

# Public Document Pack

**Sefton Council** 

MEETING: PLANNING COMMITTEE

DATE: 2 June 2021

TIME: 18:30

VENUE: Ballroom - Bootle Town Hall, Trinity Road, Bootle, L20 7AE

## Member

Councillor  
Cllr. Daren Veidman (Chair)  
Cllr. Brenda O'Brien (Vice-Chair)  
Cllr. Jennifer Corcoran  
Cllr. Denise Dutton  
Cllr. James Hansen  
Cllr. John Kelly  
Cllr. Sonya Kelly  
Cllr. Steve McGinnity  
Cllr. Dr. John Pugh  
Cllr. Joe Riley  
Cllr. Michael Roche  
Cllr. Paula Spencer  
Cllr. Lynne Thompson  
Cllr. Paul Tweed  
Cllr. Carran Waterfield

## Substitute

Councillor  
Cllr. Natasha Carlin  
Cllr. John Sayers LLB. Cert PA.  
Cllr. Anne Thompson  
Cllr. Terry Jones  
Cllr. Anthony Carr  
Cllr. Patrick McKinley  
Cllr. Leslie Byrom C.B.E.  
Cllr. Janet Grace  
Cllr. John Dodd  
Cllr. Sinclair D'Albuquerque  
Cllr. Gordon Friel  
Cllr. Dave Robinson  
Cllr. John Dodd  
Cllr. Janis Blackburne  
Cllr. Linda Cluskey

COMMITTEE OFFICER: Olaf Hansen, Democratic Services Officer  
Telephone: 0151 934 2067  
email: [olaf.hansen@sefton.gov.uk](mailto:olaf.hansen@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.**

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# 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 Previous Meeting (Pages 5 - 10)

Minutes of the meeting held on 14 April, 2021.

## 4. Applications for Planning Permission - Petitions

Report of the Chief Planning Officer

A DC/2021/00287 - Chesterfield High School (Pages 11 - 22)

B DC/2020/01200 - The Lathom Lathom Avenue, Seaforth (Pages 23 - 44)

## 5. Applications for Planning Permission - Approvals

Report of the Chief Planning Officer

A DC/2021/00807-Marine Football Club College Road, Crosby (Pages 45 - 56)

B DC/2021/00466-Land West Of Formby By Pass And North Of Liverpool Road, Formby (Pages 57 - 74)

C DC/2021/00288-1 Long Lane, Formby (Pages 75 - 82)

**6. Planning Appeals Report**  
Report of the Chief Planning Officer

(Pages 83 - 102)

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

## **PLANNING COMMITTEE**

### **MEETING HELD AT THE REMOTE MEETING ON 14 APRIL 2021**

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

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

#### **121. MINUTE'S SILENCE**

Following the death of Prince Philip, the Duke of Edinburgh on 9 April 2021, the nation is in a period of mourning. As a mark of respect the Committee observed a minute's silence in memory of Prince Philip, and members of the public who had lost their lives during the pandemic.

#### **122. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Hands.

#### **123. DECLARATIONS OF INTEREST**

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declaration of personal interest was made and the Member concerned left the meeting during the consideration of the item:

| Member               | Minute No.   | Nature of Interest  |
|----------------------|--|---|
| Councillor Carragher | 128 -<br>DC/2020/02392-<br>392 Stanley Road,<br>Bootle | Personal. Knows the applicant.<br>Left the meeting, took no part in<br>the consideration of the item and<br>did not vote thereon. |

#### **124. MINUTES OF THE MEETING HELD ON 17 MARCH 2021**

**RESOLVED:**

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

# Agenda Item 3

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## **125. DC/2021/00125 - 10 ST ANDREWS DRIVE, CROSBY**

The Committee considered the report of the Chief Planning Officer, recommending that the above application for the erection of two detached dwellinghouses, following demolition of the existing dwellinghouse, be approved subject to conditions and for the reasons stated or referred to in the report.

Prior to consideration of the item the Committee received a representation from Messrs. Douglas and Atley in respect of a petition objecting to the application and a response from Mr. Lavin (Agent) on behalf of the applicant.

The Committee also received a representation from Councillor Howard, Ward Councillor, in objection to the application.

**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:

- I. the addition of the beech hedge to condition 3; and
- II. the restriction of Permitted Development rights.

## **126. DC/2020/02267 - 2 ARGYLE ROAD, SOUTHPORT**

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of a semi-detached dwelling be approved subject to conditions and for the reasons stated or referred to in the report.

Prior to consideration of the item the Committee received a representation from Ms.Landor in respect of a petition objecting to the application and a response from Mr.Black, 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.

## **127. DC/2021/00270 - 12 KEW ROAD, FORMBY**

The Committee considered the report of the Chief Planning Officer, recommending that the above application for the variation of condition 2 pursuant to planning permission DC/2020/00847 to allow changes to the

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approved drawings, be approved subject to conditions and for the reasons stated or referred to in the report.

Prior to consideration of the item the Committee received a representation from Mr.Robinson in respect of a petition objecting to the application and a response from Mr.Roberts, the applicant.

The Committee also received a representation from Councillor Irving, Ward Councillor, in objection to the application.

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 subject to the removal of Permitted Development rights.

## **128. APPLICATIONS FOR PLANNING PERMISSION - APPROVALS**

RESOLVED:

That the following applications be approved, subject to:

- (i) the conditions and for the reasons stated or referred to in the Report of the Chief Planning Officer and/or reported at the meeting; and
- (ii) the applicants entering into any legal agreements indicated in the report:

| Application No. | Site   |
|-----------------|--|
| DC/2020/00590   | Site Of Mayflower Industrial Estate Liverpool Road, Formby |
| DC/2020/02392   | 392 Stanley Road, Bootle                                   |
| DC/2021/00281   | 27 Timms Lane, Formby                                      |

## **129. DC/2020/00418 - SITE OF FORMER ROYAL BRITISH LEGION 326 LIVERPOOL ROAD SOUTH, MAGHULL**

The Committee considered the report of the Chief Planning Officer, recommending that the above application for the 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, be approved subject to conditions and for the reasons stated or referred to in the report.

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The Committee also received a representation from Councillor John Sayers, Ward Councillor, in objection to the application.

RESOLVED:

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

“The proposed building is not a high quality design and is out of character with the local area due to its excessive height and incongruous design. The proposed development is therefore contrary to Sefton Local Plan policy EQ2 ‘Design’, Maghull Neighbourhood Plan policy MAG 4 ‘Residential Character Areas’, and the requirements of the National Planning Policy Framework in particular Chapter 12 ‘Achieving well-designed places’.”

## 130. 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>         |
|---|--|-------------------------|
| Mr.M.McLaughlin                                       | DC/2020/01921 – 37 Dorbett Drive Crosby Liverpool L23 0RY<br>Appeal against refusal by the Council in respect of 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)  | Dismissed<br>11/03/2021 |
| Countryside Properties (UK) Ltd & Persimmon Homes Ltd | DC/2017/01532 – 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 -<br>Appeal against the refusal by the Council to grant a 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 | Allowed<br>22/02/2021   |



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infrastructure and outline planning permission for an older persons housing scheme (C2, C3) and ancillary infrastructure with all matters reserved.

|                                   |  |                       |
|-----------------------------------|--|-----------------------|
| Star Property & Lettings Ltd      | DC/2020/00083 - 235 Worcester Road Bootle L20 9AE<br>Appeal against the refusal by the Council to grant a Change of use from a garage/dwelling to a House in Multiple Occupation (HMO) (Sui Generis) (7 units)   | Allowed<br>20/01/2021 |
| Mr.P.Hardy of the BIG EVENT GROUP | DC/2020/01362 - 157 College Road Crosby Liverpool L23 3AS<br>Appeal against the refusal by the Council to grant Advertising Consent for the display of 1 internally illuminated 16 sheet sign on the gable wall of the property to replace the existing sign.  | Allowed<br>08/01/2021 |
| Mr.S.Gerber                       | DC/2019/02007 - 45 Stanley Road Bootle L20 7AW<br>Appeal against the refusal by the Council to grant the 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 | Allowed<br>21/12/20   |

## 131. THANKS TO OFFICERS

The Chair and the Committee wished to formally place on record their sincere thanks and appreciation to all officers for their sterling efforts throughout this most challenging Municipal Year.

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**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 2<sup>nd</sup> June 2021

**Subject:** [DC/2021/00287](#)  
[Chesterfield High School, Chesterfield Road, Crosby, L23 9YB](#)

**Proposal:** Construction of a 3G synthetic turf pitch with associated sports fencing, spectator area, sports lighting and earth mound

**Applicant:** Mr Peter Tallant      **Agent:** Neil McHugh  
Chesterfield High School      MUGA UK Ltd

**Ward:** Manor Ward      **Type:** Full Application - Major

**Reason for Committee Determination:** Petition endorsed by Councillor JJ Kelly

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## Summary

The proposal is to replace an existing grass pitch at the school for a third-generation (3G) artificial pitch. The proposal would improve the existing facilities and is acceptable with regard to the designated land use. Sport England has not raised any concerns in relation to the pitch itself however has objected to the inclusion of a landscaped bund which displaces part of the playing field. On balance it is not considered this is significantly harmful, while there are benefits to the bund such as reducing noise and improving the biodiversity of the field.

