area about 1km to the west of the appeal site. The LHA is implementing an improvement scheme at the Damfield Lane junction, involving signalisation and modifications to the existing layout⁸. Signalisation is expected not only to facilitate the movement of vehicles from Damfield Lane through the junction, but to improve safety in respect of these movements and to make the junction safer to use for pedestrians. At the hearing the LPA's highways representative advised that the improvement scheme would provide the mitigation required at this junction.
26. At Hall Lane, it is proposed that the existing signal programme be altered to include a right turn phase for vehicles on the A59 north approach. In consequence, in 2027 with the development in place, queues are expected to reduce from 38 and 151 vehicles in the morning and afternoon peak periods to 15 and 8 vehicles respectively. The length of delays would also be significantly reduced⁹. It is agreed with the LHA that this alteration to the signal operation would mitigate the traffic impact of the appeal proposal and that of the development proposed on the adjacent site at this junction.
27. Further to the east on Hall Lane is a single-track bridge over the Leeds - Liverpool Canal. The LHA is satisfied that the proposed traffic management scheme¹⁰, restricting use of the bridge to eastbound traffic only, is acceptable in principle. Westbound traffic would be able to use Damfield Lane as an alternative route from its nearby junction with Hall Lane. I have no reason to disagree with the views expressed about the suitability of this element of the proposal.
28. The Transport Assessment concluded that there were no significant road safety issues on the surrounding highway network. There is no specific evidence that highway safety would be adversely affected in the vicinity of local schools, nor that problems would arise due to traffic using Molyneux Road, on the opposite side of Poverty Lane, as a 'cut through'. On the other

⁶ CD13.4 tables 9.1, 9.8 & 9.31.

⁷ CD13.4 paragraph 4.37.

⁸ Document H5.

⁹ CD13.4 tables 9.30 & 10.3.

¹⁰ CD13.4 Appendix 5.

hand, the scheme proposed for the A59/ Damfield Lane junction is expected to improve safety.

Construction traffic

29. The Appellants have calculated that, during the busiest part of the construction period, when work would include the building of the distributor road, there would be 290 movements of construction vehicles to and from the site¹¹. Of these 68 would be heavy goods vehicle (HGV) movements. Concern has been expressed by Maghull Town Council, local residents and councillors about the route which would be used by construction traffic. A consultation exercise last year revealed support from the local community for construction traffic to use a haul route across the land to the north from School Lane: School Lane leads directly to junction 1 on the M58.
30. A framework CEMP for the land to the north refers to the provision of a haul route from School Lane to Whinney Brook for use by vehicles involved with construction of the flood relief channel and the distributor road (CD5.3). The CEMP also mentions that this haul route could potentially be used by construction traffic travelling to and from the appeal site, subject to agreement between the parties concerned. However no agreement has been reached, and the option of use of a haul route for construction traffic associated with the appeal proposal is not currently available.
31. It is estimated that the development of the site would take 5 years 10 months. Initially all construction traffic would gain access from Poverty Lane, but, following connection of the distributor road across the land to the north of Whinney Brook and through to School Lane (above, para 17), vehicles would be routed in that direction. There is no policy support for completion of the distributor road in advance of the 250 dwellings threshold in Policy MN3(6C) of the Local Plan, and, at the hearing, the Appellants' highways consultant suggested that the connection along the distributor road to School Lane could be available one year and eight months into the building programme, following completion of that number of dwellings. That view is based on the assumption that development of the land to the north, with its part of the distributor road, would occur concurrently with construction on the appeal site. That may not be the case, and given that the length of the distributor road on the adjacent land would be greater, I consider that the shortest time during which construction traffic would need to use Poverty Lane to reach the appeal site would be somewhat in excess of the Appellants' estimate. Construction of the distributor road within the appeal site is expected to take 6 months, and following its completion the number of daily construction traffic movements is expected to fall by eight, all of which would be HGVs.
32. Five possible construction routes have been suggested by the Appellants. Options 1 & 2 make use of roads through the countryside to the east of the site to establish a route between the M58 and Poverty Lane. Options 4 & 5 also link junction 1 and Poverty Lane, but leave the motorway along School Lane and pass through residential areas to the west of the appeal site. Option 3 is a route from the A59 and passes through residential areas to reach Poverty Lane.

¹¹ CD13.4 Appendix 16 Annex 1.

33. Options 1 and 2 use the same roads for much of the routes. The Appellants' preferred eastern route is option 1, which involves the use of several narrow sections of road. In places the carriageway could be widened to allow HGVs to pass, but there is a 65m section of Giddygate Lane where this cannot be achieved¹². Either temporary traffic signals or alternate priority signs would be needed, whilst maintaining access to a few houses on this stretch of road.
34. Of the western routes, option 3 has the disadvantage of not making use of the nearby motorway. Of the other two routes, option 5, along School Lane, Deyes Lane, Eastway and Poverty Lane, has sufficient width to accommodate articulated lorries throughout its length and is the Appellants' preferred route from this direction, whereas there are parts of Foxhouse Lane (option 4) where HGVs could not pass.
35. I have considered the information submitted by the Appellants concerning accidents, air quality and noise. The frequency of accidents on both the option 1 and option 5 routes during the five years 2015-2020 was low¹³, with most being slight in severity. The information on accidents does not indicate that one route is inherently less safe than the other. The air quality assessment has calculated the change in concentrations of nitrogen dioxide and particulate matter arising from construction traffic movement along the option 1 and 5 routes at a range of sensitive receptors to the west and east of the site, and has concluded that the significance in exposure would be negligible¹⁴. Similarly, the noise assessment finds that the noise levels from HGV movements would be below the lowest observable effect level¹⁵. There is no other detailed technical information on these matters before me.
36. Noise and air quality assessments are not the only factors to take into account in considering the effect of construction traffic movement on living conditions. The regular movement of HGVs and other construction traffic along residential roads over a relatively lengthy period before access would be available by means of the distributor road would be intrusive and a source of disturbance. The Appellants have calculated that there would on average be one HGV trip every ten minutes over an 11 hours working day, although it is intended that there would be no HGV movements during the times when children are arriving at and leaving Summerhill Primary School¹⁶. That also assumes that journeys would be regularly spaced over the construction period, whereas there may be periods when circumstances on site lead to higher (as well as lower) levels of daily movement. Although the housing along the eastern part Deyes Lane is on a direct route between the A59 and the motorway, that is not the case on Eastway south of its junction with Deyes Lane, and I am particularly concerned about the impact of construction traffic movements here. At the north-west end of Poverty Lane there is existing housing on both sides of the road, whereas vehicles coming from the east would only pass dwellings on the south-west side, a significant proportion of which are set further back from the road. I consider that use of the option 5 route by construction traffic would be unacceptable due to the adverse effect on the living conditions of local residents. Although not preferred options, I have

¹² The highway works involved and the narrow section of Giddygate Lane are shown on a plan in CD13.4 Appendix 13.

¹³ CD13.4 paragraphs 5.18-5.22.

¹⁴ CD13.4 Appendix 18.

¹⁵ CD13.4 Appendix 19.

¹⁶ CD13.4 paragraphs 5.15 & 5.16, and Appendix 16.

reached the same view about the possible use of options 3 and 4 which would also involve construction traffic passing through residential areas. I appreciate that use of the option 5 route would avoid the need for highway works, whereas such works and a traffic management scheme would be necessary on the option 1 route which passes a few dwellings. However that circumstance does not justify the adverse impact on the living conditions of a much larger number of residents, which would result from the use of routes for construction traffic on the western side of the site.

Conclusions on vehicle movement

37. I conclude that the proposed development would not adversely affect highway safety or traffic movement. Conditions would be necessary to ensure the provision of the permanent highway works proposed on Poverty Lane and elsewhere on the local network, with the exception of the scheme at the A59/Damfield Lane junction which has already commenced. Insofar as the routing of construction traffic is concerned, as I have found that the use of routes through residential areas to the west would have an unacceptable effect on the living conditions of local residents, a condition concerning a CEMP should preclude journeys to and from that direction.

Consistency with the Development Plan

Land east of Maghull

38. The appeal proposal is for a large housing scheme on the southern part of the Land east of Maghull. This land is the largest allocation in the Local Plan, and has an indicative capacity of 1,400 dwellings: development of the appeal site for over 840 dwellings would be consistent with this allocation under Policy MN2. Policy MN3 is intended to guide the development of this strategic site Land east of Maghull, and accordingly it is the most important policy in the Development Plan for determining this appeal.

39. Part 3 of the policy requires a comprehensive approach to infrastructure provision. In accordance with this part of the policy, planning obligations would provide contributions towards the expansion of Summerhill Primary School, the recently built slip roads at junction 1 of the M58, and a bus service to run through the land east of Maghull. Part 3b refers to the provision of a main park within the allocated land. This is to be provided along Whinney Brook, and the proposal would provide that part of the park within the appeal site, on the southern side of the watercourse.

40. The proposal would also comply with the relevant provisions of part 5 of Policy MN3, which specifies components of the overall development. It would contribute towards the minimum number of 1,400 dwellings, including affordable housing, and would provide one of two older persons housing schemes (part 5a). Part 5b concerns provision of the main park on either side of Whinney Brook, to which I have already referred. The landscape masterplan (CD1.58) includes proposals for trees and buffer planting to the M58, in accordance with part 5e of the policy. Part 5f requires the layout to provide for a distributor road and a bus route across the site. The southern section of the distributor road forms part of the appeal proposal, and it is intended that the bus route would cross the land east of Maghull using this road. Footpaths within the main park would provide connections to other parts of the allocated land, and a new footway/ cycleway along Poverty Lane

would provide links to the primary school and towards public footpath No 13 on the eastern side of the site. Provision of the footway/ cycleway could be secured by a condition. A flood relief channel would be formed along Whinney Brook to manage flood risk (below, paras 45-47), in compliance with part 5h, and management arrangements for public open space would be the subject of a planning obligation (part 5i refers).

41. The final part of Policy MN3 is concerned with phasing requirements. Maghull North railway station and the south-west facing slip roads at junction 1 of the M58 have already been provided. Parts 6c, 6d and 6f place limits on the amount of housing which should come forward before completion of the distributor road, construction of the access road to the business park, the provision of servicing and landscaping at the business park, and the local shopping provision being made available for occupation. These restrictions could all be the subject of conditions.
42. Insofar as the Neighbourhood Plan is concerned, the appeal proposal would respect the green corridors shown on the Proposals Map and referred to in Policy MAG 5. Policy MAG 6 sets out requirements for the masterplan, and that document has been prepared and adopted.

Housing policies

43. Under Policy HC1, affordable housing should be provided at a level of 30%. The text of the policy refers to the measurement of provision by bedspaces, but the assessment is now made on the basis of dwellings. This change and a change in tenure split are supported by part 11 of the policy which provides for adjustments in implementation having regard to changes in national guidance and in the Borough's requirements. The scheme would provide 32% of dwellings and 30% of bedspaces as affordable accommodation. Reflecting the 2019 Strategic Housing Market Assessment for Sefton, the tenure split sought has been adjusted from 80% social/ affordable rent and 20% intermediate housing to 67% social/ affordable rent and 33% affordable home ownership. The planning obligation concerning affordable housing is consistent with this requirement. Affordable housing would be distributed throughout the development. Although some groupings would comprise more than the six dwellings specified in the policy, bearing in mind the preferences of registered providers and the amount of affordable housing to be provided, I agree with the LPA that the distribution of affordable housing proposed is reasonable.
44. The proposed development would comply with Policy HC2 concerning the mix of market dwellings, and the average density of about 34 dwellings per hectare (dph) would exceed that of 30dph in Policy HC3.

Flood risk

45. Policy EQ8 is concerned with minimising flood risk generally, and reference to the management of flood risk on the Land east of Maghull is made in Policy MN3. Parts of the appeal site adjacent to Whinney Brook are currently within flood zones 2 and 3 where there is a medium and high risk of flooding¹⁷. The Flood Risk and Drainage Assessment records that a pond was constructed about 20 years ago adjacent to the watercourse to address localised flooding:

¹⁷ CD 7.2 figure 5.

however I heard from a local councillor that there was water on the site last year. Flooding also occurs downstream of the site, to the west of the adjacent railway line.

46. It is intended to form a flood relief channel along Whinney Brook. As a consequence of the remodelling of this part of the site, none of the proposed dwellings would be situated in flood zones 2 or 3. The outflow to the west through a 1200mm diameter pipe orifice would have the benefit of reducing the flood risk downstream of the site¹⁸. The flood relief channel has been designed to retain the water from events up to and including the 1 in 1,000 year flood event¹⁹. The storage volume of the flood relief channel is such that it would be designated as a reservoir, and subject to requirements for regular inspection and maintenance.
47. Maghull Town Council is concerned that conditions and obligations should be in place to ensure construction of the flood relief channel and its future maintenance. A planning obligation would provide for a flood relief channel management company and a management and maintenance scheme. Although a separate obligation in the agreement is concerned with the establishment of a body for the management of the open space within the site, the Appellants explained that it was their intention to have a single management company for these functions, as advocated by the Town Council. Conditions have been suggested concerning approval of the detailed design of the flood relief channel prior to the commencement of most other development, completion of that work prior to occupation of any of the dwellings, and the appointment of an engineer to make annual inspections. I am satisfied that, with the safeguard of conditions on these matters and the planning obligation concerning the flood relief channel management and maintenance scheme, the proposed development would effectively manage flood risk and comply with Policies EQ8 and MN3 (part 5h) of the Local Plan.

Nature conservation

48. Policy NH2 of the Local Plan seeks to safeguard important nature conservation sites and protected and priority species. There is a common pipistrelle bat day roost in a building at Summerhill Farm, which would be lost with the demolition of the buildings at the farmstead. Prior to demolition, three bat boxes would be installed on trees which are to be retained within the site, and these would be used to provide roosting for any bats found during an inspection of the building. It is also intended to incorporate a bat tube in a new building in the vicinity of the farmstead. An updated survey in 2020 also found three trees with moderate suitability for roosting bats on the appeal site and one with low suitability²⁰. The latter (tree T37) would be removed as part of the development, and a method statement for its removal, to avoid adverse impacts on bats which may be found, is proposed. With the safeguard of conditions concerning the inspection of buildings at Summerhill Farm, the installation of bat boxes and a bat tube, and a method statement in respect of tree T37, I do not consider that the appeal proposal would have a damaging effect on the use of the appeal site by bats.

¹⁸ Details of the existing and post development outflow are given in CD 7.6 table 1.

¹⁹ CD7.6 page 5.

²⁰ CD8.38 tables 4 & 5.

49. There is evidence of water vole on Whinney Brook, principally at the western end of the watercourse within the appeal site. Formation of the flood relief channel would require the displacement of water voles, but the opportunity would be taken to reprofile a section of the watercourse to provide an improved habitat for the return of this species²¹. These works, which could be the subject of a condition, would be beneficial to the medium and long-term health of the water vole population in the area.
50. The appeal site is within the buffer zone of the Formby Red Squirrel refuge and provides suitable habitat for this species. Consequently, although no sightings of this protected species or evidence of activity have been recorded²², a condition requiring further survey work prior to development, and mitigation if the species is found to be present at that stage, would be appropriate. Common toad was recorded within the site along Whinney Brook²³. This is a priority species, and, as part of the work to create the flood relief channel, a pond suitable for common toad would be formed²⁴. The mitigation proposed could be secured by means of a condition.
51. With conditions to secure mitigation in place, I am satisfied that the appeal proposal would not have an adverse effect on protected and priority species, and in this respect there would be no conflict with Policy NH2 of the Local Plan.
52. There is a number of European sites of nature conservation interest in the surrounding area. Merseyside Environmental Advisory Service (MEAS) has advised that without mitigation, the proposed development would be likely to have significant effects on a qualifying species of the Martin Mere and Ribble & Alt Estuaries Special Protection Area (SPA) and Ramsar site, namely pink-footed goose, and on qualifying features of the Sefton Coast Special Area of Conservation (SAC). The adjacent site to the north of Whinney Brook has been found to support pink-footed goose: construction activity on the appeal site, ahead of that on the land to the north, would be expected to cause disturbance to and displacement of pink-footed geese. Moreover, the development could result in an increased number of recreational trips to the Martin Mere and Ribble & ALT Estuaries SPA and Ramsar site, about 8.3km from the Land east of Maghull, which would be a further source of disturbance. The qualifying features of the Sefton Coast SAC include a range of dune habitats. This area could also see increase recreational usage, since, at 8.3km at its closest point, it is within travelling distance for day trips from the appeal site. Dunes are vulnerable to trampling, and the presence of visitors may also cause disturbance to waterbirds using these habitats.
53. In view of the potential of the potential for the development to contribute to an adverse effect on these European sites an appropriate assessment is required. The Appellants' exercise argues that, as there are no records of the geese using the Land east of Maghull prior to the 2015-16 survey and the main concentrations of the species are considered to be further to the north-west, the area adjacent to the appeal site is not critical for pink-footed geese feeding²⁵. I note also that it is estimated that about 320 birds could be

²¹ CD8.23 sections 3 & 4.

²² CD8.12 section 4.

²³ CD8.11 paragraph 4.3.1 & figure 4.

²⁴ See plan ref SK029 revision P2.

²⁵ CD8.24 section 8.

displaced, whereas during winter around 20,000 are usually present in south and west Lancashire. Nevertheless, mitigation is proposed. In the first instance, efforts would be made to avoid construction work within 200m of the adjacent land from October to January when geese are most likely to be present. Should it be necessary to undertake construction works during that time of the year, an area of land within ranging distance will be planted up with a suitable crop for feeding purposes, or supplementary feeding would be provided on this land²⁶. A condition has been suggested to secure this mitigation.

54. Taking into account the destination of leisure visits from a Natural England survey, and that a proportion of residents on the appeal site would have moved from a location where they were already no further than the average trip length for leisure purposes, the Appellants have calculated that the development could lead to an additional 228 visits per week to the Sefton Coast SAC²⁷. Reference is made to an increase equivalent to 0.2% of the overall number of recreational visits to the Sefton Coast. Whilst the figures may appear relatively modest, incremental increases in activity have the potential to cause a harmful cumulative effect, and I agree with MEAS that mitigation is, therefore, required to avoid a potentially damaging impact. The Appellants contend that the main park would play a role in relieving pressure on the Sefton Coast, and additional measures involve a contribution of £150,000 towards signage, information provision and towpath improvement in connection with the nearby Leeds-Liverpool Canal, and £13,346.67 towards the ranger service at the SAC: these contributions would be provided under planning obligations. It is common ground between MEAS and the Appellants that with mitigation measures in place there would be no likely significant effects on European sites, and Natural England shares this view (CD8.36).
55. Having undertaken this appropriate assessment, I conclude that, with the mitigation measures proposed in place, the development of the appeal site would not adversely affect the integrity of the nearby important nature conservation sites, and that in this respect it would not conflict with Policy NH2 of the Local Plan.

Potential for pollution of Whinney Brook

56. Maghull Town Council is concerned about the potential for pollution of Whinney Brook during construction of the residential development. I agree with the Appellants that this is a matter which is capable of being addressed by a CEMP, as demonstrated by the version dated July 2020²⁸, and there would be no conflict with Policy EQ4 of the Local Plan in this respect.

Conclusions on the Development Plan

57. Apart from a few detailed provisions concerning the type and distribution of affordable housing, the appeal proposal would comply with relevant policies in the Development Plan. In any event, the proposal is consistent with the updated approach to implementation of the approach to tenure split and affordable housing would be distributed throughout the site. Importantly, the proposal would play a major role in bringing forward a key site to meet

²⁶ CD8.24 section 8, CD8.20.

²⁷ CD8.24 paras 8.30-8.39.

²⁸ CD1.98 section 2.

Sefton's development requirements. I conclude that the proposed development would comply with the Development Plan considered as a whole.

Other considerations

The LEM SPD

58. I have already referred to the 71 dwellings which would be served from Poverty Lane. Although this would exceed the number of 50 specified in Policy LEM3 of the SPD, it is not an arrangement which would adversely affect highway safety or hinder traffic movement (above, paras 21 & 22). Otherwise, the arrangements for pedestrian and cycle links, for addressing flood risk, creating a main park, providing a range of house types including accommodation for older persons, and contributing towards infrastructure would be consistent with policies in the SPD.

The LEM Masterplan

59. The disposition of the main elements of the proposal – the distributor road, the residential area and older persons' housing, the main park and flood relief channel would be consistent with the concept masterplan. Conditions to limit the number of occupied dwellings to 250 until the distributor road is completed, to require completion of the flood relief channel prior to the occupation of any dwellings, and to limit the number of dwellings completed relative to delivery of the local shopping provision and landscaping around and access and servicing to the business park, would all be consistent with the phasing arrangements in the Masterplan

Utility of the main park

60. Within the appeal site, the flood relief channel would be largely co-extensive with the main park, and it would include footpaths and open space intended for public access. A local councillor questioned the utility of this area as open space in view of its role in containing flood water. Whilst the Appellants' acknowledge that it is not possible to be precise about the length of time that publicly accessible areas would be under water, the Flood Risk and Drainage Assessment Addendum No 2 (CD7.6) anticipates that flood waters would rise to this level during flood events of greater than in 1 in 10 years, and it is calculated that water would extend over areas of public open space for about 30 hours on such occasions. I agree that after the water subsides, the ground would remain soft for a time, but the footpaths should be capable of use more quickly, as they would be set 150mm above ground level²⁹. Moreover, it is a clear intention of Policy MN3 (and of Policy LEM5 of the LEM SPD and the masterplan) that the main park should be established along Whinney Brook, a location where flood waters would inevitably need to be accommodated.

Planning obligations

61. I have already referred to planning obligations concerning affordable housing, the flood relief channel, and to financial contributions to improvements to the expansion of Summerhill Primary School, the subsidy of a bus service through the site, measures to encourage leisure trips to the Leeds-Liverpool Canal, the ranger service at the Sefton Coast SAC, and the M58 slip roads.

²⁹ See flood relief channel sections, CD1.78.

62. The development of this large housing site would lead to greater use of healthcare facilities in the area, and Policy LEM9 of the LEM SPD requires a contribution towards healthcare provision. An obligation would provide £495,991 as a contribution towards a new healthcare facility in Maghull. I am satisfied that this contribution is necessary and reasonably related in scale and kind to the development of the land north-east of Poverty Lane. It is important that public open space, including the main park referred to in Policy MN3, is not only provided, but maintained thereafter, and this would be secured by the terms of the agreement.
63. The agreement also includes two contributions towards monitoring costs; one towards the cost of monitoring the obligations generally and a second specifically to fund a review and assessment of traffic flows in the surrounding area. Notwithstanding its inclusion in the agreement, the Appellants made it clear at the hearing that they do not consider that the general monitoring contribution meets the statutory tests. Paragraph 23b-036 of Planning Practice Guidance provides for monitoring fees: it explains that fees could be a fixed percentage of the value of the obligations, a fixed amount, or be set by some other method. In the case of proposals for full planning permission, the LPA seeks a general monitoring contribution of 15% of the application fee. The planning agreement includes obligations dealing with a range of matters, several of which, relating to the provision and management of open space, the provision and maintenance of the flood relief channel, and arrangements for affordable housing are not only relatively complex, but involve ongoing commitments beyond the 5-6 years build programme of the development. In these circumstances, I consider that the general monitoring contribution is not only directly related to the development, but necessary to make it acceptable in planning terms, and fairly and reasonably related to it in scale and kind.
64. I note that the highway monitoring fee is intended to contribute to a specific exercise involving a review of traffic flows. It does not involve the monitoring of an obligation, and its purpose would not, therefore, be covered by the general monitoring contribution. This is a major housing scheme, and it is important for the LHA to be aware of the actual implications on the local highway network. I am satisfied that the obligation for payment of a highway monitoring fee is appropriate and meets the statutory tests.
65. I find that the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations are met, and that the provisions of the planning agreement are material considerations in this appeal.