In terms of the impacts of increased usage, the applicant has submitted detailed noise and light reports which have been reviewed by the Environmental Health Manager. It is considered that subject to conditions, including a restriction to the hours of use, there would not be an unacceptable level of harm caused to neighbouring residents. In regard to parking it is considered that sufficient space exists within the existing car parks to accommodate the busiest periods of play.

Overall the proposal is considered acceptable. It would contribute to an identified need for full-sized 3G pitches in Sefton providing health and wellbeing benefits for the school itself and the wider community. The application is therefore recommended for approval subject to referral to the National Planning Casework Unit which is required due to a recommendation contrary to the wishes of Sport England.

**Recommendation: Approve with Conditions Subject to Referral to the National Planning Casework Unit**

# Agenda Item 4a

**Case Officer** Steven Healey

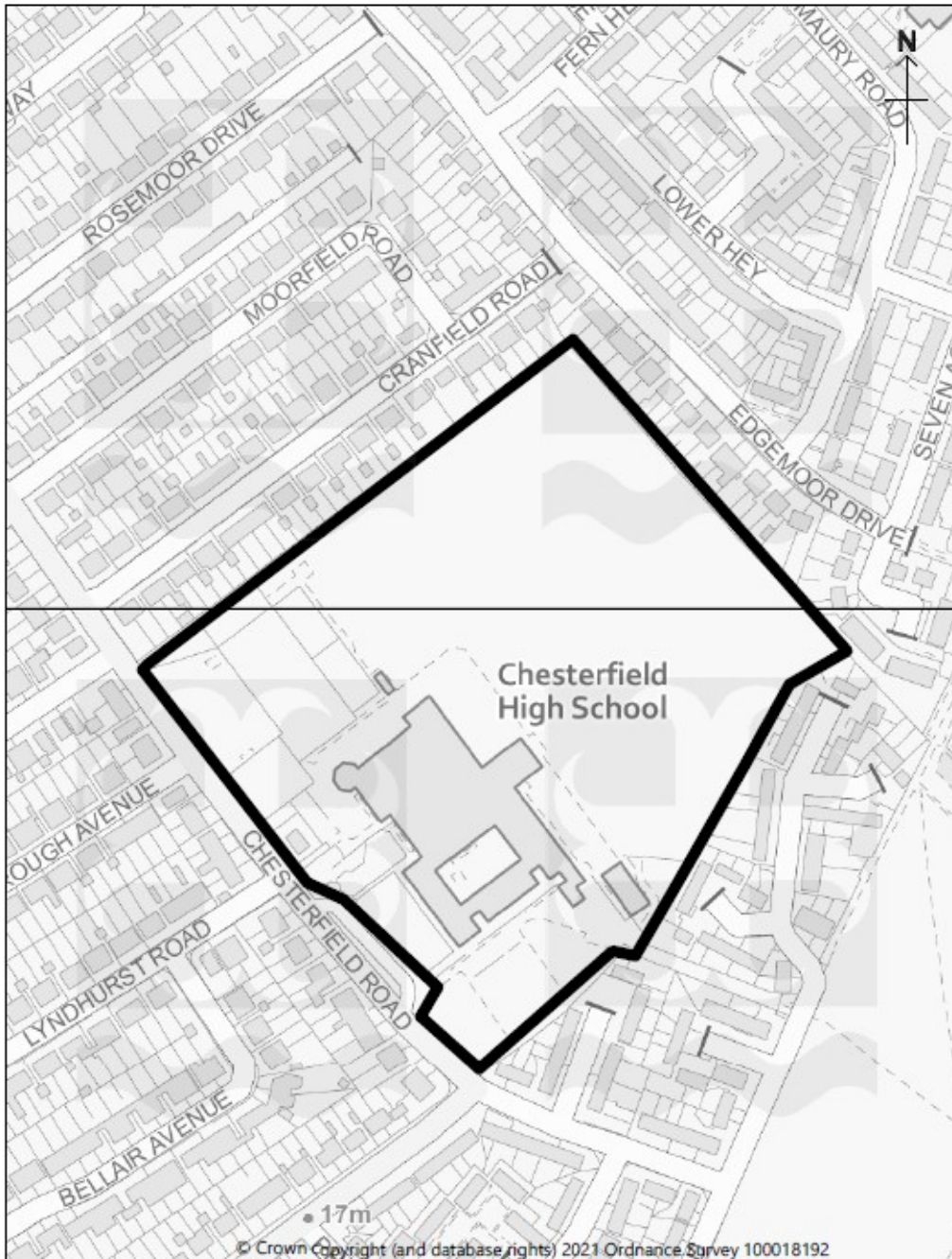
**Email** [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone** 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNWSL6NWHDV00>

Site Location Plan



Sefton Council



Reference: Map reference  
Date: 21/05/2021  
Scale: Scale 1:3000  
Created by: Initials

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## The Site

The application site comprises the playing fields of Chesterfield High School in Crosby.

## History

Various applications associated with the school building itself. Most recently planning permission was granted in October 2018 for the 'Erection of a two-storey teaching block extension to the rear of the school including internal alternations and the demolition of the existing two storey block' reference (DC/2018/01550).

Planning permission granted in April 2001 for 'Resurfacing of the existing hardstanding to form two all-weather tennis courts with surrounding fence' (S/2001/0172).

Permission granted in April 1995 for the 'Erection of one and two storey extensions to the existing school to form additional classrooms and library, construction of new car park, tennis courts and relocation of mobile classroom' (S/1994/0768)

## Consultations

### Environmental Health Manager

No objection in respect to contaminated land given findings of the submitted ground investigation.

### Flooding and Drainage Manager

No objection.

### Highways Manager

No objection subject to conditions.

### Merseyside Environmental Advisory Service

No objection.

### Sport England

Object due to the presence of the bund which would result in the loss of 0.59 ha of playing field capable of serving future sporting need such as rounders/softball, warm up area, training grids, grass sprint track. There is insufficient justification for the bund and this is contrary to paragraph 97 of the NPPF and Sport England Policy Exception E4:- As you will be aware, where the area of playing field lost and/or use is prejudiced by a non-sport development, in this case the bund, then the area of playing field needs to be replaced in accordance with paragraph 97(b) of the NPPF and Sport England Policy Exception E4:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Should the Local Planning Authority be minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

## Neighbour Representations

A 59-signature petition opposing the development and endorsed by Councillor John Joseph Kelly has been received by Planning Services objecting on the grounds of light disturbance associated with floodlights and use up to 10pm weekdays, noise associated with adult use of a full-sized pitch, loss of privacy with fields open to public, increased demand for parking on Chesterfield Road and increased pollution.

Objections received from 32 individual addresses and via MP Bill Esterson including properties bordering the application site on Rimrose Valley Road, Cranfield Road and Chesterfield Road on the following grounds: -

- Prolonged and increased usage into the evening causing noise disturbance, with shouting and foul language. Some state the management plan and complaints' procedure would be ineffective. Validity of the noise assessment also questioned.
- Floodlights would cause light disturbance with luminance exceeding guidelines
- Proposed pitch is too close to residential properties, and there are already existing facilities nearby
- Pitch would no longer only be used by school but by adults
- Increased traffic and congestion with inconsiderate parking already taking place
- Construction traffic noise and disturbance
- Health implications of rubber crumb used in construction of pitch
- Security risks, loss of privacy and possible anti-social behavior
- A pitch and floodlighting has previously been refused
- Increased flood risk and run off of surface water
- Insufficient time to comment on proposals
- Proposal is for profit and does not consider residents
- Loss of property value

Letters of support received from 162 individual addresses primarily within the Crosby area stating the proposal would enhance the facilities at the school and be of great benefit to the physical and mental health of children. Some residents state proposal would also be an asset for the wider community.

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## Policy Context

The application site lies within an area designated as Education and Care Institution in the Urban Area in the Sefton Local Plan which was adopted by the Council in April 2017.

## Assessment of the Proposal

The proposal is for the installation of a full-sized (11 a-side games) 3G pitch (100m x 64m) to replace an existing grass pitch situated adjacent to the school building and for the creation of an earth mound/ bund to the east separating the facility from properties on Rimrose Valley Road. The pitch would be capable of accommodating a number of smaller games at the same time and would not be inhibited by the weather in the same manner as the existing pitch, thus allowing increased usage.

The proposal is one of a number of 3G pitches being developed within Sefton at the moment spurred on by Football Federation Funding which has been made available following completion of the Local Football Facility Plan which identifies the need for a full-sized pitch within an undetermined location in the Crosby area.

The main issues to consider are the principle of development, environmental impacts and the matters relating to access and design.

### Principle of Development

The site lies within an area designated as an Education Institution in the Urban Area which is subject to Local Plan policy HC7. This states that the development of uses directly related to the existing use of the site or which sustain the viability of the existing use of the site is acceptable in principle. It is considered that a replacement sports pitch of higher quality is directly related to the use of the school site, with particular reference to physical education.

The 2016 Playing Pitch Strategy states that Chesterfield High School includes 'one adult football pitch assessed as poor quality. Available for community use but not used'. The gain of a 3G pitch capable of accommodating more matches and training sessions across all age groups is supported in principle. The provision of a 3G pitch in this location is also in line with the Local Football Facility Plan (2019) which identifies Crosby as one of its priority areas in need of a full size 3G pitch. Subject to a condition requiring the submission of a Community Use Agreement it is considered that the proposal would be of greater benefit than the existing grass pitch and that the proposal accords with local and national policy with regard to replacements sports facilities.

Sport England has been consulted as statutory consultee for developments concerning playing fields. While there is no objection to the 3G pitch itself, Sport England has objected to the landscaped bund to the eastern perimeter of the pitch. This has been included by the applicant to



act as a noise barrier and to provide ecological enhancement. The applicant has favoured this approach over the inclusion of an acoustic fence as there are concerns regarding visibility, security and potential anti-social behaviour. The applicant also suggests it would be cost prohibitive and risk the viability of the scheme to remove the bund at this stage. The Noise Assessment which has been submitted has been prepared on the basis of the bund being included although it is described as 'an additional mitigation measure' by the applicant therefore it is unclear how noise levels would be affected without it. Nevertheless, the Environmental Health Manager has supported its inclusion and the applicant's noise consultants later clarified that without the bund a 'no-whistle' policy may have to be applied due to higher noise levels.

Sport England considers that there is insufficient justification for the bund stating that it is a means of dealing with excavated soil as opposed to being an essential noise mitigation measure. The area lost to the bund would measure 5,860sqm. While it is acknowledged that the constraints of the area of the site mean that it isn't capable of accommodating a playing pitch, Sport England considers that it could be used for sport such as sprinting or rounders.

Paragraph 97 of the National Planning Policy Framework states:- *'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'*.

The applicant has indicated that they would be willing to improve existing facilities and pitches within the field in order to justify the loss of part of the field. Sport England has stated a preference for quantitative improvements as opposed to qualitative (i.e. a greater area of playing field to mitigate the loss). At the time of this report being published discussions are continuing to take place between the applicant, Sport England and Planning Services regarding this matter.

While it is appreciated and agreed that an area of playing field would be lost due to the bund without appropriate replacement of equal or better quality, and that this fails to comply with national policy, in practice the harm is considered to be minimal. The benefits of the 3G pitch itself are clear, while there are also visual and ecological benefits of a landscaped bund. It is considered that extensive areas of playing field remain where various sporting activities could take place alongside each other. Although there is no detailed assessment of need, it is considered unlikely that the field in its entirety including the land in question would ever be required for sporting purposes simultaneously.

## **Environmental Matters**

### Noise, Light and Pollutants

The proposal would result in increased usage of the school site outside of school hours, which is the primary concern of local residents. The application is accompanied by various documents

# Agenda Item 4a

including a Noise Assessment and Floodlighting Impact Study which have been reviewed to the satisfaction of the Environmental Health Manager.

Firstly, in regard to noise, while the Noise Assessment concludes that with the inclusion of a bund between the pitch and closest residential properties there would be no unacceptable impact or need for further mitigation (i.e. acoustic fencing), the Environmental Health Manager requested a reduction to hours of use on weekdays due to the possibility of intermittent noise sources causing nuisance such as whistles, especially towards the north where no acoustic mitigation is proposed. The applicant has stated that 21.30 is the earliest time use of the pitch can cease due to requirements of the Football Federation regarding hours available for community use. On balance this has been accepted by the Environmental Health Manager. The applicant has also submitted a Noise Management Plan which can be secured by condition. Although concerns have been raised over the potential effectiveness of such a plan, this would provide assurance for local residents. In any case, the identified level of noise associated with the proposal is not significant.

In terms of light disturbance, the Environmental Health Manager is satisfied with the design, height and positioning of the floodlights and that they would not cause unacceptable glare towards residential properties. The use of the floodlights and pitch itself can be restricted by way of a condition to the hours of 08:00 to 21:30 weekdays. The applicant proposed shorter hours of use at the weekend. Overall while there would be an increase in use of the site, the applicant has demonstrated that this would not result in unacceptable adverse impacts on neighbouring residents in accordance with Local Plan policy EQ4 (Pollution and Hazards).

## Flood Risk and Drainage

The site is within Flood Zone 1 indicating low flood risk. The Design and Access Statement contains a Flood Risk Assessment which the Flooding and Drainage Manager has raised no objection to. The proposed pitch would be porous with below ground attenuation connecting to the existing surface water drain to the north of the pitch. These arrangements are acceptable and would not result in increased flood risk to the site or neighbouring properties.

## Ecology

Merseyside Environmental Advisory Service has raised no objection as it considered that the site is unlikely to be used by any protected species. The introduction of the landscaped bund is supported as it would provide biodiversity gain on site.

## **Access, Transportation and Highway Safety**

The proposal has been reviewed by the Highways Manager who has raised no objection on highway safety grounds.

The applicant has submitted a Design and Access Statement which considers the increase in traffic, different types of transport used to get to the site, site accessibility and existing parking facilities.

Calculations have also been submitted which estimate busiest times of use would be during evenings and weekends, likely facilitating the need for 53 parking spaces. There are no proposals to adjust the site's present parking arrangements, which comprise 90 spaces. These far exceed the level of parking required at peak time which is also outside of school hours so would not conflict with staff or parent parking. Nevertheless, the Highways Manager has requested the submission of a Travel Plan in order to encourage sustainable modes of transport as well as the provision of cycle parking facilities, which accords with the Council's Guidance on 'Sustainable Travel and Development'. It is also not considered that the increased traffic levels would have a discernible impact on local air quality.

A Construction Traffic Management Plan has been submitted with the application, and although delivery times are not those sought as standard by the Council in the case of development affecting schools, the applicant which is a school has agreed that deliveries be restricted between 8 – 8.30am and 2.45 and 3pm only.

## **Design, Character and Landscaping**

The proposal would not be immediately visible from the public realm as the site is encompassed by residential properties. Artificial pitches are a common feature within school sites, and it is considered to be in keeping with the character of the existing playing fields. The pitch would be enclosed primarily by see-through mesh fencing thereby minimising visual impact. The bund of 2.5m in height is deemed unlikely to harm the outlook of neighbouring residents and overall the proposal is considered to be of acceptable design.

## **Other Matters**

### General Amenity Impacts

The applicant has stated that the Community Use Agreement will include a management strategy for this site which covers maintenance and security matters. In terms of loss of privacy, the proposed pitch is set well away from residential properties so as not to cause an unacceptable loss of privacy when in use. Concerns have been raised over construction noise and disturbance. A Construction Traffic Management Plan will control hours of construction and deliveries. The applicant has also committed to implement 'best practicable means' (i.e. keep the impact on local residents to a minimum) during the construction period. Should any unexpected incidents of noise or disturbance occur, powers exist within Environmental Health legislation to address this.

### Neighbour Comments

The majority of neighbour objections are addressed within the above report. Aside from this matters such as loss or property value are not material planning considerations.

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Concerns have been raised over the lack of time to comment on the application, however Planning Services has notified local residents in accordance with the Statement of Community Involvement in accordance with statutory timeframes.

Concerns have also been raised over a pitch which is purported to have been refused previously on site, however there is no history indicating this. In any event, each application is to be considered on its merits.

Another concern raised by residents relates to the health implications of potentially carcinogenic 'rubber crumb' used to surface artificial pitches. It is understood that various studies have been conducted and continue to take place into the matter although the current position of various industry bodies including the Football Federation are that the risks are negligible.

## **Planning Balance and Conclusion**

The proposal would enhance sporting facilities on site in terms of quality. It would support Chesterfield High School's curriculum and provide more reliability in all-weather conditions for both the school and the wider community. The inclusion of a bund which results in the loss of playing field which could be used for various purposes in the future is considered to cause minimal harm. While discussions are continuing with a view of mitigating this harm through improving other aspects of the playing field, even without mitigation it is considered that the level of harm and conflict with policy is outweighed by the benefits presented by the 3G pitch itself.

The proposal incorporates measures to reduce noise disturbance (such as a bund), and subject to conditions restricting the hours of use would not cause unacceptable noise, disturbance or light pollution into the evening and night time. The Highways Manager has raised no objection to the proposal and overall it is considered to comply with the adopted policies of the Local Plan and the requirement of the National Planning Policy Framework. However, as this recommendation is contrary to that of Sport England as statutory consultee for playing fields, it is necessary to refer the application to the Secretary of State via the National Planning Casework Unit for agreement.

## **Recommendation - Approve with Conditions Subject to Referral to the National Planning Casework Unit**

### **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:
- Proposed Location Plan (MCA-MUK2419-09 Rev A)
  - Proposed Site Layout (MCA-MUK2419-02 Rev I)
  - Proposed Pitch Layout (MCA-MUK2419-07 Rev E)
  - Proposed Line Markings (MCA-MUK2419-11)
  - Kerb Detail to Spectator Area (MCA-MUK2419-16)
  - Path Kerb Detail (MCA-MUK2419-20)
  - Pitch Kerb and Infill Containment Barrier (MCA-MUK2419-23)
  - Kerb and Infill Containment Barrier to Spectator Area (MCA-MUK2419-24)
  - Matwell Detail (MCA-MUK2419-25)
  - Goal Recess Detail (MCA-MUK2419-26)
  - Proposed Landscaping (MCA-MUK2419-40 Rev D)
  - Container Elevations (MCA-MUK2419-18)
  - Proposed Sports Lighting Scheme (MCA-MUK2419-12 Rev B)
  - Proposed AGP Elevations (MCA-MUK2419-10)
  - Proposed Fence Layout (MCA-MUK2419-09 Rev C)
  - Proposed Car Parking (MCA-MUK2419-42 Rev A)
  - Proposed Drainage Layout (2129/E02 Rev A)

Reason: For the avoidance of doubt.