Conditions

66. An extensive list of possible conditions was discussed at the hearing (CD10.1). Conditions concerning highway works, a CEMP, footway and cycleway links, phasing of the development, the flood relief channel, and mitigation measures in respect of protected and priority species and European protected sites have already been referred to in this decision, and each of these conditions would be necessary for the development to proceed.
67. A condition specifying the relevant drawings would be important as this provides certainty. Given the size of the proposed development, a plan of sub-phases, relating to that part of the proposal for which full planning permission is sought (F), should be submitted for approval to ensure that expansion of the built-up area occurs in a satisfactory manner.

68. To ensure that the development would be in keeping with its surroundings conditions would be required concerning tree protection measures, external lighting and levels in respect of the proposals for both outline (O) and full planning permission, and concerning materials, boundary treatment and landscaping in respect of the proposal for full permission only.
69. Reflecting paragraph 61 of the NPPF concerning the provision of housing needed for different groups, a condition would be necessary to require 20% of market dwellings to meet building regulation requirements for accessible and adaptable dwellings (F). In the interest of highway safety, visibility splays would be required at junctions within the site and parking and turning space should be provided (F). In line with policy objectives to promote more sustainable modes of travel, travel plans (F & O) and details of cycle parking (O) should be submitted for approval, and for wider reasons of sustainability, broadband infrastructure and electric vehicle charging points should be provided (F & O).
70. Paragraph 170(d) of the NPPF encourages the provision of net gains for biodiversity. To this end landscape and ecological management plans should be submitted for approval (F & O), and other conditions would be required concerning the timing of work to trees and hedgerows (F & O), the provision of bird boxes (F), and swallow nesting habitat (F & O). Invasive species have been recorded within the site, and a method statement to address these plants would be required (F). It would be important to provide information promoting the use of alternative greenspace to sensitive European sites, and to assess the effect of measures to minimise recreational pressure on important nature conservation sites, and conditions would be required for this purpose (F & O).
71. To ensure that the site would be satisfactorily drained, a strategy and scheme for the disposal of foul and surface water should be submitted for approval (F & O). Water supply infrastructure exists within the site, and it would be important to ensure that this is protected from damage (F & O). In order to ensure a satisfactory environment for future residents, it would be necessary for glazing and ventilation in dwellings to meet the approved specifications (F), to submit a scheme to provide protection from traffic noise (O), and to ensure that any contaminated areas are appropriately remediated (F & O).
72. To provide an opportunity for the recording and recovery of items of archaeological interest, schemes of archaeological investigation should be undertaken, and local employment schemes would also be important to provide support to the local economy (F & O).
73. The suggested condition precluding access to the motorway would be unnecessary since there would be no prospect of direct access being obtained from residential roads to a motorway.
74. Several of the suggested conditions would be pre-commencement conditions. These are set out in a Regulation 2(4) notice from The Planning Inspectorate (Document H21), and the Appellants have agreed to conditions on these matters (Document H23).

Conclusions

75. I have found that the appeal proposal would comply with the Development Plan, considered as a whole. Overall, it would also be consistent with the LEM SPD and the LEM Masterplan, and the development would contribute to the implementation of the planning policies for one of the Borough's strategic site. In addition to making a significant contribution to the delivery of housing in Sefton, the proposal would involve other specific benefits in the improvement of water vole habitat and a reduction in flood risk in the area to the west of the appeal site.
76. Subject to the imposition of conditions and the planning obligations, which provide for a range of mitigation measures, no material harm would be caused by the proposed development. In this regard, it is important that the CEMP, which would be secured by condition, precludes the use of routes for construction traffic through the residential areas to the west of the site, in order to avoid unacceptable effects on the living conditions of local residents.
77. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Richard Clegg

INSPECTOR

Schedule 1 - Conditions**Conditions relating to both the full and outline planning permissions**

- 1) The development shall be carried out in accordance with the plans and documents listed in schedule 2.
- 2) No more than 250 dwellings shall be occupied until the distributor road between Poverty Lane and School Lane, as shown on drawing A083347-91-18-C001-rev-E (or a subsequently approved version thereof), is constructed and available for use by the public.
- 3) No dwellings shall be occupied within the development such that more than 749 dwellings are occupied within any part of the Land East of Maghull allocation (as identified by Policy MN2 of the Sefton Local Plan) before the local shopping provision required by Policy MN3(6f) of the Sefton Local Plan has been constructed and made available for occupation.
- 4) No dwellings shall be occupied within the development such that more than 499 dwellings are occupied within any part of the Land East of Maghull allocation (as identified by Policy MN2 of the Sefton Local Plan) before the access and servicing into the business park, and the landscaping framework between the business park and the residential areas have been implemented in accordance with Policy MN3(6d) of the Sefton Local Plan.
- 5) No development shall take place until a detailed remediation strategy to bring the land to a condition suitable for the proposed use by removing any unacceptable risks and the relevant pollutant linkages identified in the *Land off Poverty Lane, Maghull Phase I Geo-Environmental Assessment by Arcadis of March 2017 (ref 3670810002)*, the *Summerhill Farm, Poverty Lane, Maghull Phase II Assessment of July 2017 (ref 37158100)*, and the *Addendum Gas Monitoring Report of October 2017 (ref 37158100_02)* has been submitted to and approved in writing by the local planning authority.

The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development and commencement of its use.

In the event that the proposed remediation works in some areas involve the provision of a ground cover system, a plan indicating the existing and proposed external ground levels on the site shall be submitted for approval to the local planning authority.

The approved remediation strategy shall be carried out in accordance with the timetable of works. Following completion of the remedial works, other than where the remediation works involve the provision of a ground cover system only, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to the local planning authority. None of the dwellings (other than those on areas of the site where the remediation works involve the provision of a

ground cover system only) shall be occupied prior to the approval of the verification report by the local planning authority.

- 6) In the event that previously unidentified contamination is found when carrying out the approved development, immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority.

Following completion of the remedial works a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to the local planning authority. None of the dwellings in the area subject to the remediation scheme shall be occupied prior to the approval of the verification report in writing by the local planning authority.

- 7) The development shall not be occupied until a detailed scheme of highway works, together with a programme for their completion, has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- i) The enhancement of the Maghull No 13 Footpath to a shared cycleway/footway with lighting.
 - ii) The construction of a three-arm roundabout junction on Poverty Lane.
 - iii) The construction of a priority junction to from a secondary access on Poverty Lane.
 - iv) Traffic calming measures on Poverty Lane in the vicinity of Summerhill Primary School.
 - v) The construction of a continuous pedestrian footway along the north-eastern side of Poverty Lane across the frontage of the site.
 - vi) The relocation of two existing bus stops on Poverty Lane.
 - vii) The introduction of a pedestrian crossing on Poverty Lane in the form of a set of dropped kerbs and tactile paving in the vicinity of the secondary access.
 - viii) The widening to 2m of a section of existing footway on the south side of Poverty Lane east of the railway bridge.
 - ix) The introduction of a Toucan crossing on Poverty Lane outside Summerhill Primary School.
 - x) The relocation of two street lighting columns on the approach to the railway bridge to ensure that the footway on the southern side of Poverty Lane is well lit.
 - xi) Amendments to the A59/Hall Lane signal controlled junction to provide increased capacity for right turning movements from the A59 in a northwards direction.
 - xii) Introduction of measures to enable the Hall Lane canal bridge to be one way for vehicular traffic.
 - xiii) Introduction of the required measures including signage and lineage to support an amended traffic regulation order to extend the 30mph zone on Poverty Lane to the southeast of the roundabout junction with the distributor road.

The highway works shall be constructed in accordance with the approved scheme and programme.

- 8) Prior to the demolition of the existing buildings at Summerhill Farm, three bat boxes (2f Schwegler or equivalent) plus one winter box (Schwegler 1FS or equivalent) shall be installed on retained and undisturbed trees. The boxes shall be installed at least 3m from the ground, facing north, south-east and south-west respectively and retained thereafter.
- 9) Prior to the demolition of buildings at Summerhill Farm, a search of each building shall be undertaken by a licensed bat ecologist and features such as slipped lifted roof slates and ridge tiles shall be removed. In the event that bats are found during the works, they shall be allowed to disperse naturally or be transferred to a bat box by a licenced bat ecologist.
- 10) During construction, a Schwegler (or equivalent) bat tube shall be placed in a new dwelling in the vicinity of the former Summerhill Farm buildings. The bat tube or replacement thereof shall be retained thereafter.
- 11) All works to existing on-site trees and hedges must be undertaken outside of the bird nesting season of 1 March to 31 August inclusive.
- 12) Prior to the occupation of the first dwelling, full details of an information pack to be provided to residents promoting the use of suitable alternative natural greenspace and highlighting the sensitivity of European sites, with particular regard to the Sefton Coast Special Area of Conservation, shall be submitted to and approved in writing by the local planning authority. The agreed information must be provided to future residents on first occupation of each dwelling thereafter.
- 13) No more than 800 dwellings shall be occupied until details of an annual occupant survey for the monitoring of European site strategic access management and monitoring measures and suitable alternative natural greenspace use by residents of the site has been submitted to and approved in writing by the local planning authority.

Within 12 months of its approval, the survey shall be carried out and the results provided to the local planning authority for information purposes. Subsequent surveys shall be undertaken for the next four years and the results submitted to the local planning authority prior to the completion of 12 months from the date of the previous submission.
- 14) No construction shall commence (including any earthworks) until details of the means of ensuring the water supply infrastructure laid within the site is protected from damage as a result of the development have been submitted to and approved by the local planning authority in writing. The details shall include a survey which identifies the location of the infrastructure and outlines the potential impacts and any mitigating measures to protect and prevent damage to the water supply infrastructure both during construction and during the operational life of the development. Any mitigation measures shall be implemented in full in accordance with the approved details and retained thereafter.
- 15) No development shall take place (other than demolition, site clearance or remediation) until an updated drainage strategy for foul and surface water based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority.

The updated foul and surface water drainage strategy shall include the following details:

- i) The proposed foul connection points to the existing public sewerage infrastructure for the site.
- ii) No surface water, highway drainage or land drainage to discharge directly or indirectly into the existing public sewerage system.
- iii) Any drainage infrastructure connections (foul and surface water), including the volume of flows between different phases and sub-phases of the development.
- iv) Identification of any parts of the site where foul pumping is necessary. The number of pumping stations throughout the site should be minimised.
- v) Updated storage volume calculations.
- vi) Micro drainage simulations for each system with an outfall which must be surcharged to the actual calculated top water level of the receiving watercourse for the 1 in 2 year storm, 1 in 20 year storm, 1 in 30 year storm, 1 in 100 year storm, 1 in 100+40% climate change storm and the 1 in 100+ 70% storm events. If flooding is encountered in the simulations a flood routing plan must be provided to confirm where any excess flood water will be stored until the system recovers.

In the event that the updated storage volume calculations demonstrate that additional flood storage is required this will need to be accommodated on site.

- 16) No development shall take place (other than demolition, site clearance or remediation) until a detailed scheme for the method of flood mitigation and disposal of surface water within the whole of the flood relief channel (both on-site and off-site), including details of construction, a programme for implementation, and subsequent management and maintenance arrangements, has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the *Proposed Residential Development Land north of Poverty Lane, Maghull Flood Risk and Drainage Assessment by WYG Engineering Ltd of October 2017 (ref A083347 rev A), Addendum No 1 of October 2018 (ref A083347), Addendum No 2 of June 2019 (ref A083347)*, and the updated foul and surface water drainage strategy required by condition No 10. The development shall be carried out in accordance with the approved scheme and programme.
- 17) Prior to occupation of the first dwelling, written notice shall be submitted to the local planning authority confirming that:
 - i) The works approved pursuant to condition No 16 have been completed.
 - ii) The whole of the flood relief channel has been designated as a reservoir by the Environment Agency.
 - iii) A panel engineer has been appointed to undertake annual inspections of the newly formed reservoir structure in accordance with the requirements of the Reservoir Act 1975.
- 18) The tree protection measures outlined in the approved *Arboricultural Impact Assessment (Report No: 7707.001 v3 July 2019)* shall be

implemented in full throughout the period of demolition, remediation and construction.

Conditions relating to the full planning permission only

- 19) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 20) No development shall take place in any phase until a more detailed phasing plan identifying sub-phases, and prepared in accordance with Section 9 of the Land East of Maghull Masterplan, has been submitted to, and approved in writing by, the local planning authority. The development shall be built out in accordance with the approved detailed phasing plans.
- 21) No development shall commence within any phase or sub-phase, including any works of demolition, until a construction environmental management plan (CEMP) for that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include:
 - i) The proposed times construction works shall take place.
 - ii) Details of temporary construction access.
 - iii) Parking arrangements for vehicles of site operatives and visitors.
 - iv) Arrangements for the loading, unloading and storage of plant and materials.
 - v) The location of the site compound.
 - vi) Wheel washing/road sweeping measures.
 - vii) Measures to control the emission of dust and dirt during construction.
 - viii) Measures to control the emission of noise during construction.
 - ix) Details of external lighting to be used during construction.
 - x) The name and contact details of person(s) accountable for air quality and dust issues.
 - xi) A programme for issuing information on construction activities to the occupiers of nearby dwellings.
 - xii) A construction traffic routing plan which shall exclude the use of residential roads to the west of the site.
 - xiii) The times of the movement of heavy goods vehicles to and from the site.
 - xiv) A site waste management plan.
 - xv) Details of any piling and the days and times when piling activity is proposed.
 - xvi) Details of measures to avoid off-site flooding during site remediation and construction.
 - xvii) Details of earthworks and landscaping adjacent to the M58 motorway and the means for protection of the boundary fence to the motorway during the construction period.

The approved CEMP shall be implemented throughout the period of demolition, site remediation and construction.

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- 22) No development shall take place within any phase or sub-phase until a detailed landscape and ecological management plan for that phase or sub-phase, based on the *Land north of Poverty Lane and Land south of School Lane, East Maghull Landscape and Biodiversity Management Plan by The Environment Partnership of July 2017 (ref 6265.04.001 v3)*, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved landscape and ecological management plan.
- 23) No development shall take place within 200m of Whinney Brook during the months of October to January inclusive, nor shall any occupation of dwellings take place within 200m of Whinney Brook, until the mitigation measures set out in the *Pink-Foot Goose Mitigation Strategy ref 5795.006 v3 of August 2018* have been put in place.
- 24) Measures to mitigate potential impacts on water voles, as set out in paragraphs 4.15 to 4.23 of the *Water Vole Mitigation Strategy (ref: 5795.005 v6 September 2018)*, shall be implemented in accordance with a programme which has been submitted to and approved in writing by the local planning authority.
- 25) Prior to the commencement of removal works to Tree T37 (as shown in drawing G5795.013A of the *Bat Roost Assessment 2020 ref: 5795.013 v4 November 2020*), a method statement shall be submitted to and approved in writing by the local planning authority setting out the working methods to avoid impacts on roosting bats that may be encountered. The approved details shall be implemented in full.
- 26) No works to form the flood relief channel along Whinney Brook shall be commenced until a common toad mitigation strategy, including details of pond profiles and planting and a programme for implementation, has been submitted to and approved in writing by the local planning authority. The mitigation works shall be carried out in accordance with the approved strategy and programme.
- 27) Prior to commencement of development within any phase or sub-phase, a red squirrel survey for that phase or sub-phase shall be undertaken, and the results of the survey submitted to the local planning authority. Should red squirrel be recorded within that phase or sub-phase, a mitigation strategy, including a programme for implementation, shall be submitted for the approval in writing by the local planning authority. The mitigation works shall be carried out in accordance with the approved strategy and programme.
- 28) Prior to the occupation of dwellings within a particular phase or sub-phase, details of bird boxes to include their number, type and location as well as timing of installation, shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.
- 29) No development (including demolition, ground works and site clearance) shall take place within any phase or sub-phase until a method statement to mitigate potential impacts on swallow nesting habitat within that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The method statement shall include: measures to avoid harm to swallows, the extent and location of proposed swallow nesting provision, and a programme for implementation of replacement

swallow nesting provision. The method statement shall be implemented in accordance with the approved details and programme.

- 30) No development shall take place within any phase or sub-phase where invasive plant species have been recorded, until a method statement for control of invasive plants has been submitted to and approved in writing by the local planning authority. The method statement shall include a plan showing the extent of the plants, and the methods of control to be used for remediation. Remediation works shall be carried out in accordance with the approved method statement.

No development shall commence within an area of the site that is subject to remediation until a validation report which demonstrates that the site has been free from invasive plant species for 12 consecutive months has been submitted to and approved in writing by the local planning authority.

- 31) No development shall take place within any phase or sub-phase (other than demolition, site clearance or remediation) until detailed schemes (including ground and finished floor levels above ordnance datum) for the disposal of foul and surface water for that phase or sub-phase have been submitted to and approved in writing by the local planning authority.

The schemes shall be in accordance with the *Proposed Residential Development Land north of Poverty Lane, Maghull Flood Risk and Drainage Assessment by WYG Engineering Ltd of October 2017 (ref A083347 rev A), Addendum No 1 of October 2018 (ref A083347), Addendum No 2 of June 2019 (ref A083347)*, the updated foul and surface water drainage strategy required by condition No 15, and the non-statutory technical standards for sustainable drainage systems (or any subsequent replacement).

Foul and surface water shall drain on separate systems and no surface water shall discharge to the public sewer either directly or indirectly.

The schemes shall include a construction phase drainage management plan to show how surface water and pollution prevention will be managed during the construction period.

The development shall be carried out in accordance with the approved schemes for the disposal of foul and surface water.

- 32) No dwelling within a particular phase or sub-phase shall be occupied until a validation report demonstrating that the necessary connections for the drainage scheme have been carried out in accordance with the details approved under condition No 31 has been submitted to and approved in writing by the local planning authority.

- 33) No development shall take place within any phase or sub-phase until full details of the existing and proposed ground levels within and around that phase or sub-phase and on land around that phase or sub-phase, by means of spot heights, cross sections, and finished floor levels, have been submitted to and approved in writing by the local planning authority. The development of that phase or sub-phase shall be carried out in accordance with the approved level details.

- 34) No development shall take place within any phase or sub-phase that contains a potential infilled pond, as referred to in the *Land off Poverty*

Lane, Maghull Phase 1 Geo-Environmental Assessment by Arcadis of March 2017 (ref 3670810002), until additional drilling (windowless sampling) and further trial pitting has been undertaken by competent persons at the location of the potential pond and a report of the findings has been submitted to and approved in writing by the local planning authority. The report shall include an appraisal of any remediation options, and a programme for implementation. The development of that phase or sub-phase shall be carried out in accordance with the approved remediation measures and programme.

- 35) No development shall take place within any phase or sub-phase until a written scheme of investigation for archaeological work, including a programme for implementation, within that phase or sub-phase has been submitted to and approved in writing by the local planning authority. Archaeological investigation shall be carried out in accordance with the approved scheme and programme.
- 36) No development shall take place within any phase or sub-phase until details of a local construction employment scheme have been submitted to and approved in writing by the local planning authority. The scheme shall explain how reasonable endeavours shall be made to use local suppliers, contractors and labour during the construction phase of the development. The development shall be carried out in accordance with the approved scheme.
- 37) Prior to the occupation of any dwellings within a particular phase or sub-phase, infrastructure for electric vehicle charging points shall be installed in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.
- 38) Details of full fibre broadband connections to all proposed dwellings within a particular phase or sub-phase shall be submitted to and approved in writing by the local planning authority. The infrastructure serving a dwelling shall be installed prior to occupation of that dwelling and made available for use immediately on occupation of that dwelling in accordance with the approved details.
- 39) The materials to be used in the construction of the dwellings shall be in accordance with drawing numbers SK438-MAT rev B and PLM.MS.01 revision A.
- 40) The boundary treatments shall be completed in accordance with drawing numbers SK438-BP-01D, PLM.302.1 rev B and PLM.302.02 rev C before the dwelling to which they relate is occupied.
- 41) No construction above finished floor level of the dwellings within a particular phase or sub-phase shall take place until details of materials to be used in the construction of all road surfaces, footways and parking areas, including kerbs, within that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The surfaces shall be constructed in accordance with the approved details.
- 42) No construction above finished floor level of any dwelling within a particular phase or sub-phase shall take place until a detailed scheme of street lighting within that phase or sub-phase, alongside a timetable for its implementation, have been submitted to and approved in writing by the local planning authority. The approved scheme shall comply with the

- requirements of BS5489 and shall be implemented in accordance with the approved timetable.
- 43) No dwelling within a particular phase or sub-phase shall be occupied until a detailed scheme of lighting within the proposed public open space within that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The approved scheme shall comply with the requirements of BS5489, accord with paragraph 7.9 of the approved *Bat Mitigation Strategy (Report No: 5795.003 v2 May 2018)*, and shall be implemented in full prior to the public open space within that phase or sub-phase being available for use.
 - 44) A minimum of 20% of new market properties shall meet Building Regulation Requirement M4(2) for accessible and adaptable dwellings.
 - 45) Before any dwelling is occupied within a particular phase or sub-phase, visibility splays of 2.4m by 25m shall be provided clear of obstruction to visibility above a height of 1m above the carriageway level at all junctions that serve that dwelling within that phase or sub-phase. Once created, these visibility splays shall be maintained clear of any obstruction.
 - 46) Before any dwelling is occupied, all of the areas required for vehicle parking, turning and manoeuvring for that dwelling must be laid out, levelled, and drained in accordance with the approved plans and retained thereafter for the passage and parking of vehicles.
 - 47) The landscaping scheme for the flood relief channel, as shown on drawings refs 5529.01 revision H and 5529.02 revision F shall be implemented in full within the first planting/seeding season following completion of the flood relief channel, and any trees or plants which within a period of 5 years from the completion of the flood relief channel die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 48) No dwellings within a particular phase or sub-phase shall be occupied until landscaping details for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full in accordance with a timetable to be submitted to and approved in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development within that phase or sub-phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 49) The glazing and ventilation standards for habitable rooms shall meet the minimum specifications detailed on drawings SK05 and SK06 of the *WYG Noise Assessment Report (A083347 rev 5, dated July 2019)*.
 - 50) No more than 25 residential dwellings within a particular phase or sub-phase shall be occupied until a full travel plan (based on the submitted *Framework Travel Plan, report no: A083347 FTP July 2017*) for that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The provisions of the approved travel plan

shall be implemented and operated in full and in accordance with the timetable contained therein.