## During Building Works

- 3) The provisions of the approved Construction Traffic Management Plan (McArdle Sport-Tec Ltd) shall be implemented in full during the period of construction.

Reason: In the interests of highway safety.

## Before the Development is Occupied

- 4) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and changing rooms, and include details of pricing policy, hours of use, access by non-partner club users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

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Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Local Plan policy NH5 and paragraph 97 of the NPPF.

- 5) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity thereafter.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

- 6) 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 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.

## Ongoing Conditions

- 7) The approved Noise Management Plan must be implemented in full and retained throughout the life time of the development.

Reason: In order to protect the living conditions of neighbouring residents from undue noise and disturbance.

- 8) The 3G pitch hereby approved must not be utilised outside of the hours 08:00 – 21:30 Monday to Friday, 08:00 – 18:00 Saturday, Sunday and Bank Holidays with floodlighting to be turned off before 21:45 and 18:15 respectively.

Reason: In order to protect the living conditions of neighbouring residents from unacceptable noise and light disturbance.

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 2<sup>nd</sup> June 2021

**Subject:** [DC/2020/01200](#)  
[The Lathom, Lathom Avenue, Seaforth](#)

**Proposal:** Outline planning application for the erection of a two storey block of up to 12 flats with associated parking following demolition of The Lathom and adjacent garages. Access, layout and scale applied for at this stage, with appearance and Landscaping reserved for future consideration.

**Applicant:** Mr Brian Corrigan      **Agent:** Malbreen

**Ward:** Church Ward      **Type:** Outline application - Major

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## Summary

The proposal is for the erection of a block of up to 12 flats following demolition of the Lathom Club and adjacent garages in Seaforth. Appearance and landscaping are reserved for future consideration meaning the main issues to consider are the principle of development, living conditions of future occupiers and existing neighbours, heritage and matters relating to access and highway safety.

The Lathom is identified as a non-designated heritage asset (i.e. it is not a Listed Building) due to its significance within Seaforth's social heritage. Most notably the venue has hosted the Beatles. Its outright loss is detrimental however the limited degree of harm in overall heritage (wider social and architectural) terms is considered to be outweighed by the contribution the development would make to Sefton's housing supply. While concerns have been raised in relation to air and noise pollution associated with traffic along Princess Way it is possible to mitigate these issues. The Highways Manager has raised no objection to the proposed development on highway safety grounds, considering the means of parking and access acceptable. In general design terms the proposal has been revised down from a three-storey building to integrate better within the surrounding street scene.

Overall, there is a fine balance which has considered health implications and living conditions of future occupiers alongside regeneration versus conservation and it is considered that on balance the proposal is acceptable.

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## **Recommendation: Approve with Conditions**

**Case Officer** Steven Healey

**Email** [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

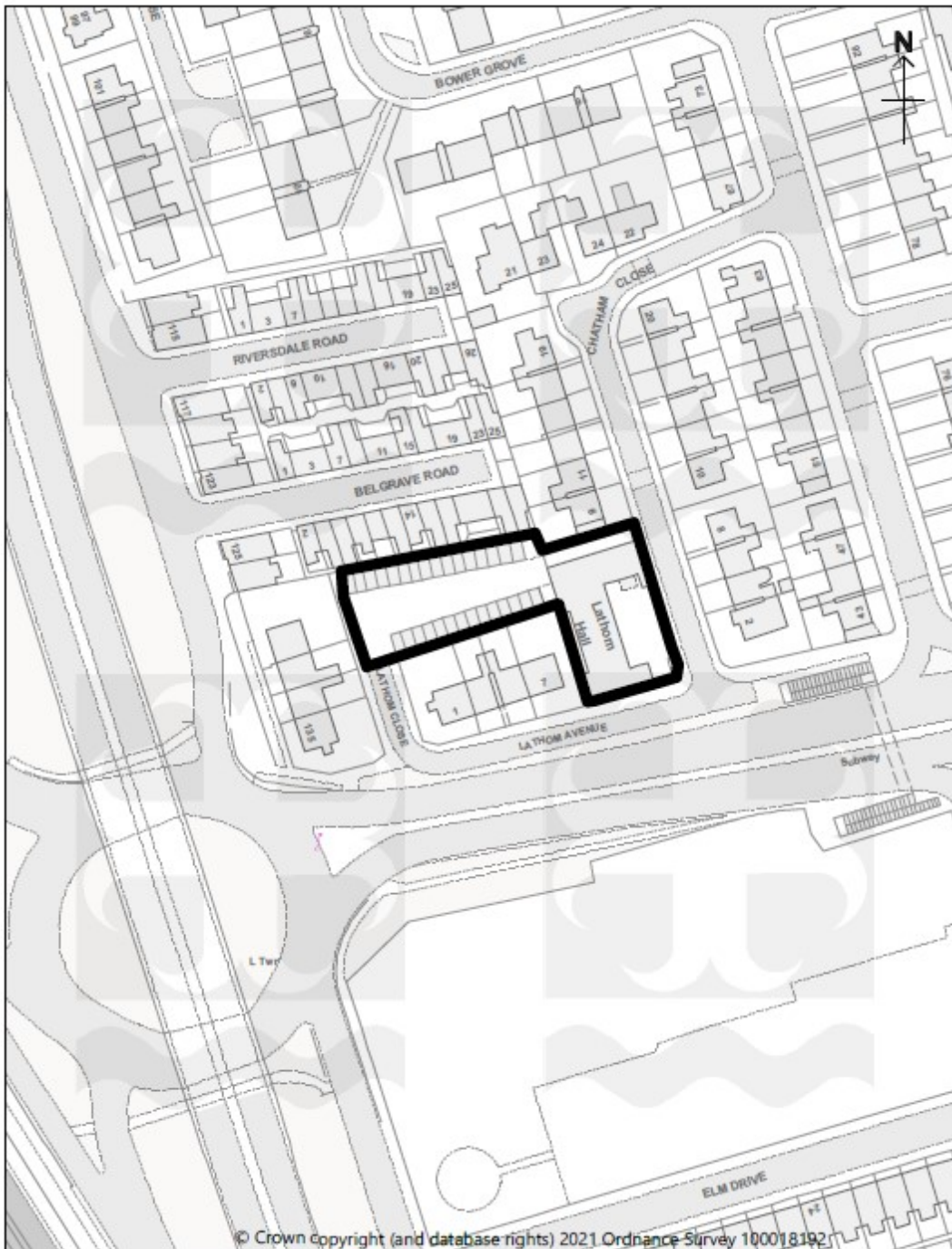
**Telephone** 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QD3KZANW08800>



Site Location Plan



Sefton Council



Reference: Map reference  
Date: 21/05/2021  
Scale: Scale 1:1250  
Created by: Initials

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## The Site

The application site comprises Lathom Hall, the former social club, located at the junction of Lathom Avenue and Chatham Close in Seaforth and an adjoining run of garages accessed off Lathom Close. The surrounding area is primarily residential with Princess Way located close to the south.

## History

Retrospective planning permission was granted in September 2018 for the erection of security fencing to the existing garages (DC/2018/01538).

Numerous residents mention planning permission previously being refused for residential development on site, however there is nothing on the Council's Planning Register corroborating this.

## Consultations

### Conservation

The Lathom is considered a non-designated heritage asset. It was built in 1884 as Seaforth's first social club and has served as a place of entertainment in various forms over the years. Its heyday was in the 1960s and its most famous association is with the Beatles who played at the Lathom in their early career 11 times. Due to this the level of value to the community is high. The loss of the building is harmful due to both its social history and architectural interest. Although the building is in need of repair it retains many original details. Demolition and re-use of the site for a modern flat development is harmful in line with policy NH15 which seeks a balanced judgement based on the scale of harm or loss versus the significance of the asset. The proposal should therefore be refused.

### Environmental Health Manager

#### Air Quality

The site is located within an Air Quality Management Area where the Council's monitors indicate airborne pollutants exceeding national standards (40 ug/m<sup>3</sup> of Nitrogen Dioxide). The applicant has submitted an Air Quality Assessment which concludes at the southern façade of the flats levels are 37-38 ug/m<sup>3</sup>, when using modelling this is predicated to increase to 40 in the future. As levels are at or just below national standards it is likely air quality will have a negative impact on future occupiers. It is not appropriate to support the application however if it is recommended for approval it would be essential for the whole building to be mechanically ventilated.

#### Contaminated Land

There is the potential for ground contamination associated with previous uses and Made Ground therefore investigation is recommended in order to advise any remedial works required.

## Noise

The submitted Noise Assessment indicates that the site can be made suitable with mitigation including acoustic glazing and ventilation and an acoustic barrier to the garden. An acoustic barrier must be installed to the perimeter of the car park to protect neighbours also.

## **Flooding and Drainage Manager**

A scheme of sustainable drainage to be submitted prior to commencement.

## **Health and Safety Executive**

No comment.

## **Highways Manager**

No objection. An assessment of expected trip generation concludes approximately one additional vehicle trip per 15 mins at peak hours. There is capacity within the network to accommodate this. The level of parking proposed is acceptable given the accessibility of the site to sustainable transportation modes. Servicing and delivery arrangements are acceptable, and the refuse collection point will enable bins to be collected from Chatham Close.

Off-site works to reinstate footway will be necessary adjacent to the existing service yard and where access steps to the Lathom are located. Given the size and location of the development a Demolition and Construction Traffic Management Plan is required.

## **Merseyside Environmental Advisory Service**

### Archaeology

The submitted Heritage Statement presents an understanding of the significance of the building which is listed on the Merseyside Historic Environment Record. The statement mitigates impacts on the asset, the date plaque shall be reutilised in the new development.

### Ecology

A full bat survey has been completed concluding there to be no evidence of bat roosting. The Council does not need to consider the Three Tests of the Habitats Regulations. Measures to protect breeding birds may be required and can be secured by condition.

## **Merseyside Fire and Rescue Service**

No objection.

## **Merseyside Police Architectural Liaison Officer**

The beat area surrounding the site experiences relatively high crime levels with 1,003 recorded during the previous 3 years. Violence against persons represents over half. Anti-social behaviour is low risk.

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The location of the car park should be in view of habitable rooms and would need to be lit for safety and security.

## **United Utilities**

Foul and surface water to drain on separate systems with the latter in the most sustainable way.

## **Neighbour Representations**

A 59-signature petition endorsed by Cllr Cummins has been received by Planning Services opposing development on the grounds of overdevelopment of the site, narrow access roads, increased traffic and parking issues, loss of privacy and inconvenience to existing residents.

Objections received from 13 addresses on Chatham Close, three on Lathom Avenue and Close and 10 from elsewhere in Seaforth and Litherland on the following grounds: -

### Traffic and Highway Safety

- Increase in traffic and congestion which is already expected to increase along Princess Way
- Chatham Close and Lathom Avenue are narrow and one way in, one way out, OS maps do not properly demonstrate width
- Insufficient room for vehicles to manoeuvre and pass, particularly an issue for HGVs
- If parking on pavement becomes unlawful there will be less room still
- Displacement of existing garages and lack of parking for proposed flats
- Increased demand for on-street parking; people likely to not use car park at rear
- Sale of garages to applicant has facilitated the proposed development
- Fencing at the end of Lathom Avenue inhibits access

### Design and Residential Amenity

- Proposal will diminish health and wellbeing and quality of life for residents
- One-bed flats are inappropriate and will likely attract transient people, family homes would be better
- Area is primarily families and elderly people
- Overdevelopment and overcrowding
- Poor standard of living internally slum conditions and how will outdoor space serve all residents
- Loss of privacy associated with flats and new garden areas
- Loss of light given size of development
- Light pollution associated with flats and car park
- Future noise and disturbance
- Potential increased crime and anti-social behaviour which is already an issue locally
- Accesses either side of the building would cause a nuisance
- Children wouldn't be able to play in the streets

## Heritage and Community Value

- Building is a community asset and there are no other community halls in the area
- Loss of music/ performing venue, Council should intervene and bring building back into community use
- Building is a non-designated heritage asset despite what applicant claims
- The Lathom is characterful and full of history and should be preserved
- Prior to the Lathom, Seaforth House occupied the site which was built by the Gladstone family

## Environmental Issues

- Area is neglected and suffers from poor air quality and pollution, fly tipping and vandalism
- Air quality would be worsened as a result of development
- Impact on drainage, infrastructure and services
- Mess, dust and disturbance during demolition and construction
- Asbestos present in the Lathom and garages

## Procedural Issues and Other Matters

- Development needs to be more sustainable, electric vehicles ought to be supported
- Previous proposals for housing rightly refused
- Mislabelled plans (wrong number of parking spaces and wrong street name)
- Other locations more suitable for flats – Rawson Street School
- No benefit to local residents
- Proposal is to make as much profit as possible
- Lack of consultation
- Time should be given to set up a body and Community Right to Bid to buy the property
- Timing of application during COVID and difficulty commenting
- Residents should be able to speak at Committee meeting
- Loss of property value

## **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**

The application seeks outline permission for the erection of a two-storey block of flats with associated parking and garden areas following demolition of Lathom Hall and two rows of garages. Matters including access, layout and scale are to be agreed at this stage with the final appearance and landscaping arrangements to be agreed at a later stage.

The application was originally submitted with all matters reserved and as a three-storey building with up to 16 flats. The Council notified the applicant in August 2020 that it was considered

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necessary to agree the 'access, layout and scale' upfront, and in terms of the latter a three-storey building was not considered suitable. The applicant agreed to reduce the height to a two-storey building and re-notification was carried out thereafter. A further amendment was made omitting a ground floor flat.

The main issues to consider are the principle of development, heritage and design, living conditions of future occupiers and existing neighbours and matters relating to transportation, access and highway safety.

## **Principle of Development**

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

## **Heritage, Design and Character**

The application site comprises a late 19<sup>th</sup> century former social club named Lathom Hall and adjacent garages accessed off Lathom Close. The red-brick Lathom Hall is a prominent local landmark included within the Merseyside Historic Environment Record and considered to constitute a non-designated heritage asset, largely due to its social history. Non-designated heritage assets are buildings, structures or areas which do not benefit from Listed Building, Scheduled Monument or Conservation Area status for example but are, at least at local level, considered to hold architectural or historical significance.

It is not registered as an Asset of Community Value. Chatham Close and Lathom Avenue comprise exclusively post-war terrace housing, while residential development within the wider area was constructed around the same era as Lathom Hall. Princess Way and Crosby Road South are located to south and west respectively, with both offering views of the application site.

### Heritage

First built as a social club, then converted to a picture house, the Lathom has been adapted several times since, although has most recently been used again as a social club. The building's most notable attribute is its association with the Beatles. The band are known to have played several times at the venue in their early career when they were known as The Silver Beats. The applicant has submitted a detailed Heritage Statement which concludes that the building has low heritage significance and although there would be a total loss of the non-designated heritage asset this could be mitigated somewhat by the re-use of a terracotta date stone within the development. The Council's archaeologist is supportive of this approach.

Nevertheless, when applying Local Plan policy NH15, the Conservation Officer has objected to the loss of the non-designated heritage asset citing harm to social history and given its architectural interest. In terms of the architectural interest of the building, it is certainly characterful within the

context of the street scene and there are some ornate mouldings and attractive features, however substantial alterations over time have diminished its quality. In summary the building isn't considered exceptional architecturally to warrant preservation, however as discussed above it is the social history of the site which makes it an important (non-designated) heritage asset with strong community value which ought to be given due consideration.

Policy NH15 states 'Development affecting a non-designated heritage asset, or its setting will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced'. Again, the significance lies within the building's social heritage and what it represents as opposed to how it physically appears.

The Conservation Officer has suggested that conversion within the existing envelope would be supported. Although the provisions for securing the optimum viable use of heritage asset (para 196 of the National Planning Policy Framework) do not apply to non-designated assets, the applicant has provided various documentation including survey and feasibility information claiming that conversion is not viable. The Council's viability consultant has carried out a high-level review of the information and largely agrees that given the nature and condition of the building conversion to flats is unviable. The Lathom has remained empty for a number of years now and there is nothing to indicate the applicant wishes to bring it back into use and there is no evidence to suggest a concerted effort has been made to market the building.

In summary it is considered that the building possesses a high level of social/cultural interest locally, and a lesser degree of architectural interest, however on the scale of potential impact on heritage within the planning system the loss of the Lathom would have relatively low significance. Although mitigation is proposed in part this would not in itself conserve or enhance aspects which contribute to its significance given the building's outright loss. This will be taken into account in the overall planning balance, weighed against the benefits of the development and the fact the asset is not designated.

### General Design Considerations

The applicant submitted with the application an indicative layout plan, floor plans and elevations. Given the urban nature of the site and number of flats applied for it was considered necessary to secure matters including layout and scale up front. In terms of scale the block of flats would comprise 2 storeys (reduced from an initial 3) and take on an 'L-shaped' plan which somewhat mirrors the existing arrangement of the Lathom and better reflects the prevailing building lines of Chatham Close and Lathom Avenue. It would be set back from the footway and this could support new tree planting.

Within the context of the existing building, the proposed block of flats is considered to be of suitable scale, bulk and massing. The future appearance would be subject of a future 'reserved matters' application as would the landscaping detail.

The car park would be positioned where an existing run of vacant garages is located, in a like for

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like replacement of land use, while the remainder of land currently occupied by the garages would be taken up by the communal garden space serving the flats. This would back on to existing garden areas of neighbours and is therefore deemed acceptable.

Overall, in pure design terms, the proposal is considered acceptable within the context of its setting. The layout and scale would respond positively to the area when considering the baseline of the existing building while neighbour impacts or analysed further below. The proposal therefore complies with policy EQ2 'Design'.