Conditions relating to the outline planning permission only

- 51) Application for the approval of the details of the appearance, scale, means of access, landscaping and layout (herein called 'the reserved matters') in respect of the older persons housing scheme shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 52) The development shall begin no later than two years from the approval of the final reserved matter and shall be carried out in accordance with the approved details.
- 53) No development shall commence, including any works of demolition, until a construction environmental management plan (CEMP) for that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include:
 - i) The proposed times construction works shall take place.
 - ii) Details of temporary construction access.
 - iii) Parking arrangements for vehicles of site operatives and visitors.
 - iv) Arrangements for the loading, unloading and storage of plant and materials.
 - v) The location of the site compound.
 - vi) Wheel washing/road sweeping measures.
 - vii) Measures to control the emission of dust and dirt during construction.
 - viii) Measures to control the emission of noise during construction.
 - ix) Details of external lighting to be used during construction.
 - x) The name and contact details of person(s) accountable for air quality and dust issues.
 - xi) A programme for issuing information on construction activities to the occupiers of nearby dwellings.
 - xii) A construction traffic routing plan which shall exclude the use of residential roads to the west of the site.
 - xiii) The times of the movement of heavy goods vehicles to and from the site.
 - xiv) A site waste management plan.
 - xv) Details of any piling and the days and times when piling activity is proposed.
 - xvi) Details of measures to avoid off-site flooding during site remediation and construction.
 - xvii) Details of earthworks and landscaping adjacent to the M58 motorway and the means for protection of the boundary fence to the motorway during the construction period.

The approved CEMP shall be implemented throughout the period of demolition, site remediation and construction.

- 54) No development shall take place until a detailed landscape and ecological management plan, based on the *Land north of Poverty Lane and Land south of School Lane, East Maghull Landscape and Biodiversity Management Plan by The Environment Partnership of July 2017 (ref 6265.04.001 v3)*, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved landscape and ecological management plan.
- 55) Prior to commencement of development, a red squirrel survey shall be undertaken, and the results of the survey submitted to the local planning authority. Should red squirrel be recorded, a mitigation strategy, including a programme for implementation, shall be submitted for the approval in writing by the local planning authority. The mitigation works shall be carried out in accordance with the approved strategy and programme.
- 56) No development (including demolition, ground works and site clearance) shall take place until a method statement to mitigate potential impacts on swallow nesting habitat has been submitted to and approved in writing by the local planning authority. The method statement shall include: measures to avoid harm to swallows, the extent and location of proposed swallow nesting provision, and a programme for implementation of replacement swallow nesting provision. The method statement shall be implemented in accordance with the approved details and programme.
- 57) No development shall take place (other than demolition, site clearance or remediation) until detailed schemes (including ground and finished floor levels above ordnance datum) for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority.

The schemes shall be in accordance with the *Proposed Residential Development Land north of Poverty Lane, Maghull Flood Risk and Drainage Assessment by WYG Engineering Ltd of October 2017 (ref A083347 rev A), Addendum No 1 of October 2018 (ref A083347), Addendum No 2 of June 2019 (ref A083347)*, the updated foul and surface water drainage strategy required by condition No 15, and the non-statutory technical standards for sustainable drainage systems (or any subsequent replacement).

Foul and surface water shall drain on separate systems and no surface water shall discharge to the public sewer either directly or indirectly.

The schemes shall include a construction phase drainage management plan to show how surface water and pollution prevention will be managed during the construction period.

The development shall be carried out in accordance with the approved schemes for the disposal of foul and surface water.

- 58) No dwelling shall be occupied until a validation report demonstrating that the necessary connections for the drainage scheme have been carried out in accordance with the details approved under condition No 57 has been submitted to and approved in writing by the local planning authority.
- 59) No development shall take place within any phase or sub-phase until a written scheme of investigation for archaeological work, including a

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- programme for implementation, has been submitted to and approved in writing by the local planning authority. Archaeological investigation shall be carried out in accordance with the approved scheme and programme.
- 60) No development shall take place within any phase or sub-phase until details of a local construction employment scheme have been submitted to and approved in writing by the local planning authority. The scheme shall explain how reasonable endeavours shall be made to use local suppliers, contractors and labour during the construction phase of the development. The development shall be carried out in accordance with the approved scheme.
 - 61) Prior to the occupation of any dwellings, infrastructure for electric vehicle charging points shall be installed in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.
 - 62) Details of full fibre broadband connections to all proposed dwellings within a particular phase or sub-phase shall be submitted to and approved in writing by the local planning authority. The infrastructure serving a dwelling shall be installed prior to occupation of that dwelling and made available for use immediately on occupation of that dwelling in accordance with the approved details.
 - 63) No development shall take place until full details of the existing and proposed ground levels and on adjacent land, by means of spot heights, cross sections, and finished floor levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved level details.
 - 64) No erection of external lighting shall take place until a detailed design of the lighting unit, supporting structure and the extent of the area to be illuminated, has been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details.
 - 65) None of the dwellings shall be occupied until a scheme for protecting their occupants from the potential adverse effects of traffic noise has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the submitted noise assessment (*ref: A083347 rev 5 July 2019*) and include details of noise barriers, building insulation, window glazing and alternative ventilation strategy for the proposed dwellings. Works which form part of the scheme approved by the local planning authority shall be completed for each dwelling prior to occupation of that dwelling.
 - 66) Prior to the occupation of 10 dwellings, a full travel plan (based on the submitted *Framework Travel Plan, ref: A083347 FTP July 2017*) shall be submitted to and approved in writing by the local planning authority. The provisions of the travel plan shall then be implemented and operated in full and in accordance with the timetable contained therein.
 - 67) No dwelling shall be occupied until cycle parking facilities have been provided in accordance with a scheme which has been submitted to, and approved in writing by, the local planning authority. The cycle parking infrastructure shall be installed in accordance with the approved details prior to occupation and shall be retained thereafter.

END OF CONDITIONS

Schedule 2 – plans and documents referred to in condition No 1

Plans

Drawing No. 2016.006.025 Site Location Plan
Drawing No. 2016.006.026 Buildings to be Demolished
Drawing No. 2016.006.027 Indicative Phasing Plan
Drawing No. A083347-91-18-C001-E Potential Spine Road Alignment between School Lane and Poverty Lane
Drawing No. A083347-91-18-C007-A Proposed Southern Access Roundabout onto Poverty Lane / Leatherbarrows Lane
Drawing No. A083347-91-18-C008 Proposed Secondary Access onto Poverty Lane (Priority Junction)
Drawing No. SK438-BP-01D Boundary Plan
Drawing No. NSD 9001 Wall Types 1 to 4
Drawing No. NSD 9102 Fence Types A to D
Drawing No. NSD 9202 Hooped Top Metal Railings
Drawing No. PLM.302.01 rev B Boundary Treatment – Phase 1
Drawing No. PLM.302.02 rev C Boundary Treatment – Phase 3
Drawing No. ACO.FEN08.01 1.8m High Timber Acoustic Fence
Drawing No. SDF05 rev A 1800mm High Screen Fence
Drawing No. SDW08/04 1.8m High Brick Screen Wall Detail (Artstone Piers)
Drawing No. SDW09 2.1m High Brick Screen Wall Detail (Artstone Piers)
Drawing No. SDF12 600mm High Timber Knee Rail
Drawing No. ASHP(14) The Ashop – Floor Plans and Elevations
Drawing No. BBDGE(14) The Baybridge – Floor Plans and Elevations
Drawing No. DEE-01 The Dee – Floor Plans
Drawing No. DEE-6.0-SEMI(A) The Dee – Elevations: 6.0 Brick (Semi) Alt
Drawing No. DEE-02 The Dee SA - Floor Plans
Drawing No. DDSA-6.0-SEMI(A) The Dee / Dee SA - Elevations: 6.0 Brick (Semi) Alt
Drawing No. DUN-B(14) The Dunham – Floor Plans and Elevations
Drawing No. ELLES(14)-01 The Ellesmere – Floor Plans and Elevations
Drawing No. ELLE-01 The Ellesmere (Sigma) – Floor Plans
Drawing No. ELLE-6.0-SEMI(A) The Ellesmere (Sigma) – Elevations: 6.0 - Brick (Semi) Alt
Drawing No. ESK-01 The Esk – Floor Plans and Elevations
Drawing No. GRWE-01 The Grantham / Weaver - Ground Floor Plans
Drawing No. GRWE-02 The Grantham / Weaver – First Floor Plans
Drawing No. GRWE-6.1-SEMI The Grantham / Weaver – Elevations: 6.1 Brick / Render (Semi)
Drawing No. IRWL-01 The Irwell – Floor Plans
Drawing No. IRWL-6.0(SEMI) The Irwell – Elevations: 6.0 Brick (Semi)
Drawing No. LONG(14) The Longford – Floor Plans and Elevations
Drawing No. LYMI(14) The Lymington – Floor Plans and Elevations
Drawing No. NEWASH-01 The New Ashbourne – Floor Plans and Elevations
Drawing No. NSTAM(14) The New Stamford – Floor Plans and Elevations
Drawing No. NWALT-01 The New Walton – Floor Plans and Elevations
Drawing No. OAK-01 The Oakham Floor Plans and Elevations
Drawing No. STRA-01 The Stratford FCT – Floor Plans and Elevations
Drawing No. WEAV(UP)-01 The Weaver Underpass – Floor Plans
Drawing No. WEAV(UP)-6.0-3Blk) The Weaver Underpass – Elevations: 6.0 Brick (3 Block)

Drawing No. WEAV(UP)-6.0-4Blk) The Weaver Underpass – Elevations: 6.0 Brick (4 Block)
Drawing No. TGDP/PLMM/ALN Alnwick House Type
Drawing No. TGDP/PLMM/CHE Chedworth House Type
Drawing No. TGDP/PLMM/CLA+ Clandon Plus House Type
Drawing No. TGDP/PLMM/CLA CORNER Clayton Corner House Type
Drawing No. TGDP/PLMM/HAN Hanbury House Type
Drawing No. TGDP/PLMM/HAT Hatfield House Type
Drawing No. TGDP/PLMM/KEN Kendal House Type
Drawing No. TGDP/PLMM/MOS Moseley House Type
Drawing No. TGDP/PLMM/ROS Roseberry House Type
Drawing No. TGDP/PLMM/RUF Rufford House Type
Drawing No. TGDP/PLMM/SOU Souter House Type
Drawing No. TGDP/PLMM/TIV Tiverton House Type
Drawing No. TGDP/PLMM/WIN Winster House Type
Drawing No. LPH.SGD.WD01B Single and Double Garage
Drawing No. D6265.07.001D Landscape Masterplan
Drawing No. D6265.07.002B Landscape Masterplan – Whinny Park
Drawing No. 5529.01H Landscape Structure Plan Phase 1
Drawing No. 5529.02F Landscape Structure Plan Phase 3
Drawing No. SK438-MAT rev B Materials Schedule
Drawing No. PLM-MS-01 rev A Materials Schedule
Drawing No. SK438-DL-01 rev Q Site Layout
Drawing No. TGDP/PLMM/PL-P1 rev M Planning Layout Phase 1
Drawing No. TGDP/PLMM/PL-P3 rev L Planning Layout Phase 3
Drawing No. SK438-CSP-01 rev L Composite Site Plan
Drawing No. SK029 rev P2 Flood Relief Channel General Arrangements Plan (Site A only)

Documents

Report No. A083347 FTP Framework Travel Plan July 2017
Report No. 7707.001 v3 Arboricultural Impact Assessment July 2019
Report No. 3670810002 Phase 1 Geo-environmental Assessment February 2017
Report No. A083347 rev A Flood Risk and Drainage Assessment (Site A) October 2017
Report No. A083347 Flood Risk and Drainage Assessment Addendum No 1 October 2018
Report No. A083347 Flood Risk and Drainage Assessment Addendum No 2 May 2019
Report No. 5795.003 v2 Bat Mitigation Strategy May 2018
Report No. 5795.013 v4 Bat Roost Assessment November 2020
Report No. 5795.006 v6 Pink-footed Goose Mitigation Strategy August 2018
Report No. 5795.005 v6 Water Vole Mitigation Strategy September 2018
Report No. A083347 rev 5 Noise Assessment July 2019
Report No. 6265.04.001 v3 Landscape and Biodiversity Management Plan July 2017

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APPEARANCES

FOR THE APPELLANTS:

Ms T Osmund-Smith of Counsel	Instructed by Mr Garratt
Dr N R Bunn BSc(Hons) PhD	Director, WYG Environment Planning Transport Ltd
MSc MCIHT CMILT	
Mr C M Garratt BSc(Hons) MA	Director, White Peak Planning Ltd
MSc MRTPI PIEMA	
Mr M J Travis BSc(Hons) MSc	Director, Enzygo Ltd
C.WEM M.CIWEM CSci C.Env	
Dr M Walker BSc(Hons) MSc	Principal Ecologist, The Environment Partnership
PhD MCIEEM	

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Gill of Counsel	Instructed by Mr N Kennard, Senior Lawyer, Sefton Council
Dr S Birch	Transport Planning & Highway Development Manager, Sefton Council
Ms D Humphreys	Senior Planner Development Management, Sefton Council
Mr S Faulkner	Team Leader Development Management, Sefton Council
Mr I Loughlin	Planning Officer, Sefton Council
Mr S Dimba	Drainage Engineer, Sefton Council
Ms S Leadsom	Principal Ecologist, Merseyside Environmental Advisory Service

FOR MAGHULL TOWN COUNCIL:

M P Dixon of Counsel	Instructed by Mr Landor
Mr E Landor MRTPI	Landor Planning Consultants

INTERESTED PERSONS:

Mr W Esterson MP	Member of Parliament for Sefton Central
Councillor C Carlsen	Member of Maghull TC
Councillor P McKinley BA(Hons)	Member of Sefton Council for Sudell Ward, Leader of Maghull TC
CertEd MCIDip	
Councillor Y Sayers	Member of Sefton Council for Sudell Ward, Member of Maghull TC
Dr P Alston	Local resident

CORE DOCUMENTS - STATEMENTS

- 13.1 The Appellants' statement of case.
- 13.2 The LPA's statement of case.
- 13.3 Maghull TC's statement of case.
- 13.4 Dr Bunn's statement on behalf of the Appellants.
- 13.5 Mr Garratt's statement on behalf of the Appellants.
- 13.6 Mr Travis's statement on behalf of the Appellants.
- 13.7 Dr Walker's statement on behalf of the Appellants.

- 13.8 The LPA's statement.
- 13.9 Mr Landor's statement on behalf of Maghull TC.
- 13.10 Mr Landor's rebuttal statement on behalf of Maghull TC.
- 13.11 Community Infrastructure Levy Regulations Statement.
Submitted by the LPA.

HEARING DOCUMENTS

- H1 Ms Osmund-Smith's opening statement on behalf of the Appellants.
- H2 Mr Dixon's opening statement on behalf of Maghull TC.
- H3 Mr Gill's opening statement on behalf of the LPA.
- H4 Councillor McKinley's statement.
- H5 Briefing Note – November 2020 – Ward Councillors, A59 Northway/ Damfield Lane Junction improvement. Submitted by Dr Birch.
- H6 Councillor Sayers' statement.
- H7 Extract from the Community Infrastructure Levy Regulations 2010.
- H8 Sefton Local Plan Policies Map – Sefton East Parishes.
- H9 Planning permission ref DC/2018/01458 for a petrol station, drive through café and restaurants, on land off Maghull Lane, Melling.
- H10 Location plan relating to Document H9.
- H11 Emails from the LPA, the Appellants' agent and United Utilities concerning possible drainage conditions.
- H12 Comments on possible conditions from United Utilities. Submitted by the LPA.
- H13 Email dated 16 December 2020 from Mr Garratt concerning possible conditions in respect of local shopping provision and pink-footed geese mitigation.
- H15 Possible conditions concerning local shopping provision and business park landscaping. Submitted by Mr Dixon.
- H16 Ms Osmund-Smith's closing submissions on behalf of the Appellants.
- H17 Possible conditions concerning local shopping provision and business park landscaping. Submitted by the LPA.
- H18 Mr Gill's closing submissions on behalf of the LPA.
- H19 Mr Dixon's closing submissions on behalf of Maghull TC.
- H20 Planning agreement relating to the appeal proposal.
- H21 Regulation 2(4) notice from The Planning Inspectorate concerning possible pre-commencement conditions.
- H22 Email exchange between The Planning Inspectorate, the Appellants' agent and the LPA concerning highway works and a possible condition in respect of pink-footed geese mitigation.
- H23 Bundle of emails from The Planning Inspectorate, the Appellants' agent and the LPA concerning Document H21.
- H24 Email exchange between The Planning Inspectorate, the Appellants' agent and the LPA concerning the composite site plan.



Appeal Decision

Site Visit made on 23 November 2020 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/M4320/W/20/3258298
235 Worcester Road, Liverpool L20 9AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Star Property & Lettings Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00083, dated 16 January 2020, was refused by notice dated 13 August 2020.
 - The development proposed is change of use from a residential dwelling to 8 unit HMO.
-

Decision

1. The appeal is allowed and planning permission granted for the change of use from a garage/dwelling to a house in multiple occupation (7 units) at 235 Worcester Road, Liverpool L20 9AE in accordance with the terms of the application, DC/2020/00083, dated 16 January 2020, subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have before me, from the appellant, two versions of drawing number 003. For the avoidance of doubt the Council has confirmed that amended Drwg No 003 Rev D was submitted during the course of the application, to reduce the number of units from 8 to 7, to include en-suite bathrooms in several of the rooms and to amend the landscaping scheme and the application the subject of this appeal was determined on that basis. I have therefore had regard to the revised plan in considering this appeal.
4. The description of development in the banner heading is taken from the application form. However, in the formal decision I have used the description from the Decision Notice, which reflects the amendments discussed in the preceding paragraph.

Background and Main Issue

5. The planning application the subject of this appeal was refused for three reasons relating to overconcentration of HMOs and the quality of internal and external space for future residents. I note from the Council's statement of case that a

subsequent application for the same site has been received and determined, with a single reason for refusal relating to the quality of internal space¹. As the Council now considers that there would not be an overconcentration of HMOs in the area and the quality of the external space would be appropriate it is not defending reasons for refusal 1 and 3 in these respects. Having viewed the evidence before me, and from my observations on site, I see no reason to disagree with this approach.

6. In that context, the main issue is whether the proposal would provide satisfactory living conditions for all future occupiers of 235 Worcester Road with particular regard to internal space.

Reasons

7. The host property is a disused detached building located at the junction of Worcester Road and Aintree Road. It was previously in mixed use as a garage and residential. The proposal is to change the use of the building to a seven unit HMO.
8. The character of the area is one of mixed use, including residential, commercial and retail uses.
9. My attention has been drawn to the Flats and Houses in Multiple Occupation Supplementary Planning Guidance (2018) (SPD) which includes, amongst other things, guidance on room sizes, outlook and prospect and access to indoor and outdoor communal areas.
10. From the plans before me, the proposed room sizes and facilities, including shared spaces, appear to be in line with the SPD and would therefore provide a satisfactory standard of accommodation. It is not unusual for ground floor rooms to be used as bedrooms in HMO's but with the provision of a shared kitchen and lounge area of a suitable size, excessive disruption and noise in the hall areas would be unusual, particularly given that most rooms would have en-suite facilities.
11. There is a garage adjacent to the site on Worcester Road. Whilst there is a boundary wall joining the properties, the garage itself is not attached to the appeal property and is separated from it by an open area intended for bin and cycle storage. I do not consider that the garage would cause disruption and noise for the ground floor rooms, particularly as they would be separated from the garage by the communal areas.
12. For the reasons above I conclude that the proposal would provide satisfactory living conditions for all future occupiers of 235 Worcester Road with particular regard to internal space. It would not therefore be contrary to policy HD4 of A Local Plan for Sefton (2017), the guidance in the SPD or the National Planning Policy Framework (the Framework) which together, amongst other things, seek to ensure that developments do not cause significant harm to living conditions of occupiers or neighbours.

Other Matters

13. I acknowledge the neighbours' concerns regarding parking and traffic generation. Whilst there are parking restrictions outside the property on both Aintree Road and Worcester Road there is on street parking available elsewhere on Worcester

¹ DC/2020/01613

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Road and surrounding streets. The evidence in the traffic survey, submitted as an appeal document, indicates that there are no specific parking problems in the area. This was my experience at the time of my site visit, which was late morning, when there was no evidence of a lack of parking spaces. Furthermore, the area is well served by public transport and the application indicates that cycle stands would be provided which would reduce the need for a private car. Therefore, there is no substantive evidence before me that the modest increase in car parking demand arising from the development could not be adequately accommodated on-street.

14. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

Conditions

15. I have had regard to the planning conditions suggested by the Council. I have imposed conditions relating to the plans, landscaping and number of occupiers in the interests of certainty and to protect the living conditions of local residents. I note that the Council has suggested the extension of the standard time for the commencement of the development to five years in response to the current pandemic. However, there is no substantive evidence that three years is not long enough for the change of use to be implemented even under current restricted conditions. To promote the use of cycling a condition to ensure that cycle stands are provided for occupants to use is reasonable and necessary.
16. A condition requiring the removal of the existing roller shutters is necessary to safeguard the character and appearance of the area and the living conditions of the occupiers.
17. Environmental Health require that acoustic ventilators are installed to the Windows facing Worcester Road and Aintree Road to reduce noise within the HMO. This is necessary to protect the living conditions of future occupiers.
18. As there would be no off road parking, the existing vehicular access to the property from Aintree Road would no longer be required and the condition to close this is necessary for highway safety.

Conclusion and Recommendation

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Zoe Raygen

INSPECTOR

Schedule

Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Outlined in red as shown on the amended location plan received by the Local Planning Authority on 3rd February 2020 and Drwg No`s 003 Rev D and 004 Rev A.
- 3) Prior to the first occupation of the building acoustic ventilators (typically in - frame) shall be installed to all windows facing Worcester and Aintree Road and retained thereafter.
- 4) Prior to the first occupation of the building, a scheme of works for the closure and reinstatement of the existing vehicular and/or pedestrian access on to Aintree Road shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the existing vehicular and/or pedestrian access on to Aintree Road has been permanently closed off and the footway reinstated. These works shall be in accordance with the approved scheme.
- 5) Prior to the first occupation of the building, the space and facilities for cycle parking must be provided in accordance with the approved plan 003 Rev D and these facilities shall be retained thereafter for that specific use.
- 6) No part of the development shall be occupied until the approved landscaping scheme shown on plan ref 003 Rev D has been implemented. The approved scheme shall be maintained as such thereafter.
- 7) Prior to first occupation of the building, the roller shutters on all the doors and windows and any signage on the building shall be removed permanently.
- 8) The maximum number of residents occupying the premises shall not exceed 10 (ten) persons.

Appeal Decision

Site Visit made on 5 January 2021

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2021

Appeal Ref: APP/M4320/Z/20/3261132

157 College Road, Crosby L23 3AS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Paul Hardy of the BIG EVENT GROUP against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01362, dated 21 July 2020, was refused by notice dated 7 October 2020.
 - The advertisement proposed is the replacement of existing gable mounted 1 x 16 sheet billboard (measuring 3m high x 2m wide) with 1 x 16 sheet digital advertising display unit.
-

Decision

1. The appeal is allowed and express consent is granted for the replacement of existing gable mounted 1 x 16 sheet billboard (measuring 3m high x 2m wide) with 1 x 16 sheet digital advertising display unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the conditions in the schedule.

Main Issue

2. The Council do not raise issue with the proposal in respect of public safety. I agree based on the evidence before me. As such, the main issue is the effect of the proposed advertisement on the visual amenity of the surrounding area.