## **Living Conditions**

### Future Occupiers

The proposed development is subject to Local Plan policies HC3 and HC4 and Supplementary Planning Document (SPD) 'Flats and Houses in Multiple Occupation' which provides guidance on suitable living conditions. Although the application is outline and final appearance may be subject to change, the overall scale and layout which are to be agreed and submitted floor plans are sufficient to enable an assessment of future living conditions.

With regard to internal living arrangements, the proposed development can comfortably accommodate 12 one-bedroom flats measuring around 50sqm on average, above the 37sqm floorspace standard set out within the guidance of the 'Flats and HMOs' SPD. Outlook to the ground floor flat labelled as 'flat 7' was previously restricted given the presence of 'flat 1' within the single storey element directly opposite, however the latter has since been omitted. It is considered that all flats are capable of benefiting from a good outlook and level of light based on the scale of the building and proposed number of flats.

In terms of the provision of outdoor amenity space, the Council's guidance recommends 20sqm per flat. The area annotated as 'Front Garden' on the submitted Site Plan would not be deemed usable or private however there is a larger enclosed rear garden measuring over 350sqm which is acceptable.

The site is located close to the busy Princess Way port access road which presents implications in terms of noise pollution. The site is in fact located within an Air Quality Management Area. An Air Quality Assessment was conducted prior to the Covid-19 pandemic which indicated that levels of Nitrogen Dioxide at the elevation fronting Princess Way, but separated by 17m, would not exceed national standards, although with increased traffic into the future levels could edge closer to the 40 ug/m<sup>3</sup> standard. The installation of mechanical ventilation throughout the building would mitigate this harm. Outdoor amenity areas are positioned further from Princess Way behind existing residential properties where levels measure around 36 ug/m<sup>3</sup>. While levels of airborne pollutants are relatively high locally, they do not at present exceed national standards and with certain measures put in place this would further protect the living conditions of future occupiers. On this basis the Environmental Health Manager has stated 'it is not appropriate to support the application however if it is recommended for approval it would be essential for the whole building



to be mechanically ventilated'.

The applicant has submitted a detailed Noise Assessment. This has been reviewed to the satisfaction of the Environmental Health Manager who has requested that acoustic glazing and ventilation be secured to the new building, along with internal soundproofing between floors and acoustic fencing to rear garden areas in order to protect the living conditions of future occupiers. This can be secured by condition.

In terms of ground conditions, the Environmental Health Officer notes that a Timber Yard was previously located where the garden area is proposed which includes the potential for contaminants such as heavy metals and hydrocarbons. There is also the potential for Made Ground associated with the garages. It is therefore recommended that site investigation take place in order to advise whether any remedial works or ground covering is required.

### Impacts on Existing Neighbours

The site is surrounded by properties on Chatham Close, Lathom Avenue, Lathom Close, Belgrave Road and Crosby Road South.

In first considering the impact of the proposed operational works (i.e. the new block of flats), it is not considered that harm would be caused to the living conditions of neighbours. The new building would not encroach within a 45-degree line of sight from the closest habitable room windows of neighbouring 9 Chatham Close to the north. There would be a limited encroachment within a 45-degree line of sight from the closest upper floor rear window of 7 Lathom Avenue, however the existing building is taller and longer in projection than the proposed block of flats, therefore it is considered that the light towards and outlook experienced by this property would be significantly improved. Demolishing the derelict garages and replacing with a new car park and amenity space would improve the outlook and general living conditions of properties to the west of the site.

The main elevation fronting Chatham Close would be aligned with the building line of the existing odd-numbered properties which are separated by around 21m from the front elevation of even-numbered properties opposite. In this respect there would be no loss of privacy. The submitted floor plans show a limited number of windows facing the side of 7 Lathom Avenue which also has side windows. A condition can be added to ensure these are obscure glazed if ultimately installed.

In considering impacts of the use of the site as 12 flats, the principle of residential development has been established and it is considered that the density of development is acceptable relative to the size of the site. While there have been suggestions that traditional dwellinghouses would be more appropriate, there are other purpose-built flats and converted flats within the vicinity. Given the presence of an equally large building already in situ the development of flats is deemed acceptable. The proposal has to be considered on the basis of what has been submitted. There is no evidence that the proposal would give rise to unacceptable noise or disturbance, particularly when considering the previous and lawful use of the site as a social club. There is similarly no indication that the proposal would contribute to crime or anti-social behaviour.

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While there are existing parking facilities on site, the garages somewhat mitigate noise disturbance to neighbours. With parking spaces closer to neighbours, the Environmental Health Manager has recommended acoustic fencing to these boundaries. Concerns have been raised in respect to light pollution. The block of flats itself is considered unlikely to give rise to nuisance. Details of lighting to the car park can be clarified at reserved matters stage which Merseyside Police have advised on but would need to be discreet so as to not cause unacceptable glare.

Overall it is considered that the proposal would not cause harm to the living conditions of neighbours.

## **Transportation, Access and Highway Safety**

The proposal has been reviewed to the satisfaction of the Highways Manager. There would be 15 parking spaces in place of the existing garages to serve the proposed flats which is considered an acceptable level. While existing garages would be displaced, these are already fenced off and disused. The Highways Manager has assessed projected vehicle trips associated with the development and it is considered that these can be readily accommodated within the highway network. The submitted drawings show sufficient space within the car park for turning and manoeuvring of cars and larger vehicles. The proposal includes a side access onto Chatham Close where waste can be collected with ease.

Residents have raised concerns over the width of Chatham Close, and while it is accepted that the carriageway is narrower than the Council's current standards, it is an existing arrangement and is not considered sufficient grounds to refuse additional development accessed off of the street. While cars parked opposite one another may well block access in certain situations, this is an existing issue which ought to be addressed separately.

## **Other Matters**

### Ecology

The application is accompanied by various bat surveys (including one conducted in spring 2021, hence the delay to the application) which have been reviewed to the satisfaction of Merseyside Environmental Advisory Service. No evidence of bat roosting activity has been found. In terms of other ecology issues, the building is likely to host nesting opportunities for breeding birds. Merseyside Environmental Advisory Service has advised that a check during bird breeding season by an ecologist would be necessary.

### Flood Risk and Drainage

The site is located within Flood Zone 1 and thus is at low risk of tidal and river flooding. It is also at low risk of surface water flooding. Nevertheless, given the development is 'major' it is considered reasonable and necessary to require the submission of a scheme of sustainable surface water

drainage. This can be secured by condition and ensure surface and foul water are drained on separate systems.

## Infrastructure and Contributions

The 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.

Electric vehicle charging points can also be secured by condition for the flats in accordance with the Council's guidance on 'Sustainable Travel and Development' and 'New Housing'.

While the proposal is for major development, there are early indications it would comprise exclusively one-bedroom flats which does not command financial contributions towards primary education as required by Local Plan policy IN1. Furthermore, there is sufficient capacity within local schools, namely Rimrose Hope.

## Neighbour Comments

### *Consultation*

Concerns have been raised over a purported lack of consultation. The Council has notified local people in line with the Statement of Community Involvement which includes writing to neighbours adjoining and opposite the site as well as posting Site and Press Notices. In the lead up to submitting an application, applicants can apply for informal pre-application advice, but this is not a matter of public record. The Council cannot insist that an applicant carry out community consultation on schemes of this nature in advance of submission.

Some residents have also suggested that applying during the COVID 19 pandemic has made commenting difficult. The Council has continued to carry out its statutory duties throughout the lockdown period, and thereafter, and provides residents with multiple means of making contact to Planning Services. It is not considered that any prejudice has arisen as a result. One resident has stated that residents should be given the opportunity to speak at Committee - this is only permitted in the case of someone representing a petition.

### *Other Concerns*

The Lathom is not listed as an asset of community value, nor has it been nominated as such. The application has to be assessed on the basis as submitted and cannot be placed on hold indefinitely in order to allow a 'Right to Bid'.

Asbestos has been raised as a concern, however the handling and removal of asbestos is subject to health and safety and environmental legislation, therefore appropriate removal would not risk further ground contamination.

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In terms of construction disturbance, this can be mitigated to a degree through the implementation of a Construction Traffic Management Plan, however issues such as noise can be addressed through Environmental Health legislation should this become an issue.

Loss of property value has been referred to in a number of neighbour objections, however this is not a material planning consideration.

## **Conclusion and Planning Balance**

The proposed development to replace the Lathom and adjacent garages, both of which are vacant, would result in the loss of a non-designated heritage asset and provision of up to 12 flats. Planning policy requires the decision maker to apply a presumption in favour of sustainable development and approve development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The main benefit is the provision of new housing, and although the Council is in a position where it can demonstrate a 5-year supply, 12 purpose built-flats would make a positive modest contribution. The site lies within a Primarily Residential Area which establishes the principle of development. Princess Way lies within an Air Quality Management Area which warranted the submission of an Air Quality Assessment. At present future occupiers would not be exposed to levels of air pollution which exceed national standards, however levels are close to exceeding this. In the future with an anticipated increase in Port-related traffic, levels of air pollution at the face of the development would very likely meet if not exceed national standards. The Environmental Health Manager has concerns about air quality and if approval is recommended his view is that mechanical ventilation would be necessary. While significant weight ought to be afforded to impacts on health associated with poor air quality, existing evidence shows that air quality would be meet required standards and does not indicate levels which conflict with policy EQ4 (Pollution and Hazards). It is also possible to mitigate a future increase in air pollution.

The layout of the site and indicative floor plans show that a good standard of living can be afforded for future occupiers while not causing undue harm to existing neighbours. There are no insurmountable highway safety concerns associated with the proposed development and in general it is considered to be of a scale and layout which responds positively to the surrounding area.

The main cause of harm is the loss of a non-designated heritage asset. The significance of the building is its social history at a local level rather than its architectural merit. The significance of the asset is highlighted through a detailed Heritage Statement which has been submitted in accompaniment to the application and concludes on the whole a low heritage significance. The Historic Environment Record (HER) Officer within Merseyside Environmental Advisory Service has raised no objection subject to the reuse of a date stone within the new development which can be secured by condition. Although not specifically requested by the HER Officer it is considered that a commemorative (possibly blue) plaque is also a reasonable request which would allow the

layperson to better understand the significance of the site. While the Conservation Officer has objected, it is unlikely conversion would prove viable and there is no indication a more viable use seeks to retain the building. In any instance the application has to be assessed on the basis of what is submitted.

While the proposal would only provide a modest contribution to housing supply, the Lathom is currently vacant and the adjacent garages are in a poor state. The benefits of the development are clear and in the circumstances are considered to outweigh the limited harm in planning terms which would arise by virtue of demolishing a non-designated heritage asset, the significance of which is restricted to social history at a local level. This has been understood and appreciated and can be remembered within a plaque and through re-use of the building's datestone. The proposal is also capable of achieving a good standard of living for future occupiers and concerns over air quality can be met through the installation of mechanical ventilation.

Overall and on balance it is considered that the benefits of the proposed development outweigh the harm brought about by the loss of a non-designated heritage asset and potential issues associated with air quality into the future. Subject to the conditions below the proposal is recommended for approval.

## **Recommendation – Approve with Conditions**

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

### **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 must be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 2) Details of the reserved matters set out below must be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - (a) Appearance
  - (b) Landscaping

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Approval of all reserved matters must be obtained from the Local Planning Authority in writing before any respective phase of development is commenced and must be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

## Approved Plans

- 3) The development shall be carried out in accordance with the following approved plans and documents: Proposed Location Plan (Lath/06/20/08) and Proposed Site Plan (Lath/06/20/10) received by the Council on 1<sup>st</sup> October 2020.

Reason: For the avoidance of doubt.

## Before the Development is Commenced

- 4) Details of the appearance and landscaping (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. The landscaping detail provided at reserved matters stage must include the provision of semi-mature planting of trees along the boundaries to Lathom Avenue and Chatham Close.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

- 5) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must include a programme of works, days and hours of working, a site layout during the construction phase, relevant contact details, routes to be taken by delivery vehicles, methods for traffic management including directional signage and full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance. The provisions of the approved Construction Traffic Management Plan shall be implemented in full during the period of construction.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the construction phase of the development.

- 6) No demolition works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season the building is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are

present. If present, details of how they will be protected are required to be submitted for approval.

Reason: In order to prevent harm to protected species

- 7) No development shall commence until a preliminary investigation report has been submitted to and approved in writing with the Local Planning Authority. The report must include: desk study, site reconnaissance, data assessment and reporting, formulation of initial conceptual model and a preliminary risk assessment.

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a competent person. The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: The details are required prior to development commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

- 8) 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 commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

- 9) 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 commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

# Agenda Item 4b

- 10) No development shall commence until detailed plans and particulars of the sustainable drainage system for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The details of the scheme must be based on the principles and details identified in the Outline Sustainable Drainage Strategy 27th July 2020 / 4-7680-DS-0/ Clancy Consulting Limited. The approved scheme shall be installed prior to occupation of development and be managed and maintained thereafter as such.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site

## **During Building Works**

- 11) 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.

- 12) Details of a scheme to incorporate the existing date stone and a commemorative blue plaque within the development which outlines the social history of the site must be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development.

Reason: In order to mitigate the loss of a Non-Designated Heritage Asset.

## **Before the Development is Occupied**

- 13) Before any part of the development hereby permitted is occupied 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.

- 14) 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 13.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.



- 15) No part of the development shall be brought into use 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 details of the proposed vehicular and pedestrian accesses onto Lathom Avenue and reconstruction of footway to Lathom Avenue where redundant stairway is to be removed and Chatham Close where the existing access is to be closed. 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.

- 16) 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.

- 17) The development shall not be occupied unless and until a minimum of two electric vehicle charging points have been installed and are 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.

- 18) No part of the development shall be brought into use until full details of secure storage for 12 bicycles have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be installed prior to occupation and be retained thereafter for that specific use.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car-based modes of travel.

- 19) The development shall not be occupied until details of full fibre broadband connections to serve 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 the development in accordance with the approved details.

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

# Agenda Item 4b

- 20) Before the development hereby permitted is first occupied, all first and second floor windows facing the boundaries of 7 Lathom Avenue and 9 Chatham Close at a distance of 10.5m or less 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 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 at all times.

- 21) Prior to occupation of development a suitable scheme of acoustic glazing for all habitable rooms, with a minimum performance standard as shown in section 8 of the approved Environmental Noise Impact Report (Reference: 14068 Version 1) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme must be installed before the flats become occupied and retained thereafter.

Reason: In order to protect the living conditions of future occupiers from unacceptable noise and disturbance.

- 22) All bedroom ceiling must be constructed to the standard stated in section 8.3 of the approved Environmental Noise Impact Report (Reference: 14068 Version 1). The ceilings must be installed before the dwellings become occupied and retained thereafter

Reason: In order to protect the living conditions of future occupiers from internal noise transmission.

- 23) Prior to occupation of development a suitably designed acoustic barrier to protect the garden area must be submitted to and agreed in writing by the Local Planning Authority. The approved scheme must be installed before the development becomes occupied and retained thereafter

Reason: In order to protect external amenity areas from undue noise and disturbance.

- 24) Prior to occupation of development a suitably designed acoustic barrier must be installed around the perimeter of the car park in order to protect the gardens of the neighbouring dwellings must be submitted to and agreed in writing by the Local Planning Authority. The approved scheme must be installed before the development becomes occupied and retained thereafter.

Reason: In order to protect the living conditions of neighbouring residents from noise associated with the approved car park

- 25) Prior to occupation of development a suitable scheme of acoustically treated and filtered ventilation for all habitable rooms must be submitted to and agreed in writing with by the Local Planning Authority. The approved scheme must be installed before the flats become occupied and retained thereafter.

Reason: In order to protect the living conditions of future occupiers from unacceptable noise and levels of air pollution.

## Ongoing Conditions

- 26) Within the first planting 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.

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|  |  |                         |                           |
|--|--|-------------------------|---------------------------|
| <b>Report to:</b>                          | PLANNING COMMITTEE   | <b>Date of Meeting:</b> | 2 <sup>nd</sup> June 2021 |
| <b>Subject:</b>                            | <a href="#">DC/2021/00807</a><br><a href="#">Marine Football Club, College Road, Crosby, L23 3AS</a> |                         |                           |
| <b>Proposal:</b>                           | Construction of a 3G artificial football pitch and widening of the site entrance                     |                         |                           |
| <b>Applicant:</b>                          | Mr Paul Leary<br>Marine AFC  | <b>Agent:</b>           | Diaz Associates           |
| <b>Ward:</b>                               | Victoria Ward  | <b>Type:</b>            | Full Application - Major  |
| <b>Reason for Committee Determination:</b> | Major application with 5+ objections   |                         |                           |

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## Summary

The proposal is to replace the existing grass pitch at Marine FC's ground for a third-generation (3G) all-weather artificial pitch. Alterations are also proposed to the access point off College Road. The proposal is considered to be acceptable in principle as it would provide a better-quality playing surface and facilitate increased community use. Given the increased use of the facility and the sensitivity of neighbouring properties, the Environmental Health Manager has objected without mitigation such as acoustic fencing. The applicant does not intend to alter the existing boundary treatments to the playing pitch or floodlights. Given the long-established use of the site which is capable of being used to any degree without the need for planning permission it is considered that a condition limiting the hours of use for non-professional games would provide sufficient protection for local residents.

The Highways Manager has raised no objection to the proposal, as it would not directly affect the busiest periods at the site (i.e. professional match days). A Travel Plan is to be secured by condition on order to encourage sustainable modes of transportation while the applicant has also put forward management proposals for traffic and parking. While some harm has been identified, there are clear social and economic benefits presented in supporting the growth of Marine FC which is a local asset. The proposal on balance is considered to comply with adopted local and national policy and is recommended for approval.