Reasons

3. The appeal site lies on the north-west gable elevation of an end terraced property situated at the junction of College Road and Rossett Road. The proposal would be roughly in the same position and of the same size as the existing 16-sheet hoarding that is positioned on this elevation. While the existing advert may not have been granted express consent, the consensus is that it has been in situ for over 10 years. Thus, it would have deemed consent.
4. The Council say that the existing advert creates a harmful visual impact, but their assessment does not suggest that the hurdle to be overcome for a discontinuance notice to be served would be. This leads me to consider that the existing advert could remain in situ. Even so, the proposal would replace it.
5. Although the site lies within a Primary Residential Area, commercial premises line both sides of College Road between the roundabout to the north-west and just beyond Rossett Park to the south-east of the site. The appeal property itself is used as a café on the ground and first floor and as an office on the second floor. A range of illuminated and non-illuminated adverts populate the

- commercial premises, though these are typically at street level. Residential properties mainly line the roads leading off this stretch of College Road.
6. The proposed advert would draw greater attention to the property's gable elevation especially during the hours of darkness or in periods of lower daylight, thereby detracting from the visual amenity of the area. That said, it would be viewed in the context of other adverts near to and further away from the site as well as an active moving street scene. While the proposal would not unduly affect the architectural features of the building, the illuminated display would routinely change compared to the existing singular static image. However, a series of planning conditions to control luminance levels, the hours of operation, the minimum length and type of each display and the interval between successive displays could address these matters so that the proposal would not appear as an alien, incongruous and visually intrusive feature.
 7. I note the other examples referred to by each party, but I have considered the proposal on its own merits having regard to the site-specific circumstances.
 8. The Council have cited Policy EQ11 of A Local Plan for Sefton which seeks proposals for advertisements to not have an unacceptable impact upon amenity having regard to several factors. Thus, the policy is material in this case. I have also had regard to paragraph 132 of the National Planning Policy Framework which seeks to prevent the negative impact of poorly sited and designed advertisements.
 9. The proposal would not be detrimental to the visual amenity of the surrounding area. I therefore conclude that the advert would be acceptable in this regard and that no conflict would be caused with the policies set out above.

Other Matters

10. I note a resident confirmed to the Council their wish to withdraw their objection to the scheme. Even so, in respect of the other matters raised, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a relevant consideration. Points made by the appellant such as the proposal's contribution to the local economy, ease of maintenance, and more flexible advertising are all noted, but have not been decisive in the outcome of the appeal.

Conclusion and Conditions

11. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and public safety subject to conditions to: control the intensity of illumination; hours in which it is illuminated; the minimum display time and interval between each display; the content; and in the event of a malfunction. These conditions are all necessary in the interest of amenity or public safety.

Mr Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The luminance level of the display shall be controlled by ambient environmental control, which must automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level. The intensity of the illumination of the sign permitted by this consent shall be no greater than 600 candela; and shall not exceed 300 candela during the period between sunset and 2200 hours.
- 2) The advert shall only be illuminated between the hours of 07:00 and 22:00.
- 3) The minimum display time for each advertisement shall be 10 seconds and the interval between successive displays shall be 0.1 seconds or less and the transition between displays shall be smooth and uninterrupted.
- 4) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. It shall also not display or contain any features or equipment which would permit interactive messages/advertisements to be displayed or images that resemble official road traffic signs, traffic lights or traffic matrix signs.
- 5) If the display breaks down or is not in use, the panel shall default to a black screen.

END OF SCHEDULE



Appeal Decision

Site Visit made on 8 December 2020

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/M4320/W/20/3258714

Flat 1-6, 45 Stanley Road, BOOTLE, L20 7AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Gerber against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/02007, dated 23 October 2019, was refused by notice dated 6 March 2020.
 - The application sought planning permission for the change of use of ground floor from retail (A1) and the first and second floors to 6 one bed apartments (C3) including alterations to the front and side elevations, without complying with a condition attached to planning permission Ref DC/2019/00163, dated 27 March 2019.
 - The condition in dispute is No 2 which states that:
The development hereby granted shall be carried out strictly in accordance with the following details and plans:
Drawing No. A/605/LP Location and Block Plans
Drawing No. A/605/02E Proposed Floor Plans
Drawing No. A/605/04D Proposed Elevations
 - The reason given for the condition is:
To ensure a satisfactory development.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of ground floor from retail (A1) and the first and second floors to 6 one-bed apartments (C3) including alterations to the front and side elevations at Flat 1-6, 45 Stanley Road, BOOTLE, L20 7AW in accordance with the terms of the application, Ref DC/2019/02007, dated 23 October 2019, subject to the following conditions:
 1. The development hereby granted shall be carried out strictly in accordance with the following details and plans:

A/605/LP – Location and block plan
A/605/02F – Proposed floor plans
A/605/04D – Proposed elevations
 2. No part of the development shall be brought into use until space and facilities for cycle parking have been provided in accordance with the approved plan and these facilities shall be retained thereafter for that specific use.

Background and Main Issue

3. Planning permission was granted in March 2019 for the change of use of 45 Stanley Road Bootle to form 6 one-bed apartments, subject to five conditions. The development has now been carried out, but the alteration of the ground floor corner elevations has not been constructed in accordance with the details shown on approved drawing ref A/605/04D. The appeal proposal seeks to vary condition 2, to enable the new corner elevation to be retained as built. However, the Council consider that this deviation from the approved scheme causes harm to the character and appearance of the area, and refused the application on that basis.
4. A further change to condition 2 is also sought, to enable the retention of the cycle storage area in the external yard, rather than inside the building, as shown on approved drawing no. A/605/02E. Whilst noting that this change does result in a loss of private amenity space for the residents, the Council has not raised an objection to this element of the proposal.
5. The main issue is therefore the effect of varying condition 2 on the character and appearance of the area.

Reasons

6. The appeal site is a corner property in a large three-storey terrace fronting onto Stanley Road, which is a main route between Bootle and central Liverpool. This terrace, like similar blocks along the street, has an air of decline, but remains grand and imposing in appearance, and makes a significant contribution to the character of the area.
7. At ground floor level the terrace is occupied by shop units, some of which are vacant. Above the shop fronts, at first and second floor level, the original pattern of fenestration along the terrace is largely intact. The distinctive brickwork, with banding and decorative details around the windows, strongly define the character of the building, despite the variation in the shop fronts at street level.
8. The approved scheme involves the replacement of the corner shop front with a brick wall incorporating three windows. The approved drawing indicates materials to match the existing building, and banding and detailing around the windows. I appreciate that the original brick colour is now indistinct, but the light coloured facing bricks which have been used in the built scheme do not reflect the darker colour of the rest of the building and adjacent shop fronts. As a result, the replacement brickwork fails to respect the appearance and character of the existing building. The pale colour draws attention to the new corner elevation, which appears highly prominent along this major thoroughfare.
9. The decorative brick and stonework details on the first and second floors of the terrace draw attention to the windows, and increase their visual prominence on the main elevations of the building. The approved scheme involved a much simpler elevation than that of the floors above, but the incorporation of brick banding and the use of smooth red brick around the windows would have helped the development to harmonise with the existing building.

10. However, in the scheme as built, these features have been omitted, and the former shop front has been replaced with a largely featureless wall, which fails to reflect these important elements of the building. As a result, the windows on the new front and side elevations appear overly small within the otherwise blank frontages. Due to the colour of the brickwork and the lack of detailing, the development fails to respect the character and appearance of the existing terrace, and appears obtrusive within the wider streetscene.
11. I acknowledge that, by bringing the building back into use, the development has resulted in improvements to the appearance of the upper elevations, and has removed a vacant shop front which may have been unattractive. However, this does not justify the poor appearance of the new corner elevation. The new frontage is an important element of the scheme, which if retained as built, will cause lasting harm to the character of this prominent building.
12. I conclude that, in respect of the front and side elevations, the proposed variation of condition 2 causes harm to the character and appearance of the area. It conflicts with Policy EG2 of the Sefton Local Plan 2017, which requires that proposals make a positive contribution to their surroundings through the quality of their design, in terms of detailing and use of materials. There is further conflict with paragraph 127c) of the National Planning Policy Framework, which requires that developments are sympathetic to local character and history.

Other Matters and Conditions

13. The proposed change to condition 2 regarding the elevation drawings is not acceptable for the reasons described. However, the proposal also seeks to vary condition 2 to allow the retention of the cycle store outside of the building. This change to the approved floor plans, which was needed to enable electric meters to be installed, is acceptable, and I have varied condition 2 accordingly.
14. The original planning permission has already been implemented so I have omitted condition 1, which is no longer necessary, and renumbered the subsequent conditions. The Council has confirmed that conditions 4 and 5 have previously been approved, and therefore do not need to be repeated. Condition 3, which requires that space for cycle parking is provided and retained thereafter, is still necessary in the interests of sustainable transport, and I have re-imposed it.

Conclusion

15. For the reasons given, I have allowed the appeal insofar as it relates to the repositioned cycle storage area, and have varied condition 2 accordingly. However, in relation to the elevation drawings, the proposed variation of condition 2 conflicts with the development plan, and I have identified no other considerations which outweigh this finding. I have therefore dismissed this element of the appeal proposal.

R. Morgan INSPECTOR

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Sefton Council



Plans and Photographs for
Item 4A

DC/2021/00125

10 St Andrews Drive,
Crosby L23 7UX

Aerial photograph of application site seen within wider context (second to end property on the south-east side of St Andrews Drive)



Google 3D View of St Andrews Drive showing varied building height and style

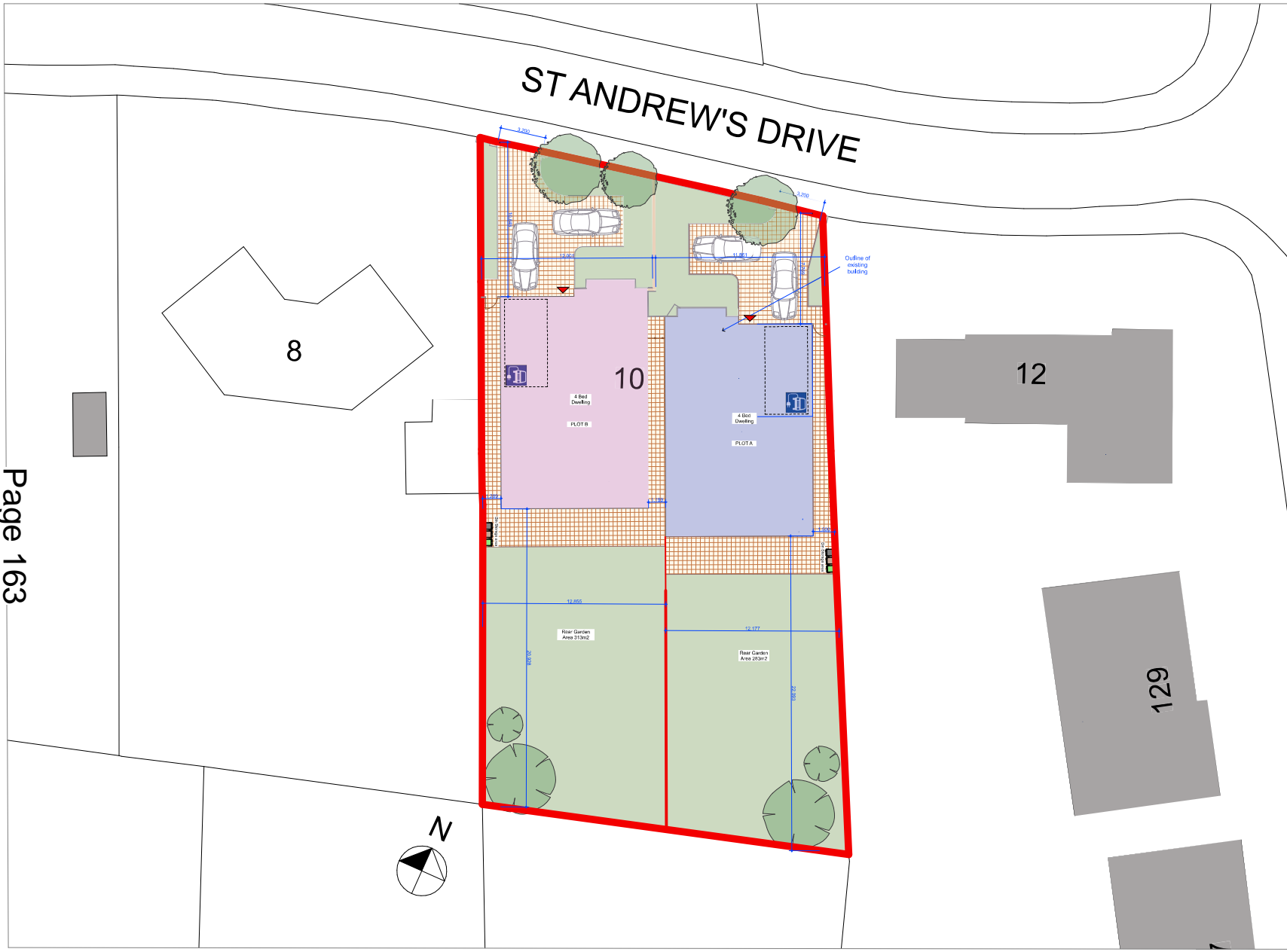


Agenda Item 7a

Rear and front photographs of the existing dwellinghouse



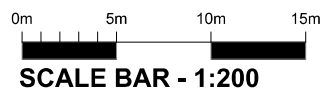
ST ANDREW'S DRIVE



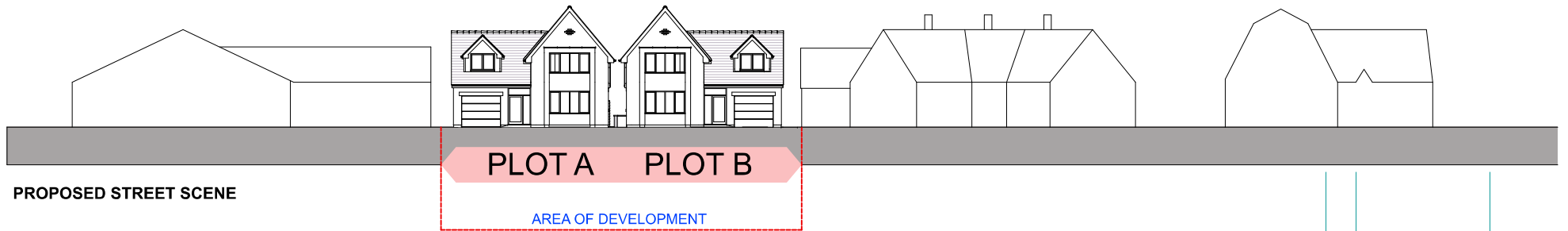
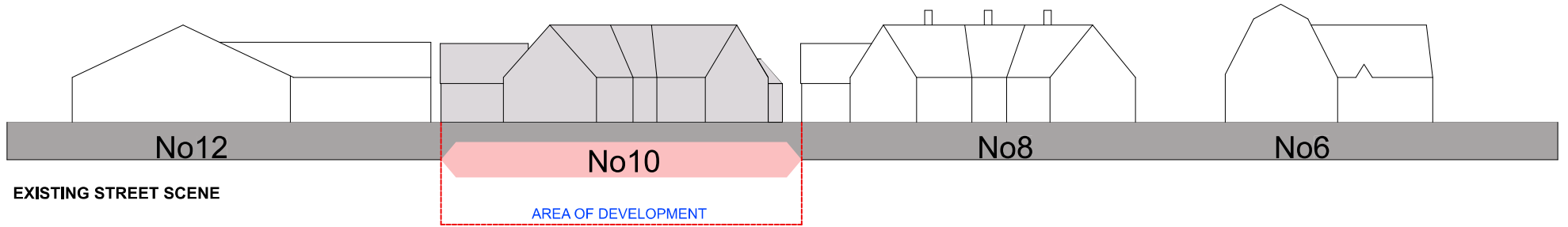
LEGEND:

- Plot A
- Plot B
- Hard landscaping
- Soft landscaping
- Existing tree
- Proposed tree
- Electric charging point

Rev	Description	Date		
A	5 bed properties amended to 4 bed.	04.11.20		
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RAL Information Studio 23 23 Princes Street Southport PR8 1EG T: 01704 885511 F: 01704 885522 studio@ralarchitects.com www.ralarchitects.com				
Client Information				
Client: Mr Dave Sumner				
Drawing Status: Planning				
Job Information				
Name: 10 St. Andrew's drive				
Number: 0207901				
Drawing Information				
Name: Proposed Site Plan 1:200				
Number	Revision	Date	Scale @ A2	
L03	A	26.10.20	1:200	



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Rev	Description	Date						
<table border="1"> <tr> <td rowspan="2"> RAL architects </td> <td> Studio 23 23 Princes Street Southport PR8 1EG T: 01704 885511 F: 01704 885522 studio@ralarchitects.com www.ralarchitects.com </td> </tr> <tr> <td> </td> </tr> </table>			RAL architects	Studio 23 23 Princes Street Southport PR8 1EG T: 01704 885511 F: 01704 885522 studio@ralarchitects.com www.ralarchitects.com				
RAL architects	Studio 23 23 Princes Street Southport PR8 1EG T: 01704 885511 F: 01704 885522 studio@ralarchitects.com www.ralarchitects.com							
<table border="1"> <tr> <td> Client Information </td> <td> Client Mr Dave Sumner </td> </tr> <tr> <td> Drawing Status </td> <td> Planning </td> </tr> </table>			Client Information	Client Mr Dave Sumner	Drawing Status	Planning		
Client Information	Client Mr Dave Sumner							
Drawing Status	Planning							
<table border="1"> <tr> <td> Job Information </td> <td> Name 10 St. Andrew's drive </td> </tr> <tr> <td> Number </td> <td> 0207901 </td> </tr> </table>			Job Information	Name 10 St. Andrew's drive	Number	0207901		
Job Information	Name 10 St. Andrew's drive							
Number	0207901							
<table border="1"> <tr> <td> Drawing Information </td> <td> Name Existing and Proposed Street Scene </td> </tr> <tr> <td> Number L05 </td> <td> Revision * </td> <td> Date 26,10,20 </td> <td> Scale @ A2 NTS </td> </tr> </table>			Drawing Information	Name Existing and Proposed Street Scene	Number L05	Revision *	Date 26,10,20	Scale @ A2 NTS
Drawing Information	Name Existing and Proposed Street Scene							
Number L05	Revision *	Date 26,10,20	Scale @ A2 NTS					

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Page 165
VIEW INTO PLOT A



VIEW INTO PLOT B



FRONT VIEW

RAL Information	RAL Chartered Architects Studio 23 Princes Street Southport PR8 1EG		Job Information		Drawing Information			
	T:01704 885511 studio@ralarchitects.com www.ralarchitects.com		Name 10 St. Andrew's drive	Number 0207901	CGIs		Number G03	Revision *

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Sefton Council

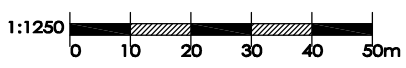
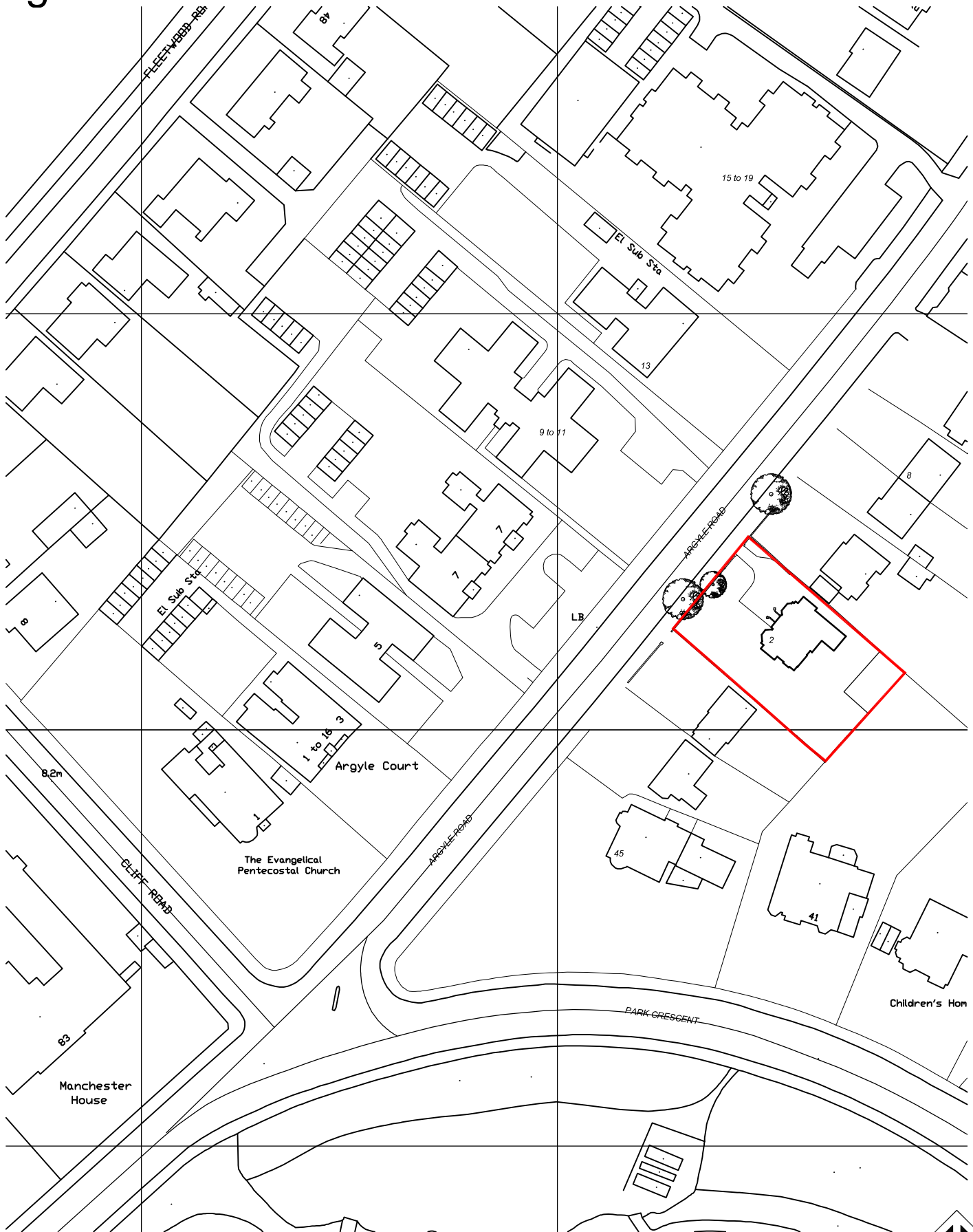


Plans and Photographs for
Item 4B

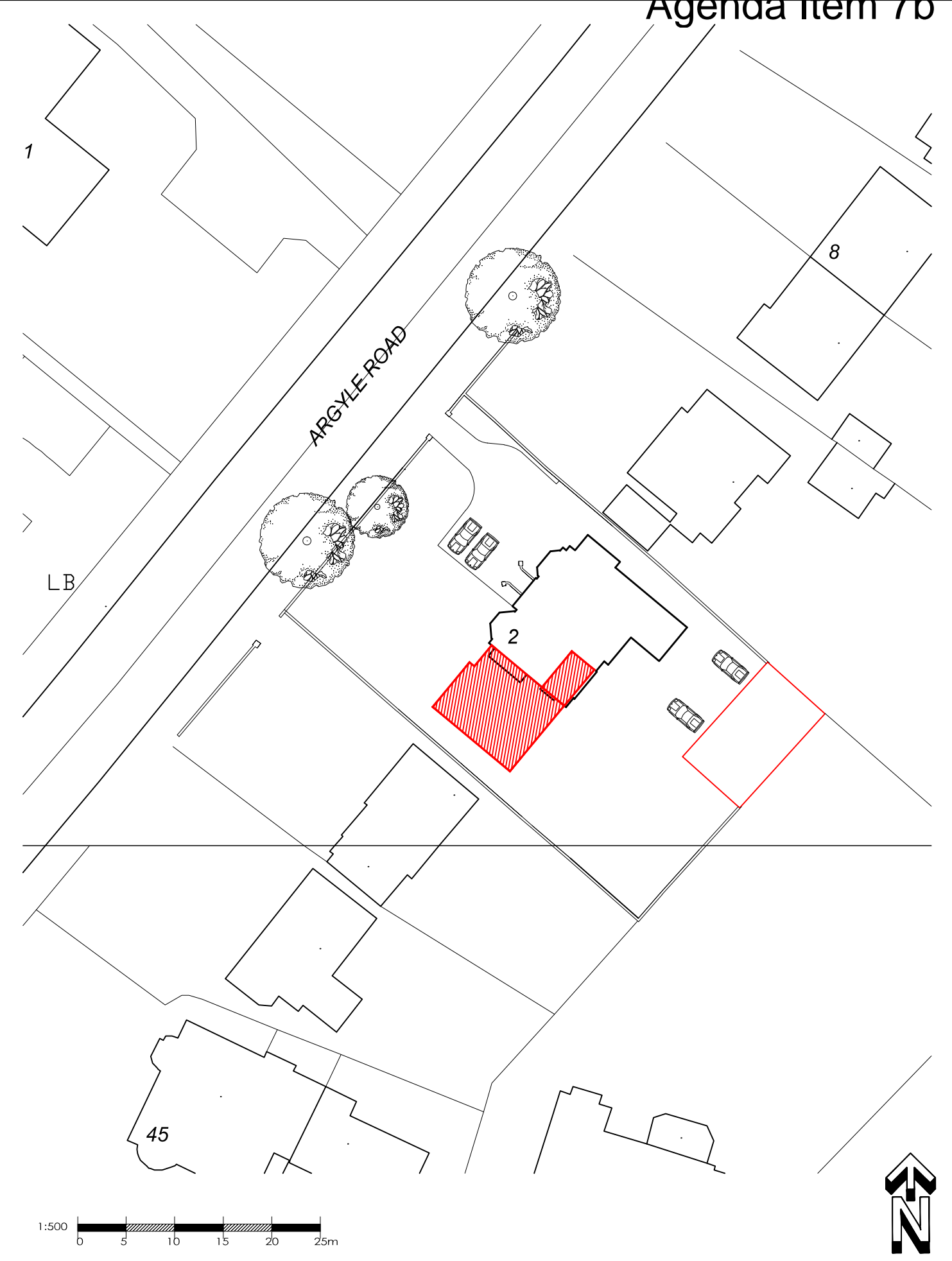
DC/2020/02267

2 Argyle Road,
Southport PR9 9LH

Agenda Item 7b



Project:	Address: 2 Argyle Road, Southport PR9 9LH	
Title: Location Plan	Scale: Page 168/ 1:1250	Date: May 2020



Project:
Extension to side of 2 Argyle Rd

Address:
2 Argyle Rd, Southport PR9 9LH

Title:
Site Plan

Scale:
1:500 @A4

Date:
Oct 2020



Notes
 GENERAL
 All materials and workmanship to comply with the recommendations and requirements of current relevant British Standard Specifications and Codes of Practice and Building Regulations. All proprietary products to be utilised fully in accordance with manufacturers instructions.

Amendments

PLANT SCHEDULE:
 3 new trees per dwelling to be provided on site (1.8 to 2.0 metres minimum height and a minimum girth of 100mm)
 Species may include:
 Cuprocyparis leylandii
 Acer japonicum
 Salix caprea
 Sorbus Aucuparia

New Trees
 A. New trees to be watered in the first growing season by hand application according to the Architects instruction
 B. Trees to be fertilised twice a year during the growing season with a general purpose fertiliser to manufacturer's recommended rates
 C. Tree stakes and ties to be checked for stability in the late Autumn and early spring

NOTE: There are no existing trees on site
 If this can not be accommodated the applicant agrees to enter into a 100 agreement and pay the commuted fee

Client
Mr David Black

Project
Proposed alterations to existing dwelling and additional development at 2 Argyle Road Southport PR9 9LH

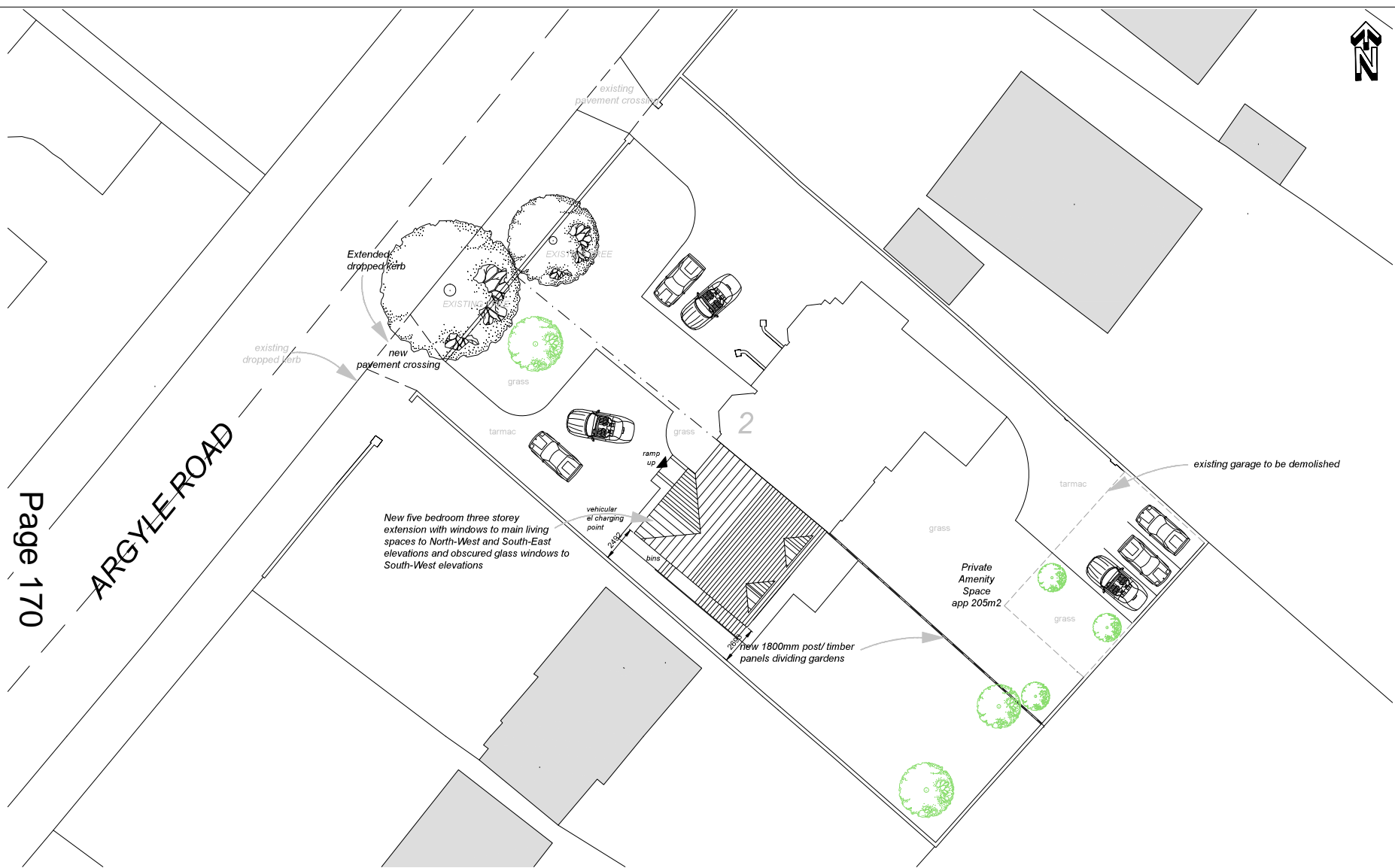
Title
Proposed Site plan and Street Scene Planning Issue



Rod Ainsworth FRBA Architect
 27 Upper Lughton Road, Birkdale, Southport, Merseyside, PR8 9BA
 Telephone (01704) 567301 Fax: (01704) 569316

Drawing No. **2496 - 602** Drawn by **LA**

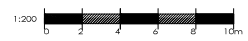
Scale **1:200 at A2** Date **May 2020**



Proposed Site Plan



Proposed Street View from Argyle Road





Existing Front Elevation



Existing Right Side Elevation



Existing Rear Elevation

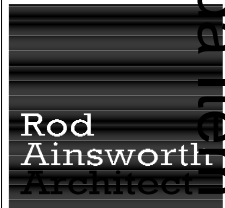
Notes
GENERAL
All materials and workmanship to comply with the recommendations and requirements of all current relevant British Standard Specifications and Codes of Practice and Building Regulations. All proprietary products to be utilised fully in accordance with the manufacturers instructions.

Amendments

Client
Mr David Black

Project
Proposed Extension
at
2 Argyle Road
Southport
PR9 9LH

Title
Existing Elevations
Planning Issue



Rod Ainsworth RIBA Architect
27 Upper Lighton Road, Birkdale, Southport, Merseyside, PR8
Telephone (01704) 567301 Fax (01704) 560316

Drawing No.
2496 - 605

Drawn by
LA

Scale
1:100 at A1

Date
Oct 2020



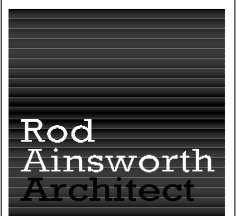
Notes
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 All materials and workmanship to comply with the recommendations and requirements of current relevant British Standard Specifications and Codes of Practice and Building Regulations. All proprietary products to be utilised fully in accordance with manufacturers instructions.

Amendments

Client
 Mr David Black

Project
 Proposed Extension
 at
 2 Argyle Road
 Southport
 PR9 9LH

Title
 Existing Plans
 Planning Issue



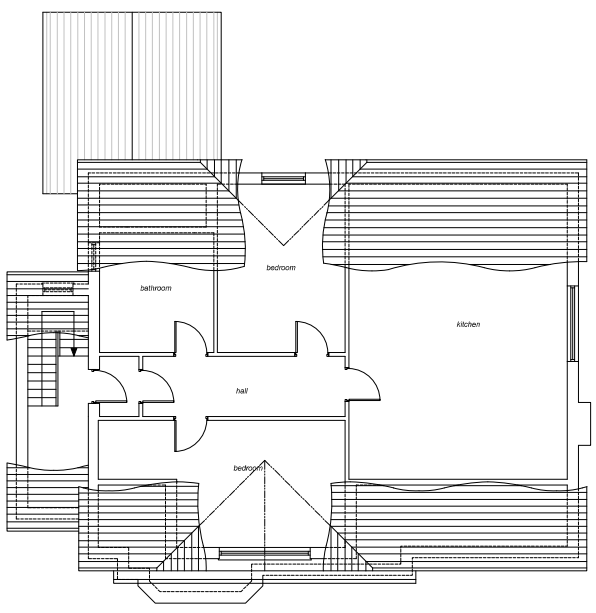
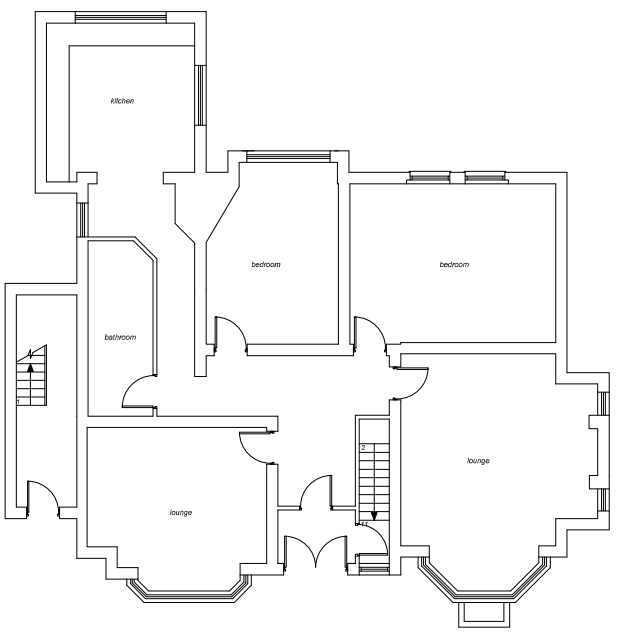
Rod Ainsworth FRBA Architect
 27 Upper Lughton Road, Birkside, Southport, Merseyside, PR8 5HA
 Telephone: (01704) 567301 Fax: (01704) 560316

Drawing No.
 2496 - 603

Drawn by
 LA

Scale
 1:100 at A2

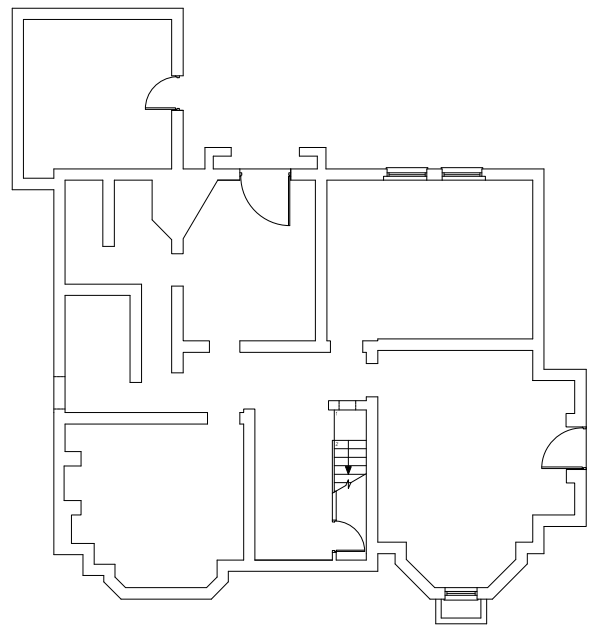
Date
 Oct 2020



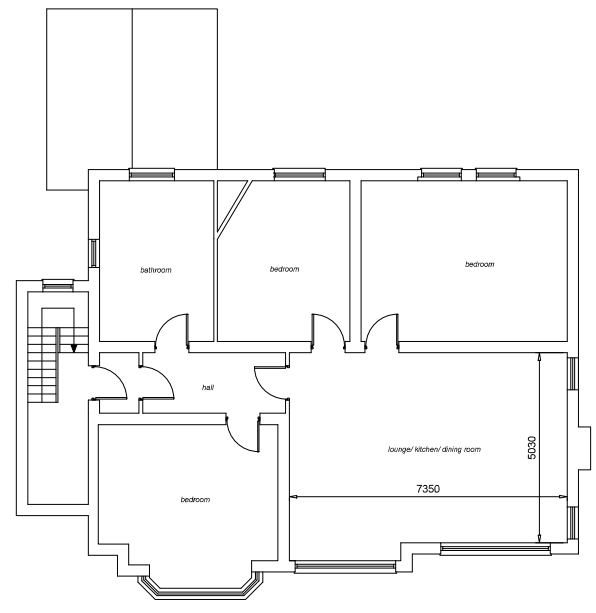
Existing 2nd Floor Plan

Page 172

Existing Ground Floor Plan



Existing Lower Ground Floor Plan

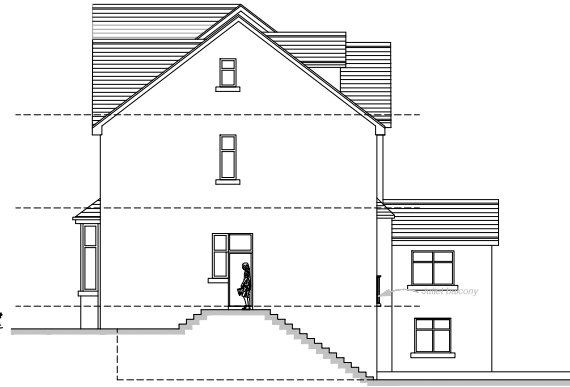


Existing 1st Floor Plan





Proposed Front Elevation



Proposed Right Side Elevation



Proposed Rear Elevation



Notes
GENERAL
 All materials and workmanship to comply with the recommendations and requirements of all current relevant British Standard Specifications and Codes of Practice and Building Regulations. All proprietary products to be utilised fully in accordance with the manufacturers instructions.

Amendments

PLANT SCHEDULE:
 1 New trees per building to be provided on site (2 to 2.5 metres maximum height with a maximum girth of 100mm).
Screening & Erosion
 1.0000000000000000
 1.0000000000000000
 1.0000000000000000
 1.0000000000000000

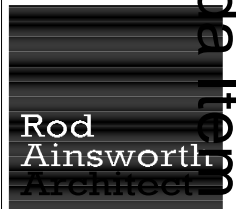
Non-Trees
 A - Non-trees to be installed in the top ground level only
 B - Non-trees to be installed in the top ground level only
 C - This item and its sub-items shall be installed in the top ground level only

NOTE: There are no exceptions to this.
 This can not be accommodated by the client unless they enter into a 10% agreement and pay the contracted fee

Client
 Mr David Black

Project
 Proposed Extension
 at
 2 Argyle Road
 Southport
 PR9 9LH

Title
 Proposed Elevation
 Planning Issue



Rod Ainsworth RIBA Architect
 27 Upper Lighthouse Road, Birkdale, Southport, Merseyside, PR8
 Telephone (01704) 561301 Fax (01704) 500316

Drawing No.
 2496 - 606

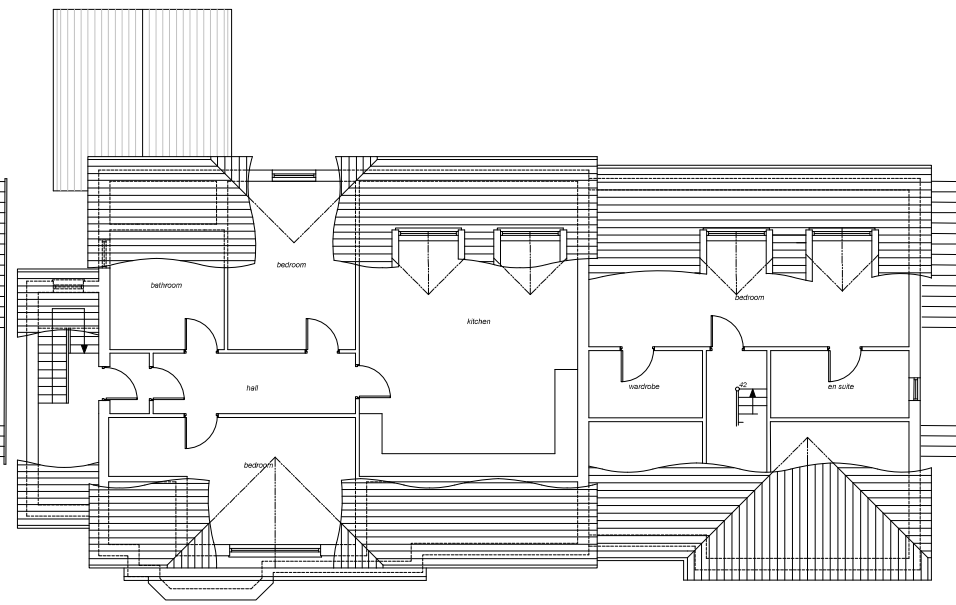
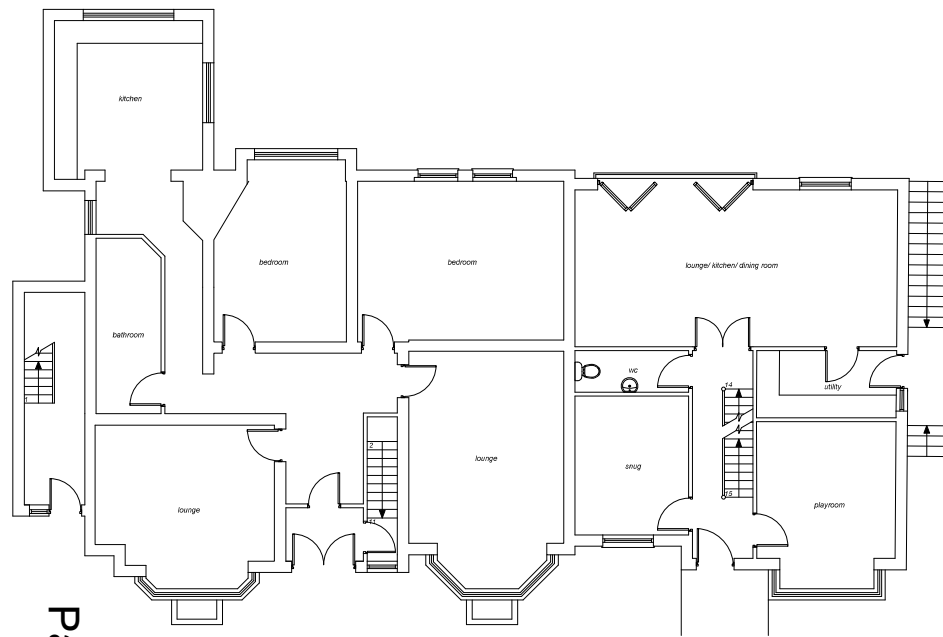
Drawn by
 LA

Scale
 1:100 at A1

Date
 Oct 2020

Notes
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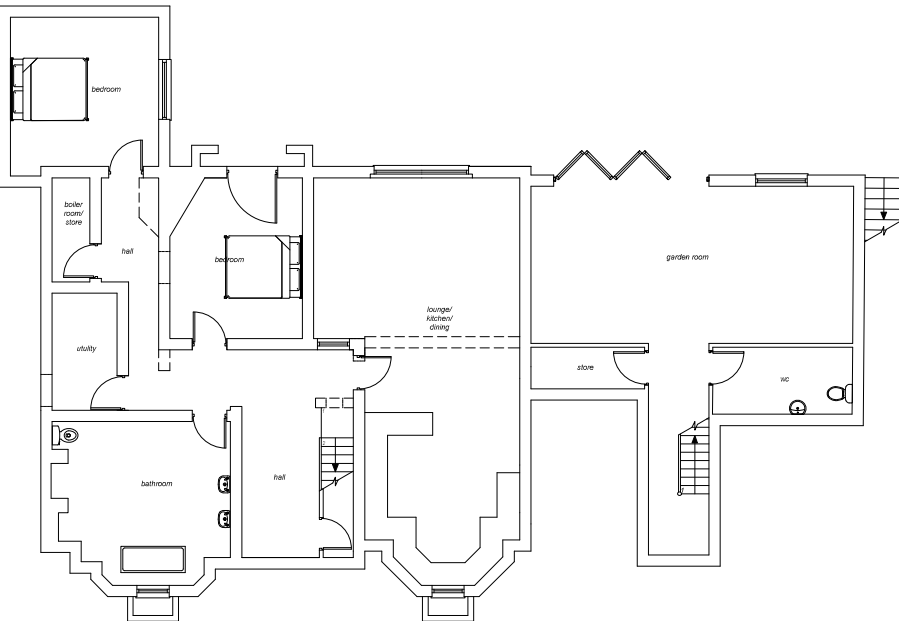
Amendments



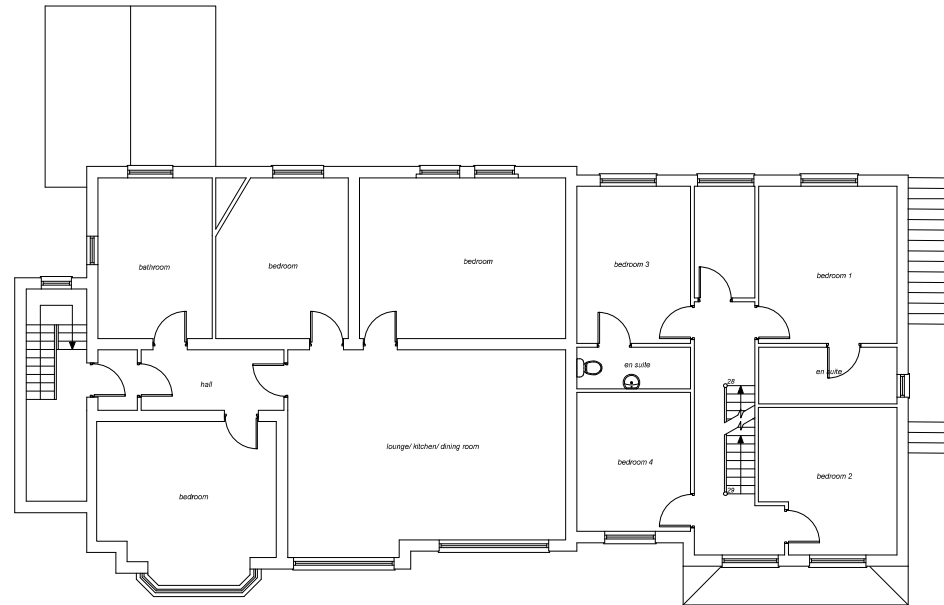
Proposed 2nd Floor Plan

Page 174

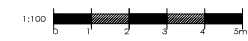
Proposed Lower Ground Floor Plan



Proposed Lower Ground Floor Plan



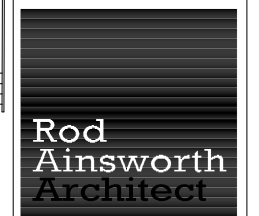
Proposed 1st Floor Plan



Client
Mr David Black

Project
Proposed Extension at 2 Argyle Road Southport PR9 9LH

Title
Proposed Plans
 Planning Issue



Rod Ainsworth FIBA Architect
 27 Upper Lughton Road, Birkdale, Southport, Merseyside, PR8 9HA
 Telephone (01704) 567301 Fax: (01704) 560316

Drawing No. **2496 - 604** Drawn by **LA**

Scale **1:100 at A2** Date **Oct 2020**

Sefton Council

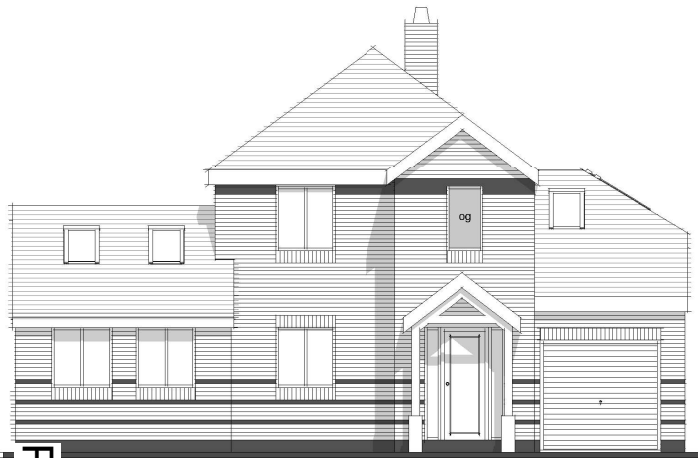


Plans and Photographs for
Item 4C

DC/2021/00270

12 Kew Road,
Formby L37 2HB

og obscured glazing



north



west



south

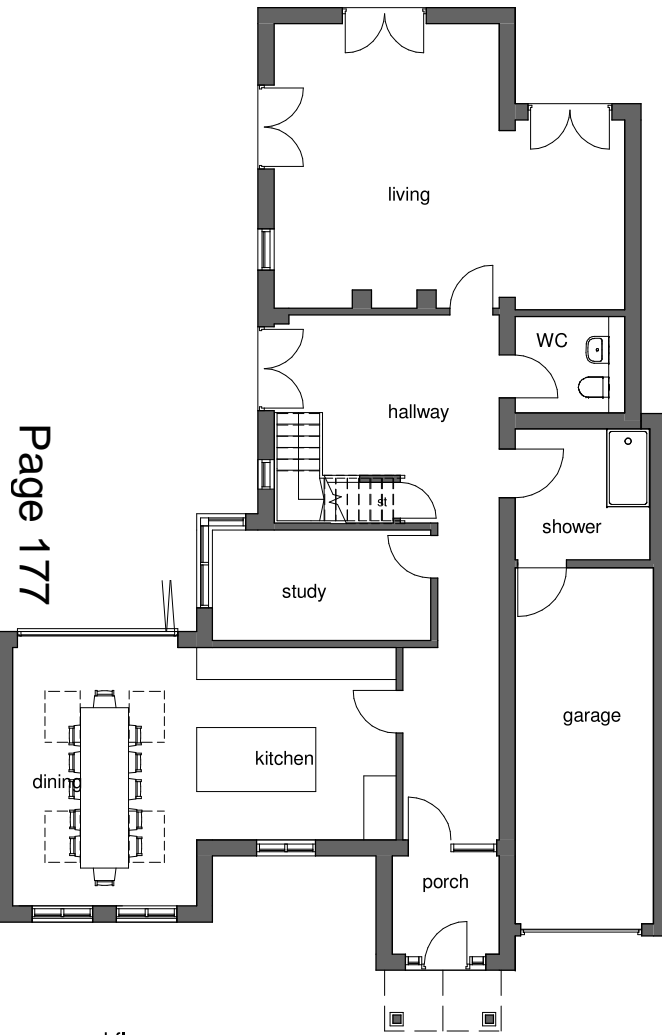
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Builder to verify all dimensions, heights and levels prior to commencement of work.
No encroachment on to neighbours property without written permission.

revision	description	date	issued by
A	amended as per comments	18/05/2020	OB
B	amended as per comments	27/05/2020	OB
C	dims added to elevations	11/06/2020	OB
C	dims added to elevations	15/07/2021	OB
D	amendments to north extension	29/01/2021	BO

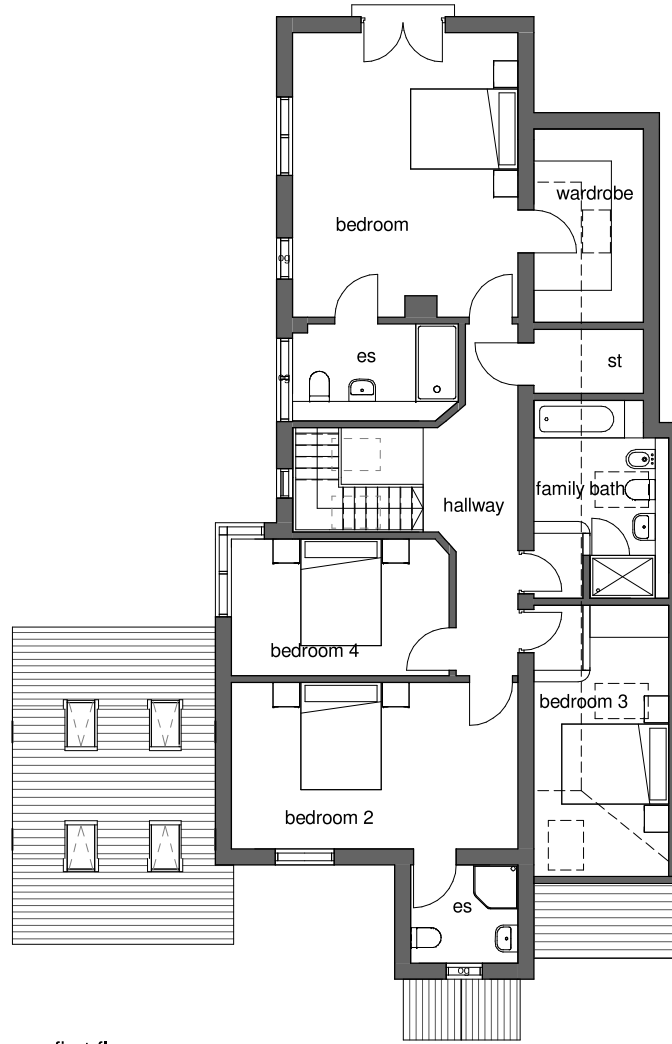


scale @ A3	1 : 100	project	Kew Road, Formby, Liverpool, L37 2HB
status	planning	title	proposed elevations
revision	D	drawing number	19.1009 P (00) 102

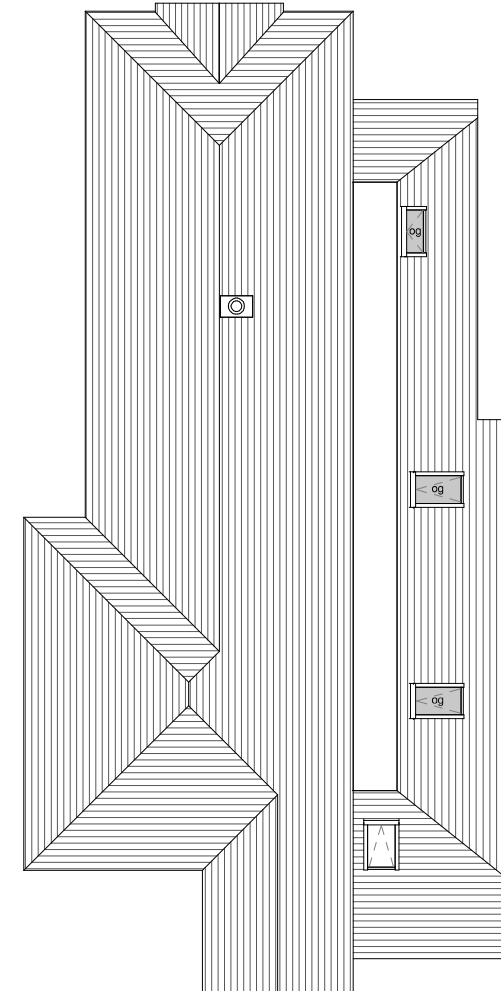
og obscured glazing



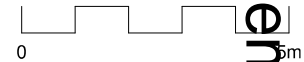
ground floor



first floor



roof plan



Agenda Item 7C

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Builder to verify all dimensions, heights and levels prior to commencement of work.
No encroachment on to neighbours property without written permission.

revision	description	date	issued by
		18/05/2020	OB
A	amended as per comments	27/05/2020	OB
B	amended as per comments	11/06/2020	OB
C	amendments to north extension	29/01/2021	BO



scale @ A3 1 : 100

status planning

revision C

project Kew Road, Formby, Liverpool, L37 2HB

title proposed floor & roof plans

drawing number 19.1009 P (00) 101

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Sefton Council



Plans and Photographs for
Item 5A

DC/2020/00590

Unit 1 Site Of Mayflower
Industrial Estate Liverpool Road,
Formby

GENERAL NOTES:
 This drawing should be read in conjunction with approved Landscaping Scheme and all relevant Structural Engineer's External Works Layout/Highway details.

SUMMARISED SITE REMEDIATION STRATEGY RECOMMENDATIONS:

For Communal Amenity Grassed Areas / Landscaped Areas

- Reduction of site levels to 600mm below finished level under communal amenity grassed areas / landscaped areas within the curtilage of the blocks, or to surface of undisturbed natural deposits, whichever is the lesser.
- Validate reduced level in garden areas to be free from asbestos.
- Place geotextile at base of communal amenity grassed areas / cultivated landscaped areas prior to level restoration.
- Communal amenity grassed areas / landscaped areas levels are to be restored by placement of clean imported subsoil / topsoil.
- Rear patio levels to be restored by placement of clean imported granular fill.
- Imported subsoil and topsoil are to be from greenfield source(s) and analysed at a frequency of 1nr analyses per 100m², with a minimum number of analysis being 4nr per source.
- Imported granular fill under patio areas to be a virgin quarried source.

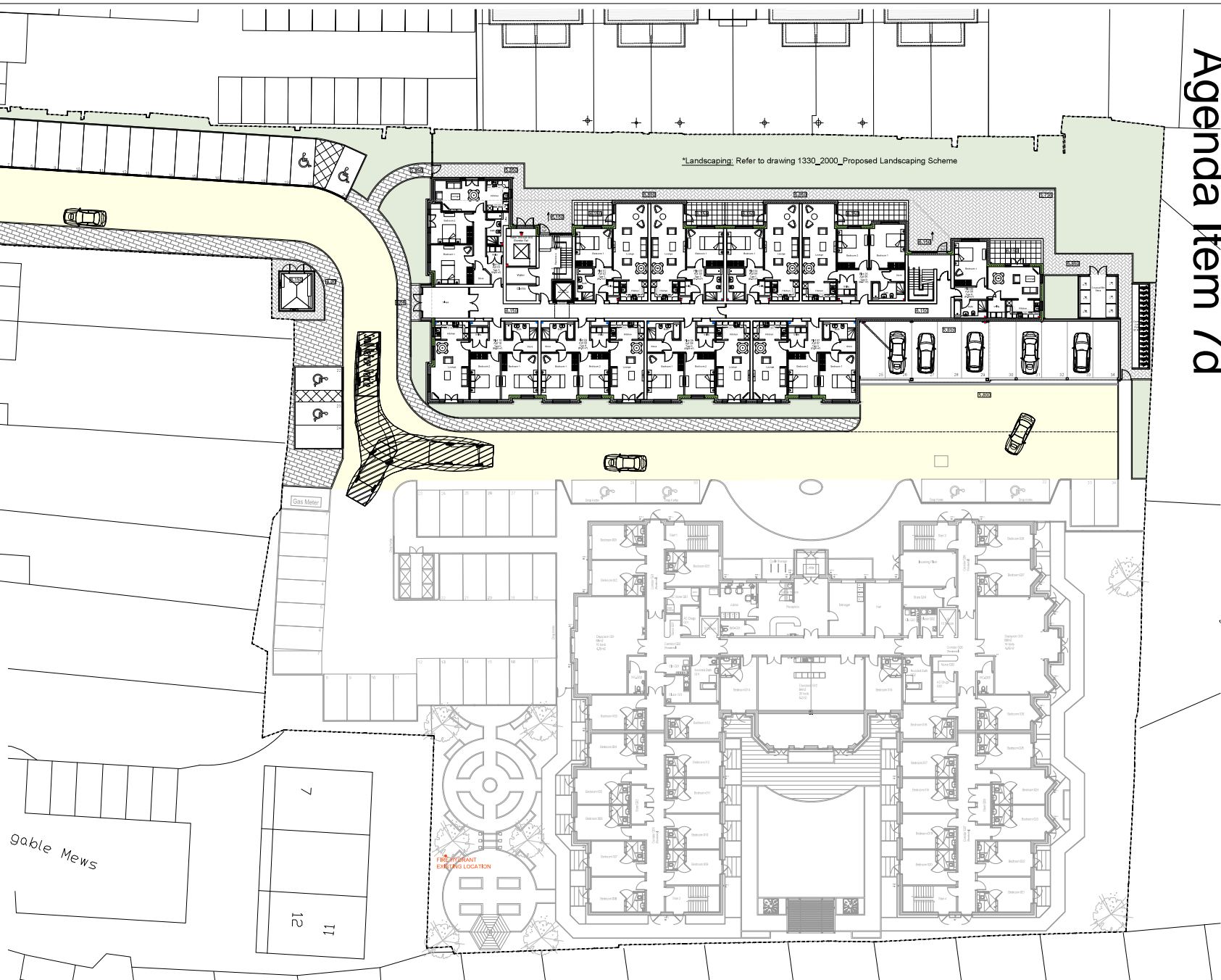
For Ground Slabs:

- Place 60mm blinding concrete layer at base of subfloor void over full footprint.
- Adopt a suspended passively vented ground floor slab incorporating proprietary hydrocarbon proof membrane.

For Water Mains:

- Standard PE water mains may be adopted, but must be laid in a remediated alignment comprising clean imported granular fill providing 300mm cover all round to mains.

These should be read in conjunction with their respective Detailed Remediation Strategies and the referenced Standard Operating Procedures,



Proposed Site Plan Scale 1:200



Revisions				Revisions				Revisions				Revisions				Revisions				
Rev	Date	Description	By	Chk	Rev	Date	Description	By	Chk	Rev	Date	Description	By	Chk	Rev	Date	Description	By	Chk	
A	12.01.17	Changes to scheme, additional apartments added	KH	DB	J	16.10.18	General amendments	AG	DB											
B	07.03.17	Changes to scheme, following meeting with Lovelady Management Co Ltd	KH	DB	K	26.10.18	Summarised site remediation strategy recommendations added	AG	DB											
C	06.06.17	Substation added	KH	DB	L	03.12.18	Labelled Care Home layout and General Notes added	AG	DB											
D	09.06.17	Substation relocated	KH	DB	M	05.02.19	GRP substation replaced by brickbuilt substation.	AG	DB											
E	19.06.17	Alterations to Western Boundary following further topog survey	KH	DB	N	17.05.19	2no. parking spaces by building entrance relocated by site entrance.	AG	DB											
F	20.06.17	Internal alterations to apartments	KH	DB	P	16.07.19	2no. parking spaces added by site entrance for visitors or Management Company, Total parking blocks 54.	AG	DB											
G	07.07.17	Amendments to windows	KH	DB																
H	10.07.18	Amendments to scheme	KH	DB	Q	16.10.19	Scale Bar added	KH	DB											

THE KEITH DAVIDSON PARTNERSHIP
CONSULTING ARCHITECTS & PROJECT MANAGERS LTD +20 REGULATION

13 Seymour Terrace
 Seymour Street
 Liverpool
 L3 5PE

Telephone: +44 (0) 151 708 1777
 Facsimile: +44 (0) 151 708 9996
 Email: info@kdparchitects.com
 Website: www.kdparchitects.com

Client
 Mayflower Manor Ltd

Job title
 Mayflower Industrial Estate,
 Liverpool Road, Forthby

Drawing title
 Proposed Site Plan

Planning

Job number: **1330**

Drawing number: **1000**

Scale: 2000A1

Checked: JL

Date: 11.10.14

KDP ARCHITECTS

Q

All dimensions to be checked on site. Figured dimensions to be read in preference to scaled. KDP accepts no responsibility for any unauthorised amendments to the drawing and does not permit unauthorised copying of the drawing. This drawing is copyright and remains the property of KDP unless otherwise agreed.

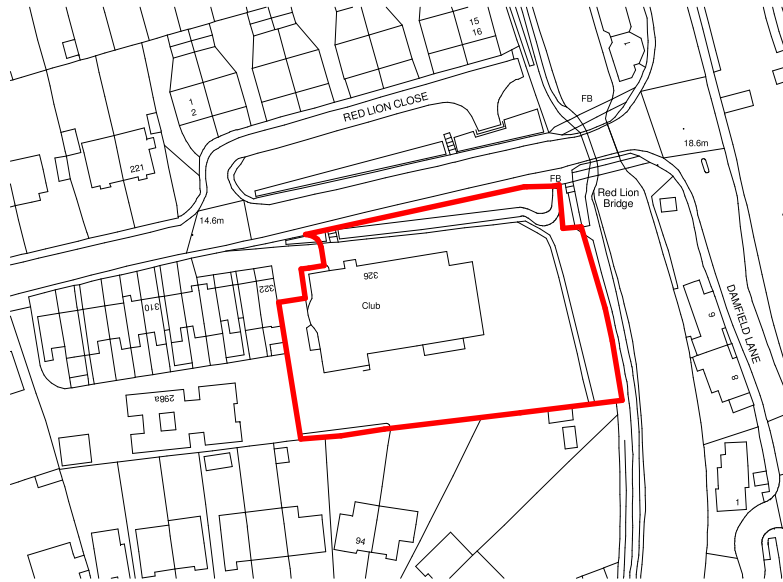
Sefton Council



Plans and Photographs for
Item 5B

DC/2020/00418

Site of Former Royal British Legion
326 Liverpool Road South,
Maghull L31 7DJ



1 Site Location Plan
1 : 1250



1:1250 @ A3



0m 3.125m 6.25m 9.375m 12.5m



IMPORTANT INFORMATION
Dimensions to be confirmed on site prior to start of works and ODAs to be informed of discrepancies immediately. No dimensions to be scaled from this drawing.
All materials and works are to be carried out in accordance with current British Standards, Planning Permission, current Building Regulations and Codes of Practice.
Party Wall Act - Notices under the Party Wall Act are to be served by the property owner or appointed third party by property owner.
Health and Safety - CDM 2015 Regulations apply to all construction works to be carried out and apply to designers, contractors and the client. As such all parties have duties under these regulations.

Notes



Rev Date Description Revised By Checked By

Revisions

Client:
MCCARTHY & STONE

Project Name:
Royal British Legion,
Liverpool Road South,
Maghull, L31 7DJ

Drawing Title:
SITE LOCATION PLAN

Drawing Status: PLANNING

Project No: 19122

Drawn By: MW

Checked By: OGH

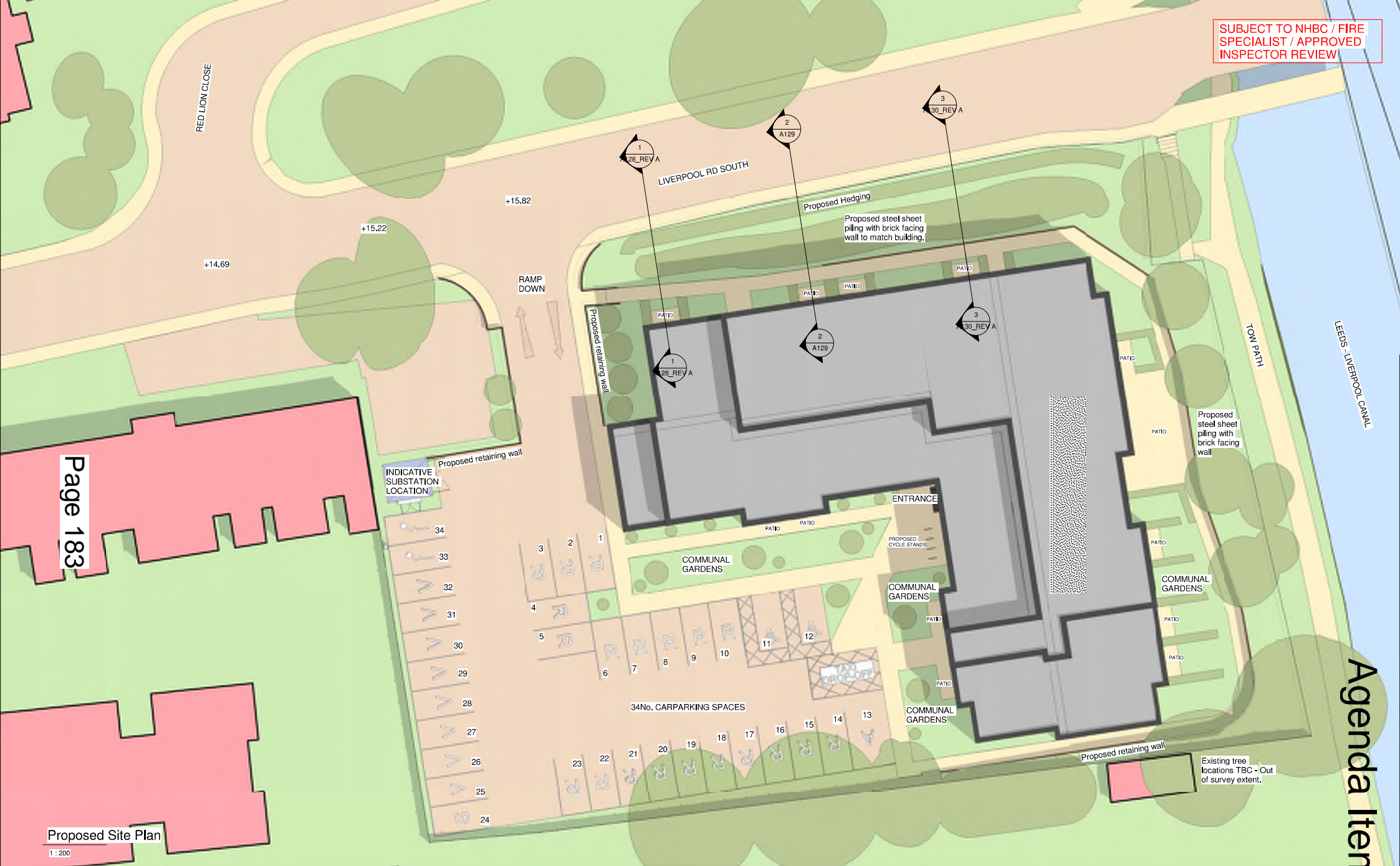
Date: FEB 2020

Scale @ A3: 1 : 1250

ARCHITECTURE

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ARCHITECTURAL SERVICES

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West Yorkshire, S017 7DS
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www.onedesignarchs.com
mail@onedesignarchs.com
Registered in England & Wales No: 8355443



Page 183

Proposed Site Plan

1 : 200

Agenda Item 7e

RIBA Chartered Practices

CIAT REGISTERED PRACTICE

RICS

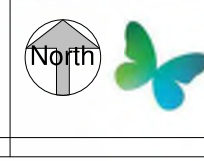
IMPORTANT INFORMATION
 Dimensions to be confirmed on site prior to start of works and ODAS to be informed of discrepancies immediately. No dimensions to be scaled from this drawing.
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All site levels shown as indicative only. Please refer to Proposed External Works Levels Layout Drawing McC&S-RBL-M-001.
 Please refer to Landscape drawings for full Landscape Design.
 Please refer to Structural/Civils drawings for specialist design.

1:200 @ A2

0m 5m 10m 15m 20m

Notes



Rev	Date	Description	Revised By	Checked By
B	20.08.20	SITE BOUNDARY TREATMENTS/SUBSTATION REVISED FOLLOWING CLIENT INSTRUCTION	EB	OGH
A	03.08.20	UPDATED IN LINE WITH LOCAL AUTHORITY COMMENTS	EB	OGH

Client: MCCARTHY & STONE

Project Name: Royal British Legion, Liverpool Road South, Maghull, L31 7DJ

Drawing Title: PROPOSED SITE PLAN

Drawing Status: PLANNING

Project No: 19122

Drawing No: A101_REV B

Drawn By: MW

Checked By: OGH

Date: FEB 2020

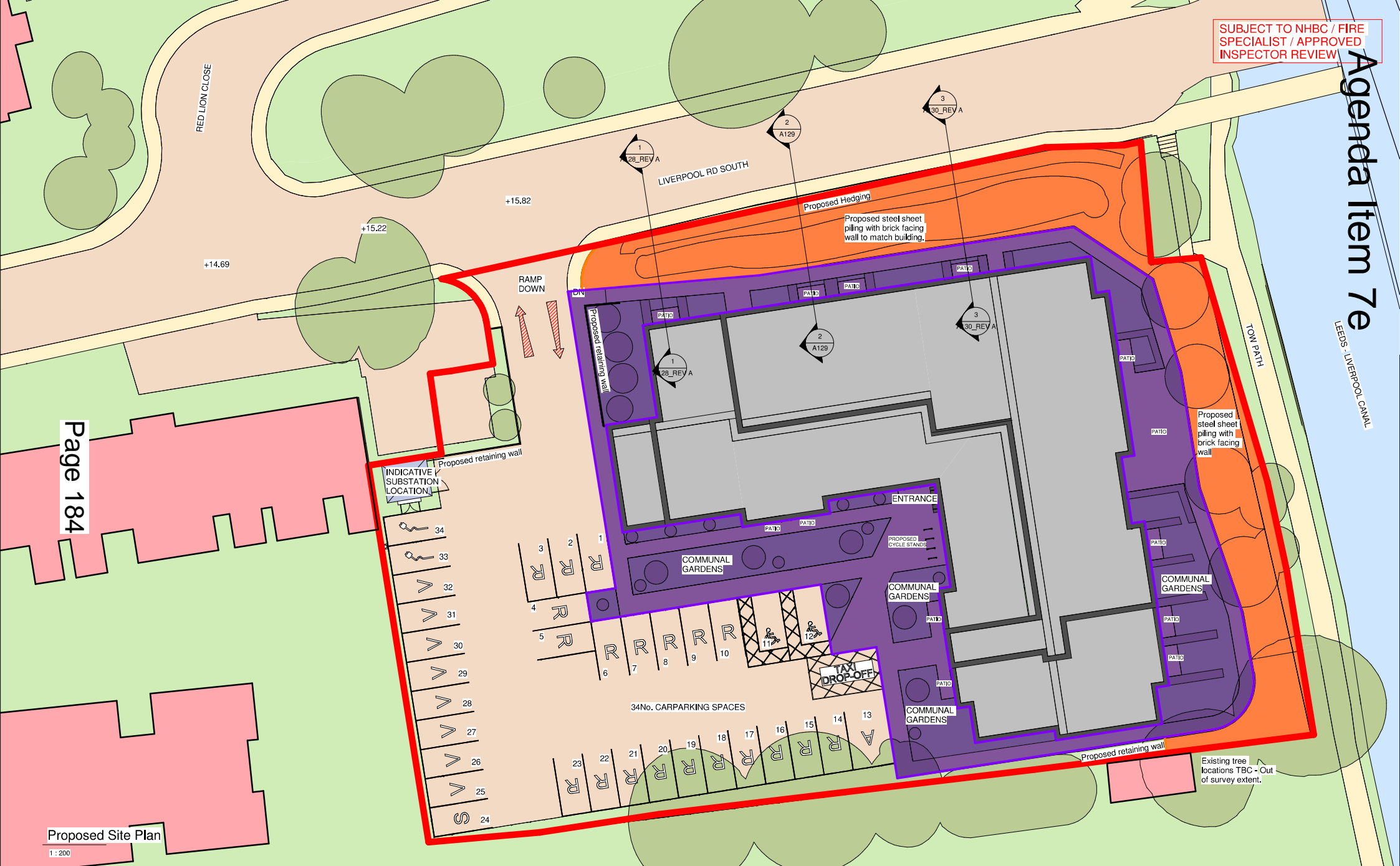
Scale @ A2: As indicated

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SUBJECT TO NHBC / FIRE SPECIALIST / APPROVED INSPECTOR REVIEW

Agenda Item 7e
LEES - LIVERPOOL CANAL



Page 184

Proposed Site Plan

1 : 200



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1:200 @ A2

0m 5m 10m 15m 20m

Notes



Rev	Date	Description	Revised By	Checked By
B	20.08.20	SITE BOUNDARY TREATMENTS/SUBSTATION REVISED FOLLOWING CLIENT INSTRUCTION	EB	OGH
A	03.08.20	UPDATED IN LINE WITH LOCAL AUTHORITY COMMENTS	EB	OGH

Revisions

Client: MCCARTHY & STONE
Project Name: Royal British Legion, Liverpool Road South, Maghull, L31 7DU
Drawing Title: PROPOSED SITE PLAN
Drawing Status: PLANNING

Project No: 19122
Drawing No: A101_REV B
Drawn By: MW
Checked By: OGH
Date: FEB 2020
Scale @ A2: As indicated

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ARCHITECTURE



Level 00
1:200

FFL: 154.6m

RIBA Chartered Practices
CIAT REGISTERED PRACTICE
RICS

IMPORTANT INFORMATION
 Drawings to be confirmed on site prior to start of works and ODAS to be informed of discrepancies immediately. No dimensions to be scaled from this drawing.
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 Health and Safety - CDM 2015 Regulations apply to all construction works to be carried out and apply to designers, contractors and the client. As such all parties have duties under these regulations.

1:200 @ A2

Notes

North

Rev	Date	Description	Revised By	Checked By
A	24.03.21	ADDITIONAL WINDOW ADDED TO CORNER APARTMENT/ BALCONIES AMENDED FOLLOWING CLIENT INSTRUCTION.	WPS	OGH

Revisions

Client: MCCARTHY & STONE

Project Name: Royal British Legion, Liverpool Road South, Maghull, L31 7DJ

Drawing Title: PROPOSED GROUND FLOOR GA PLAN

Drawing Status: PLANNING

Project No: 19122
Drawing No: A107
Drawn By: MW
Checked By: DGH
Date: FEB 2020
Scale @ A2: As indicated

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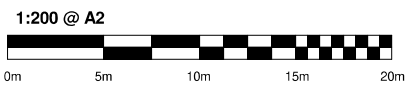


Level 03
1 : 200

FFL: 23.307m
(+2.7m)



IMPORTANT INFORMATION
 Dimensions to be confirmed on site prior to start of works and ODAS to be informed of discrepancies immediately. No dimensions to be scaled from this drawing.
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 Party Wall Act - Notices under the Party Wall Act are to be served by the property owner or appointed third party by property owner.
 Health and Safety - CDM 2015 Regulations apply to all construction works to be carried out and apply to designers, contractors and the client. At such all parties have duties under these regulations.



Rev	Date	Description	Revised By	Checked By
A	24.03.21	ADDITIONAL WINDOW ADDED TO CORNER APARTMENT/ BALCONIES AMENDED FOLLOWING CLIENT INSTRUCTION.	WPS	OGH

Client: MCCARTHY & STONE
Project Name: Royal British Legion, Liverpool Road South, Maghull, L31 7DU
Drawing Title: PROPOSED THIRD FLOOR GA PLAN
Drawing Status: PLANNING

Project No: 19122
Drawing No: A110
Drawn By: MW
Checked By: OGH
Date: FEB 2020
Scale @ A2: As indicated

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Notes

Revisions



PROPOSED NORTH ELEVATION
1:100



PROPOSED SOUTH ELEVATION
1:100

RIBA Chartered Practice

Architects Registration Board

CIAT Chartered Practice

IMPORTANT INFORMATION
DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO START OF WORK AND CORRE TO BE WORKING OF DISCREPANCIES BETWEEN ALL. NO DIMENSIONS TO BE SIGNED FROM THIS DRAWING. ALL MATERIALS AND WORKMANSHIP TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST REVISIONS OF THE APPLICABLE BRITISH STANDARDS OR EURO CODE, PLANNING APPROVAL, CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE. VISIT HALL, ACT - INDICATES WHERE THE PARTY WALL ACT ARE TO BE SERVED BY THE PROPERTY OWNER OR APPOINTED THIRD PARTY BY PROPERTY OWNER.

HEALTH AND SAFETY - COMBUSTIBLE REGULATIONS APPLY TO ALL CONSTRUCTION WORKS TO BE CARRIED OUT AND APPLY TO DESIGNER, CONTRACTORS AND THE CLIENT. NO SUCH PARTS HAVE COME UNDER THIS REGULATION.

1:100 @ A2



B	BALCONIES AMENDED FOR PLANNING	24.03.21
A	ELEVATIONS UPDATED FOR PLANNING	10.03.21

Rev: Description Date

Revisions

Client
MCCARTHY & STONE

Project
Royal British Legion, Liverpool
Road South, Maghull, L31 7DJ
Drawing
PROPOSED ELEVATIONS 1 of 2

project: origin: volume: level: type: title: class: number
19122-ODA-XX-XX-DR-A-A112

Purpose of Issue
Planning

Scale @ A2
1 : 100

Drawn
JMH

Checked
OGH

revision: Date
B MARCH 2020



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Architectural



PROPOSED EAST ELEVATION
1:200



PROPOSED WEST ELEVATION
1:200

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Architects Registration Board

CIAT Chartered Practice

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HEALTH AND SAFETY - CDM 2015 REGULATIONS APPLY TO ALL CONSTRUCTION WORK TO BE CARRIED OUT AND APPLY TO DESIGNER, CONTRACTORS AND THE CLIENT. NO SUCH ALL PARTIES MUST OBTAIN UNDER THIS REGULATION.

1:100 @ A2



Rev	Description	Date
B	BALCONIES AMENDED FOR PLANNING	24.03.21
A	ELEVATIONS UPDATED FOR PLANNING	10.03.21

Revisions

Client
MCCARTHY & STONE

Project
Royal British Legion, Liverpool
Road South, Maghull, L31 7DJ
Drawing
PROPOSED ELEVATIONS 2of2

project origin volume level type title class number
19122-ODA-XX-XX-DR-A-A113

Purpose of Issue
Planning

Scale @ A2
1 : 100

Drawn
JMH

Checked
OGH

revision Date
B MARCH 2020



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www.onedesignarchitects.com info@onedesignarchitects.com
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Architectural



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 Health and Safety - CDM 2015 Regulations apply to all construction works to be carried out and apply to designers, contractors and the client. As such all parties have duties under these regulations.

Notes

Rev	Date	Description	Revised By	Checked By
B	25.03.21	CGI UPDATED	CJ	OGH
A	23.03.21	ADDITIONAL WINDOW ADDED TO CORNER APARTMENT & EXTERNAL MATERIAL AMENDED FOLLOWING CLIENT INSTRUCTION	WFS	OGH

Client:
 MCCARTHY & STONE

Project Name:
 Royal British Legion, Liverpool Road South, Maghull, L31 7DJ

Drawing Title:
 PROPOSED NORTH ELEVATION PERSPECTIVE VIEW

Drawing Status: PLANNING

Project No: 19122
Drawing No: A106
Drawn By: MW
Checked By: OGH
Date: FEB 2020
Scale @ A2: NTS

ARCHITECTURE

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 www.onedesignarch.com
 mail@onedesignarch.com
 Registered in England & Wales No: 8355643



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Notes



Rev	Date	Description	Revised By	Checked By
B	25.03.21	CGI UPDATED	CJ	OGH
A	23.03.21	ADDITIONAL WINDOW ADDED TO CORNER APARTMENT & EXTERNAL MATERIAL AMENDED FOLLOWING CLIENT INSTRUCTION	WFS	OGH

Revisions

Client:
 MCCARTHY & STONE

Project Name:
 Royal British Legion, Liverpool
 Road South, Maghull, L31 7DJ

Drawing Title:
 PROPOSED WEST ELEVATION
 PERSPECTIVE VIEW

Drawing Status: PLANNING

Project No: 19122
Drawing No: A105
Drawn By: MW
Checked By: OGH
Date: FEB 2020
Scale @ A2: NTS

ARCHITECTURE

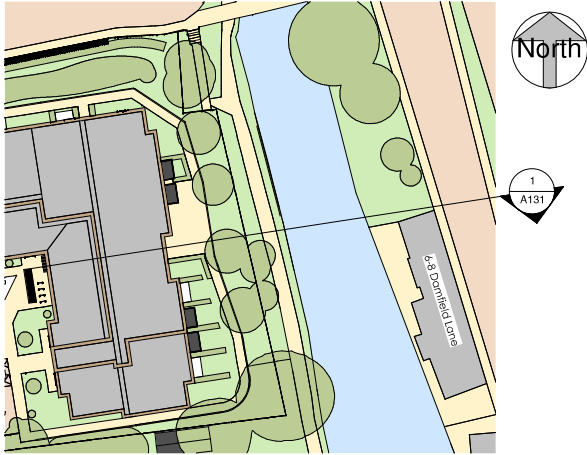


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 West Yorkshire, BD17 7DB
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Page 191

Agenda Item 7e



KEY PLAN
1:500

Page 192



PROPOSED CAST SHADOW SECTION
1:100

RIBA **Chartered Practice**

arb **Architects Registration Board**

CIAT **Chartered Practice**

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NOTE:
INDICATIVE SHADOW EXERCISE TO SHOW CAST SHADOWS OF THE PROPOSED BUILDING THROUGHOUT THE YEAR TO OPPOSITE PROPERTIES TO CANAL ELEVATION

Rev Description Date

Revisions

Client
MCCARTHY & STONE

Project
Royal British Legion, Liverpool
Road South, Maghull, L31 7DJ
Drawing

PROPOSED SHADOW SECTION

project origin volume level type rate class number
19122-ODA-XX-XX-DR-A-A131

Purpose of Issue

Planning

Scale @ A2

As indicated

Drawn Checked
JMH OGH

revision Date
11.03.2021



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Architectural



View of site from Red Lion Bridge



Existing site entrance



Existing site frontage

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Sefton Council



Plans and Photographs for
Item 5C

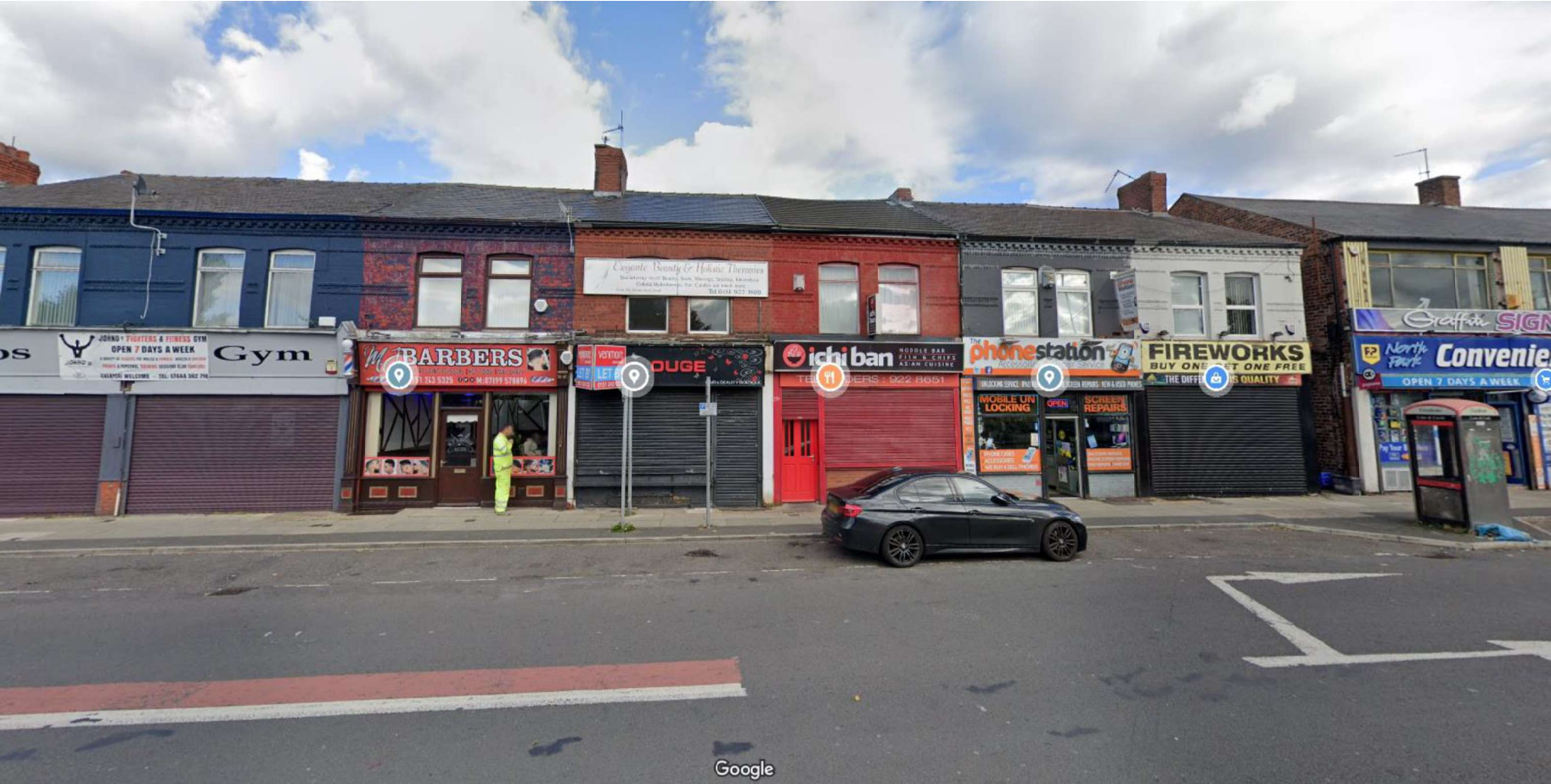
DC/2020/02392

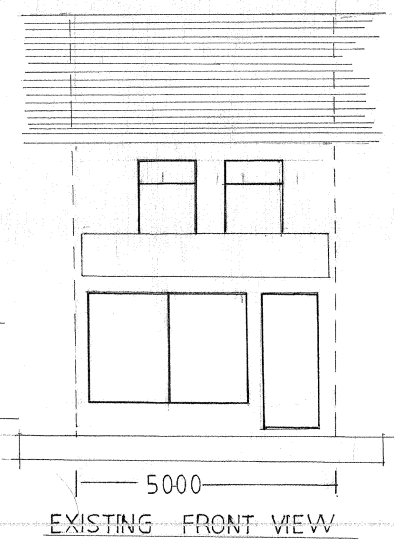
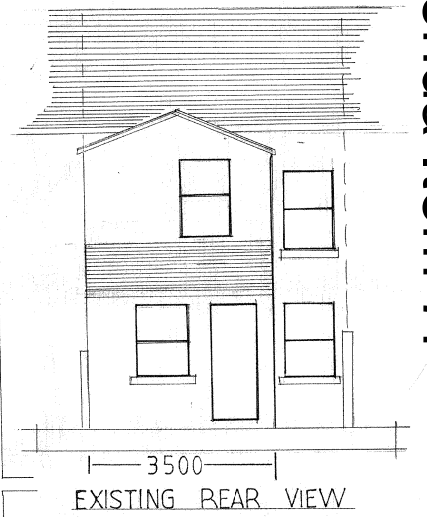
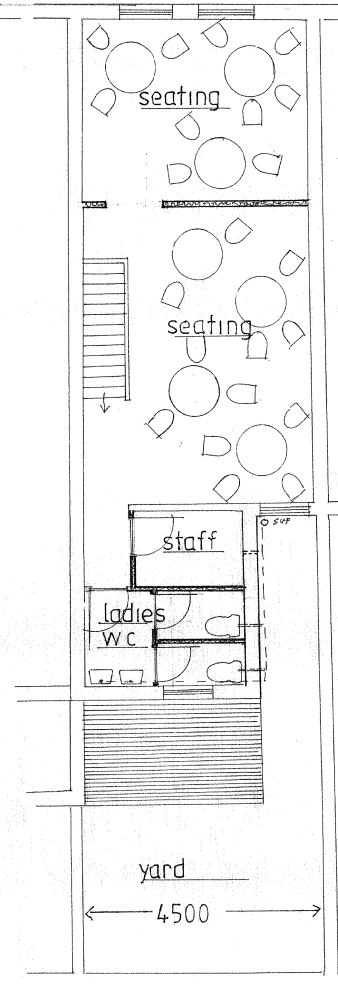
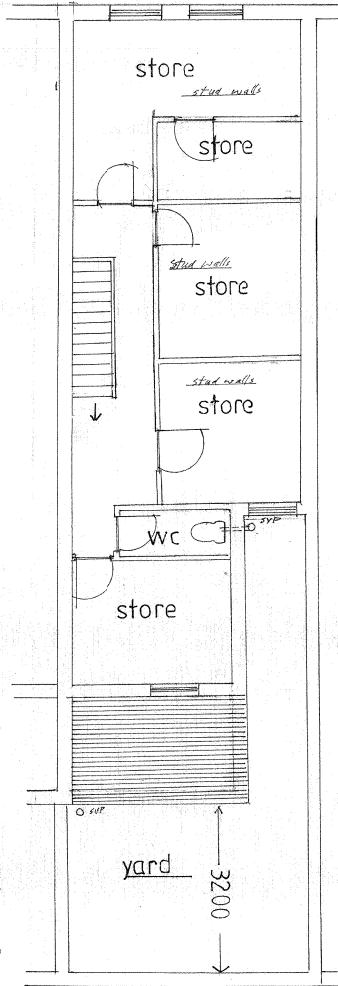
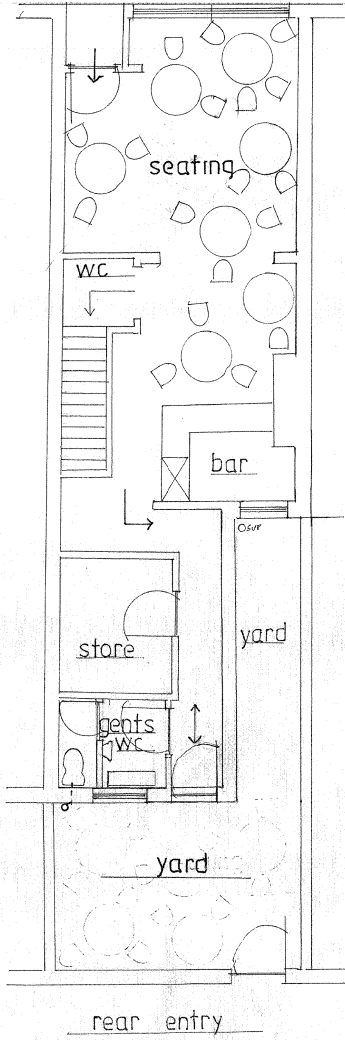
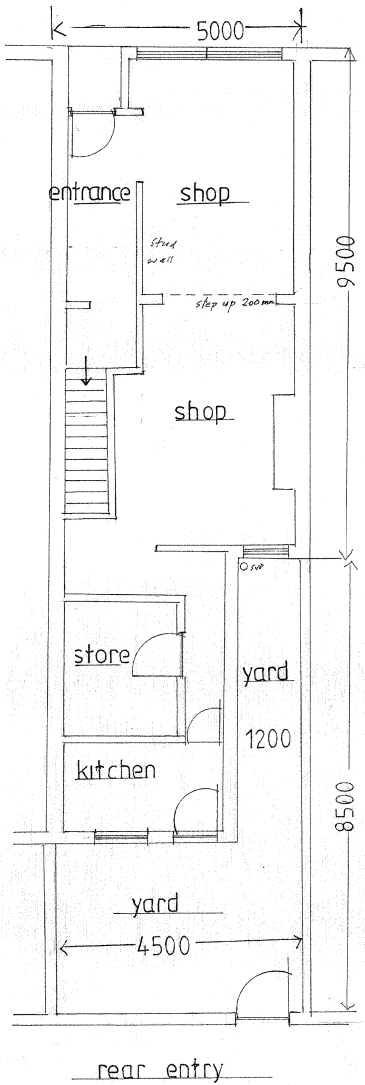
392 Stanley Road,
Bootle L20 5AB

Location of application site within Bootle Town Centre, viewed looking south-east towards Lidl and Marsh Lane



Google StreetView Image of Application Site (Centre Property between Barbers and Hot Food Takeaway)





EXISTING FIRST FLOOR

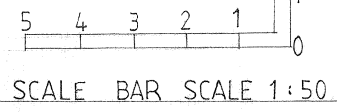
PROPOSED FIRST FLOOR

PROPOSED GROUND FLOOR

392 STANLEY ROAD L20 5AB

AMENDED LAYOUT 22-2-2021

EXISTING GROUND FLOOR SCALE 1:50



Sefton Council



Plans and Photographs for
Item 5D

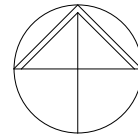
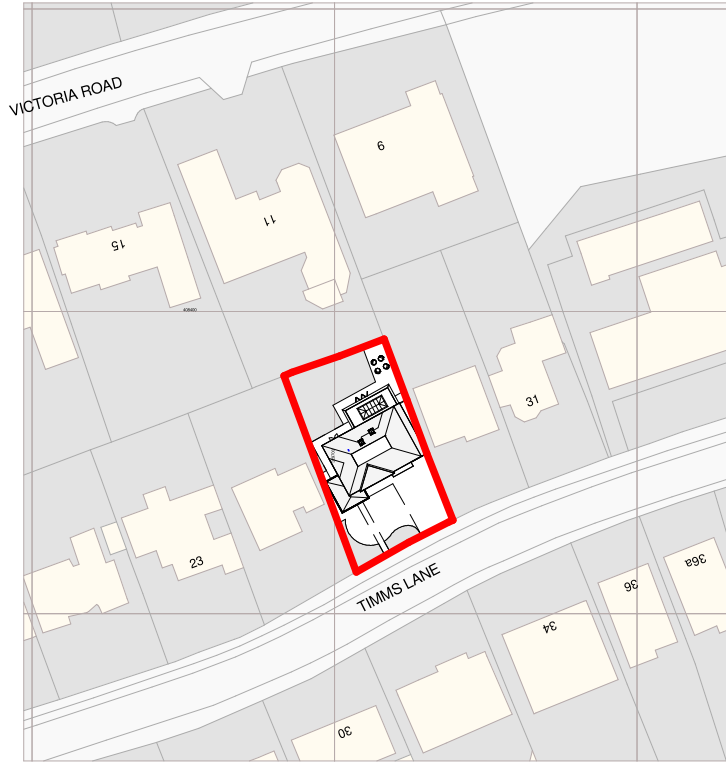
DC/2021/00281

27 Timms Lane,
Formby L37 7DW

Agenda Item 7g



REVISION	DATE	DESCRIPTION	DRAWN	CHECKED
1	02.02.21	Amended to include new garage. Previous garage amended to snug and WC	db	cb

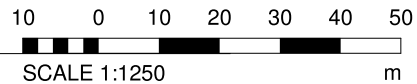


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1

Location Plan

1 : 1250



STATUS:
PLANNING APPLICATION



NJSR

ARCHITECTS
PROJECT MANAGERS
INTERIOR DESIGNERS
CDM ADVISORS
PRINCIPAL DESIGNERS
HISTORIC BUILDING CONSULTANTS

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MANCHESTER | t: 0161 873 8770 | f: 0161 873 8771 | e: manchester@njsr.co.uk
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Page 202

Client

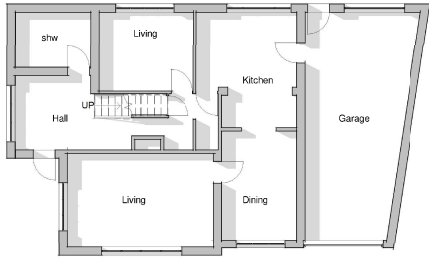


Project
**Proposed Remodelling
27 Timms Lane, Formby**

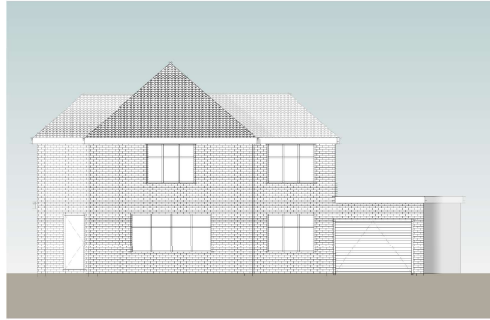
Title
Location Plan

Scale	Date	Drawn	Checked
1 : 1250	02.12.20	db	cb

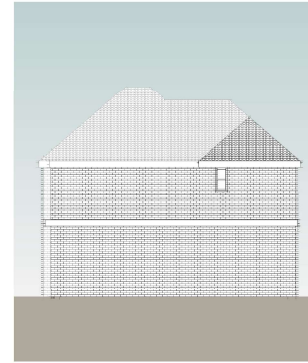
Contract	Dwg. No.	Rev
1573.003	A104	1



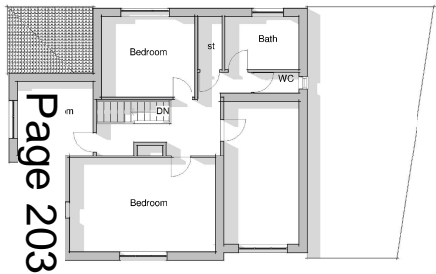
1 Existing Ground Floor Plan
1 : 100



4 Existing Front Elevation
1 : 100



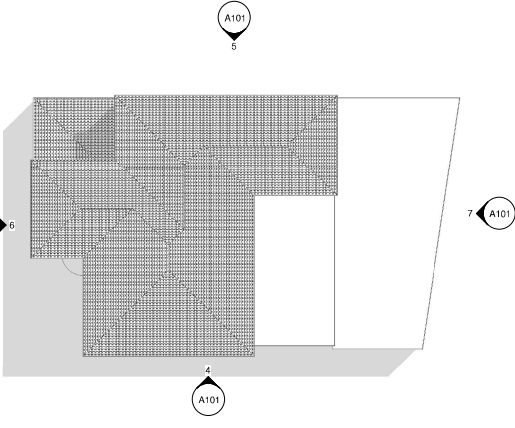
7 Existing Side Elevation 2
1 : 100



2 Existing First Floor Plan
1 : 100



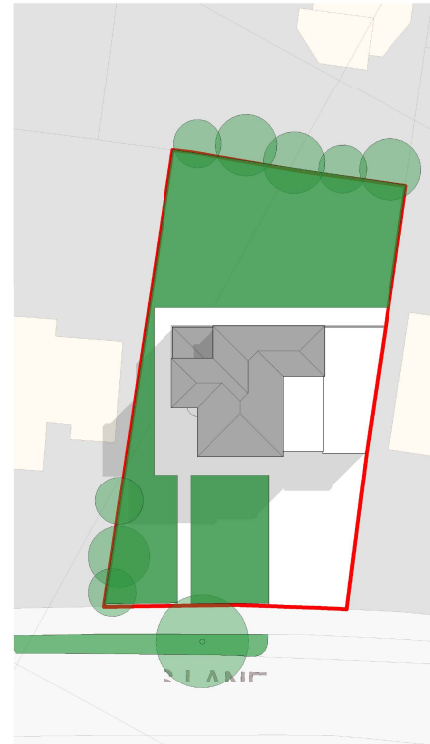
5 Existing Rear Elevation
1 : 100



3 Existing Roof Plan
1 : 100



6 Existing Side Elevation 1
1 : 100



8 Existing Site and Block Plan
1 : 200



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REVISION	DATE	DESCRIPTION	DRAWN	CHECKED
1	21.09.20	North point added to site plan	db	cb
2	02.02.21	Minor update for re-submission	db	cb

STATUS:
PLANNING APPLICATION

NJSR
SOUTHPORT | T: 01759 531 252 | E: 01754 532 833 | R: 01759 531 252
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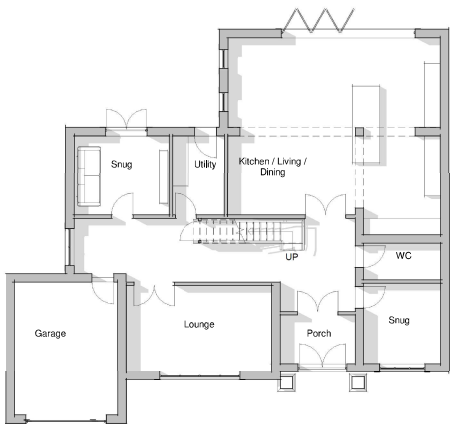
Client
MOUNTACRE HOMES

Project
Proposed Remodelling
27 Timms Lane, Formby

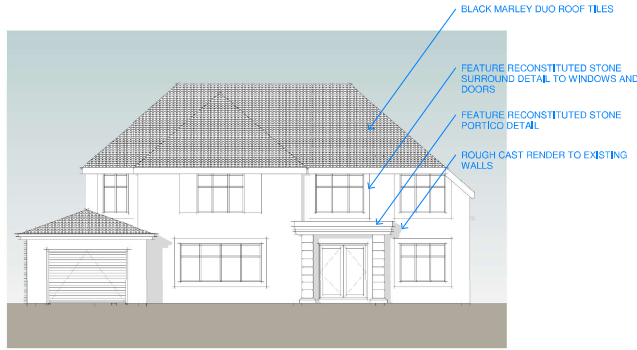
Title
Existing Plans and Elevations

Scale	Date	Drawn	Checked
As indicated	21.09.20	db	cb
Contract	Dwg No	Rev	
1573.003	A101	2	

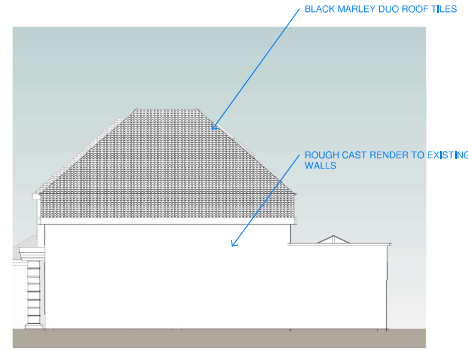
Agenda Item 7g



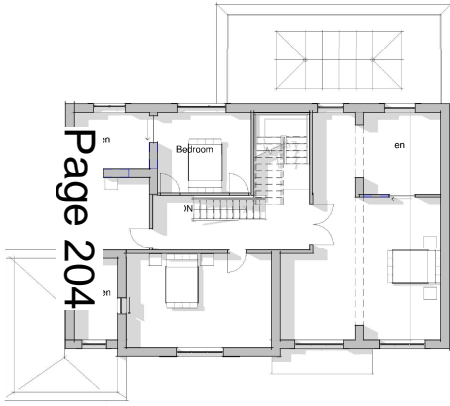
1 Proposed Ground Floor Plan
1 : 100



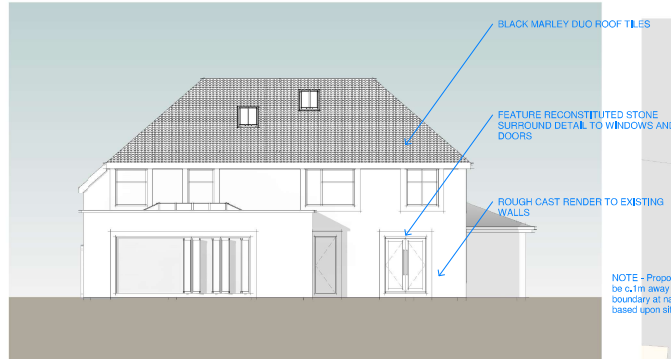
4 Proposed Front Elevation
1 : 100



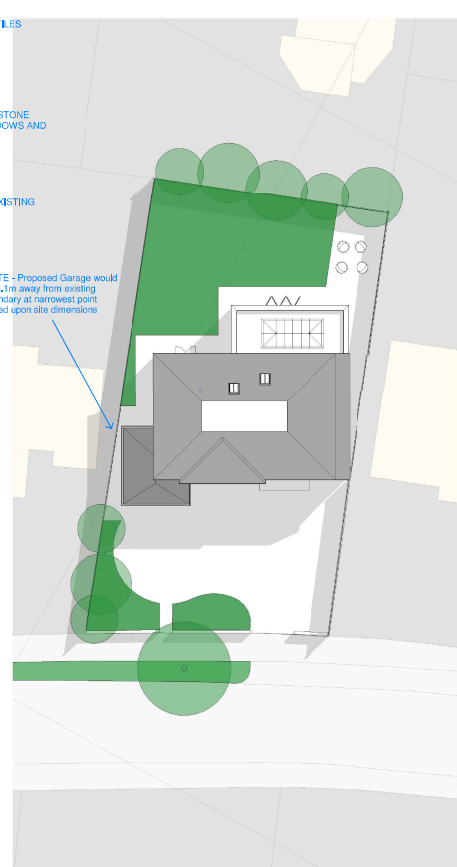
7 Proposed Side Elevation 2
1 : 100



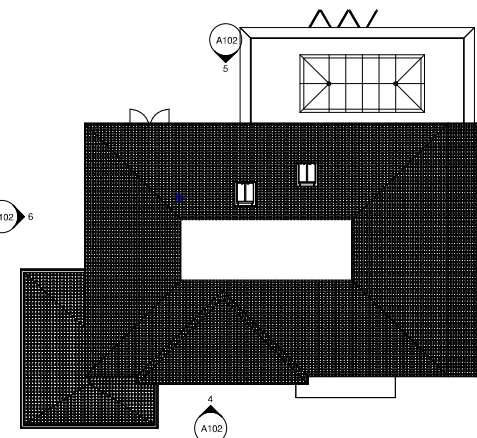
2 Proposed First Floor Plan
1 : 100



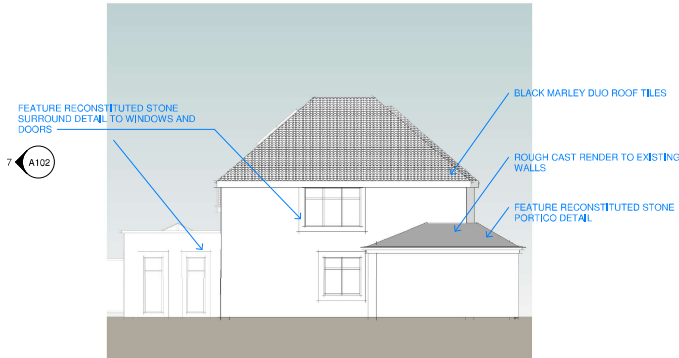
5 Proposed Rear Elevation
1 : 100



8 Proposed Site and Block Plan
1 : 200



3 Proposed Roof Plan
1 : 100



6 Proposed Side Elevation 1
1 : 100

ORIGINAL DRAWING SHEET 1
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REVISION	DATE	DESCRIPTION	ISSUED BY	CHECKED BY
1	22.09.20	Amended to client request	cb	cb
2	13.10.20	Amended to suit client email 09.10.20	cb	cb
3	21.10.20	North point added to site plan	cb	cb
4	02.12.20	Roofline and elevation removed from proposed site plan block plan to address SWSL email	cb	cb
5	02.02.21	Amended to include new garage. Previous garage amended to snug and WC.	cb	cb

Agenda Item 7g

STATUS:
PLANNING APPLICATION

ARCHITECTS: NJSR
PROJECT MANAGERS: NJSR
INTERIOR DESIGNERS: NJSR
PLANNING CONSULTANTS: NJSR
HISTORIC BUILDING CONSULTANTS: NJSR

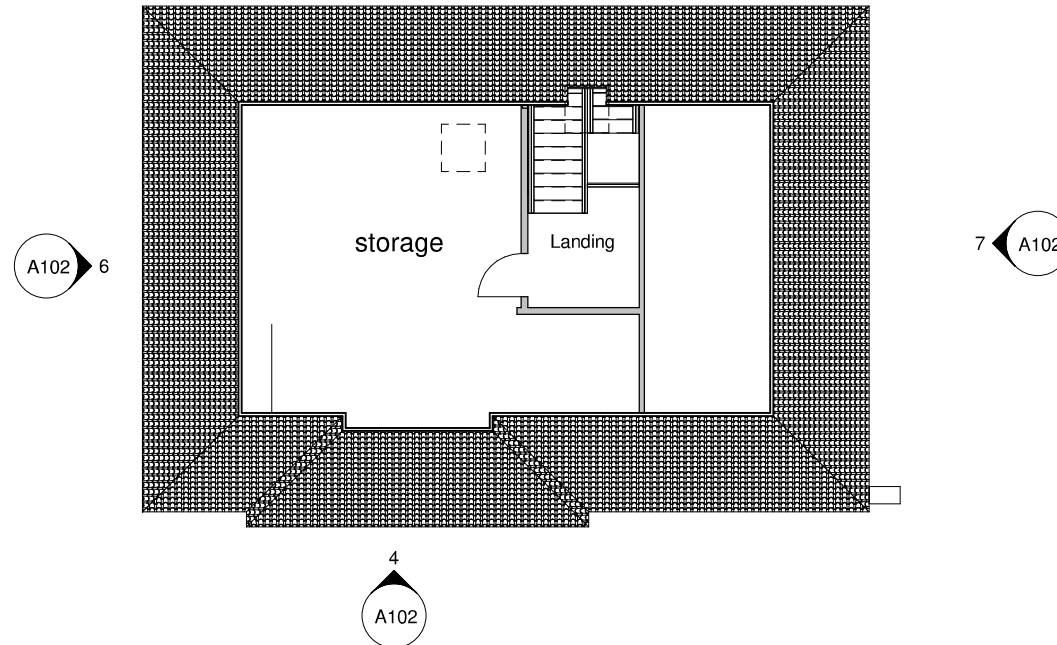
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Client: MOUNTACRE HOMES

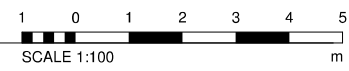
Project: Proposed Remodelling 27 Timms Lane, Formby

Title: Proposed Plans and Elevations

Scale	Date	Drawn	Checked
As indicated	21.09.20	cb	cb
Contract	Dwg No	Rev	
1573.003	A102	5	



1 Loft Level Storage
1 : 100



STATUS:
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ARCHITECTS
PROJECT MANAGERS
INTERIOR DESIGNERS
CDM ADVISORS
PRINCIPAL DESIGNERS
HISTORIC BUILDING CONSULTANTS

ORIGINAL DRAWING SIZE:A3
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Client
MOUNTACRE HOMES

Project
27 Timms Road, Formby

Title Proposed Loft Level Plan			
Scale 1 : 100	Date 02.12.20	Drawn db	Checked cb
Contract 1573.003	Dwg. No. A103	Rev	

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