## Recommendation: Approve with Conditions

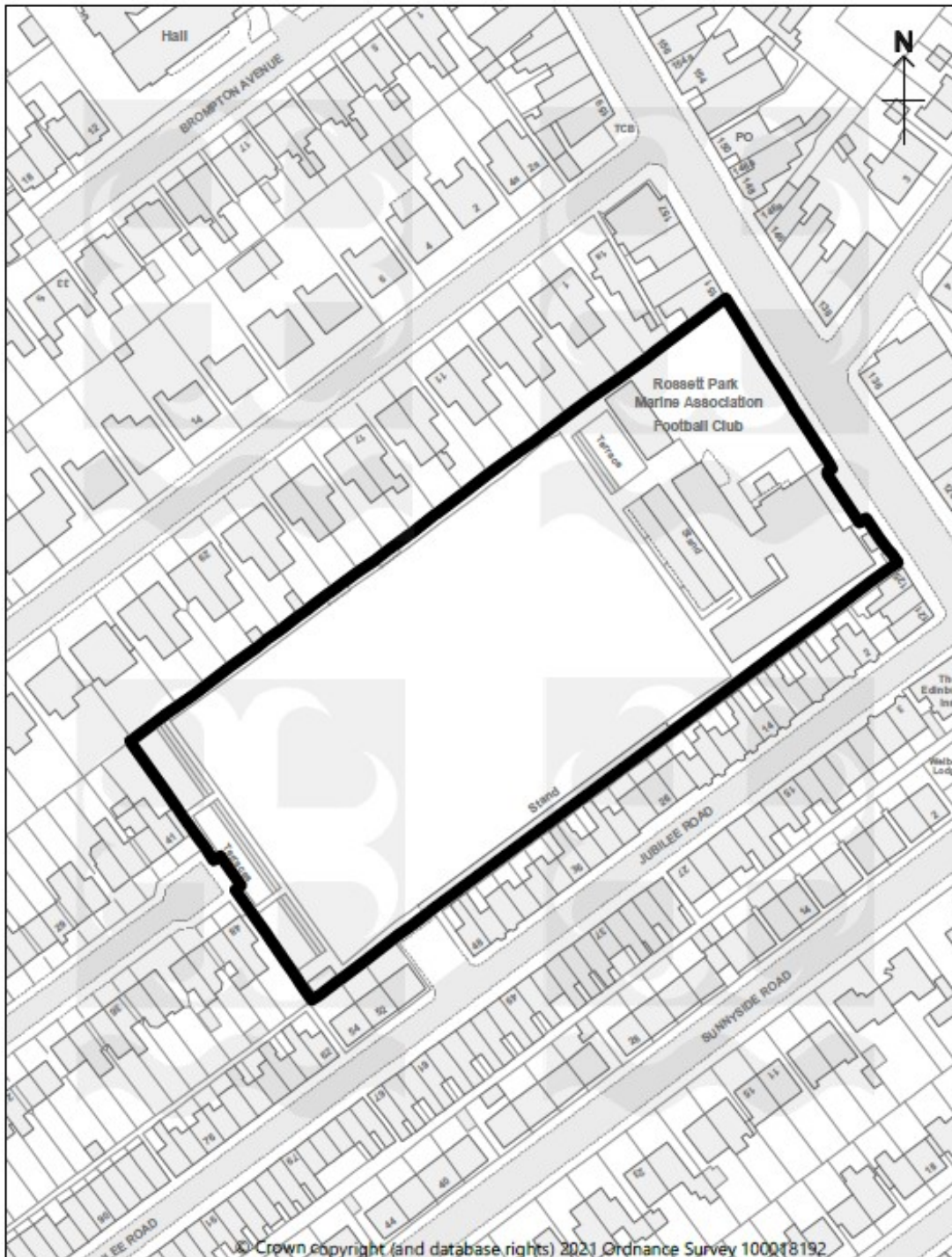
|                     |  |
|---------------------|--|
| <b>Case Officer</b> | Steven Healey  |
| <b>Email</b>        | <a href="mailto:planning.department@sefton.gov.uk">planning.department@sefton.gov.uk</a> |
| <b>Telephone</b>    | 0345 140 0845  |

# Agenda Item 5a

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQGXC7NW08800>

Site Location Plan



Reference: Map reference  
Date: 21/05/2021  
Scale: Scale: 1:1250  
Created by: Initials

# Agenda Item 5a

## The Site

The application site comprises Rossett Park, the home ground of Marine Association Football Club, and associated buildings and parking at College Road, Crosby.

## History

Planning permission granted in January 2021 for the erection of a community shop in the car park (reference DC/2020/02373). Permission granted in February 2019 for the erection of a single storey building in the car park to be used as a table tennis centre (DC/2018/02114).

Permission granted in February 2018 for the erection of a new single storey amenity block and turnstile at the grounds following demolition of an existing block behind the main stand (DC/2017/02269).

Permission refused in April 2014 for the erection of a convenience store within the car park alongside a new single storey block for Marine A.F.C. following demolition of an existing block (DC/2014/00188).

Permission granted in April 2011 for the erection of a new stand and snack kiosk at Crosender Road end and siting of four 20-metre high floodlighting columns to replace the eight existing floodlights (S/2011/0276) The floodlights were later amended through a non-material amendment application (S/2012/0012).

Permission granted in December 2002 for the erection of an extension to the existing dressing rooms (S/2002/1108).

Various other applications approved during the 1970s, 1980s and 1990s in association with use as a sports ground.

## Consultations

### **Environmental Health Manager**

No Noise Assessment has been submitted, it is likely given the intensification of use that acoustic screening will be required. This could be secured by condition although without mitigation the application cannot be supported. No alterations are proposed to the floodlighting structures however the off-times proposed by the club appear to be a betterment.

### **Flooding and Drainage Manager**

No objection.



## **Highways Manager**

No objection subject to conditions requiring the submission of a Travel Plan and off-site improvements to facilitate the new access.

## **Merseyside Environmental Advisory Service**

No objection.

## **Sport England**

No objection subject to a Community Use Agreement being secured by condition to ensure the intended sporting benefits cited to meet policy requirements are implemented.

## **Neighbour Representations**

Objection received from seven addresses within the area on the grounds of increased traffic and parking issues, increased usage throughout the day which has already increased recently from just Marine AFC using the pitch, resulting in greater noise (including players, spectators and traffic noise) and light disturbance. Concerns raised over loss of privacy, impacts on health and security of neighbouring properties. Some residents state there are already similar facilities in the area.

Letters of support received from St Luke's Halsall Primary School, St Mary's Primary School, St Nicholas Primary School, Parkinson's Support, Sefton Council Voluntary Service and Valewood Primary School praising current access to the pitch through 'Marine in the Community', community support and social and economic benefits of the club in general and improvements which would be delivered through a new artificial pitch (erroneously referred to as 4G as opposed to 3G), greater availability of use, curricular and extra-curricular opportunities, and associated health and wellbeing benefits.

One neighbour points out that a recently approved community shop is not shown on the plans which would result in loss of parking.

## **Policy Context**

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

## **Assessment of the Proposal**

The proposal is to replace the existing grass pitch at Marine AFC with a 3G artificial pitch, to widen the existing vehicular access substituting existing palisade fencing for a low-level knee rail and planting.

# Agenda Item 5a

## **Principle of Development**

The application site is within an area designated as Open Space subject to Local Plan policy NH5. This policy supports 'environmental improvements which enhance the site's environmental quality or green infrastructure benefits, including built facilities necessary for the use of the site'. This policy is supported by Supplementary Planning Document 'Open Space' which states works to enhance open space could include new pitches or improvements to existing pitches where this will help to increase pitch capacity.

The site at present is primarily occupied by a full-sized grass football pitch, with a stand, club buildings and parking positioned towards College Road. While this would be lost, an all-weather 3G pitch would allow for more frequent usage. The 2016 Sefton Playing Pitch Strategy identified a shortfall of at least 11 full-size 3G pitches across the Borough, while the 2019 Local Football Facility Plan found an even greater shortfall of 17. Eight priority projects are identified in the plan including a new 3G pitch at a non-specified location in Crosby. In this respect, the proposal would contribute to an identified need and would provide a better-quality pitch, complying with Local Plan policy NH5.

Sport England has been consulted as statutory body for development affecting playing pitches. Following clarification from the applicant regarding their outline proposals for community access, and clarification that the various sized pitches which form the 3G pitch would adhere to national design specifications the proposal is considered acceptable. Sport England considers that subject to the submission of a Community Use Agreement, the proposed development would be of 'sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field'.

## **Environmental Matters**

### Noise, Light and Pollutants

The proposal would facilitate increased community use which has the potential to result in increased noise and disturbance. The applicant has submitted a short Management Plan and Flood Lighting Impact Statement. The Environmental Health Manager initially requested the submission of a Noise Assessment; however, this has not been provided. In the absence of a Noise Assessment it has been suggested that an acoustic barrier a minimum of 3m in height is likely to be required around the pitch.

The applicant has pointed out that there is no existing physical mitigation and that during the football season the pitch is typically used three nights per week up until 10.15pm. The applicant states that many residents enjoy the ability to watch matches from the confines of their property which would be inhibited should acoustic screening be introduced. Aside from this there is the potential for an extensive fence of 3m high or more to impact on the general outlook of these properties.

The applicant has proposed to limit the hours of community use of the pitch compared to professional games which often end at 10pm, with shorter hours still on weekends and off-season. This is considered to be a reasonable compromise given the long-established presence of Marine FC at Rossett Park which is capable of accommodating non-professional games regardless. While not specifically requested by the Environmental Health Manager, Planning Services has dealt with a number of similar proposals recently and have conditioned the requirement of a Noise Management Plan. This would provide further assurance in this case also.

In addition to the above the existing floodlights on site are to be unaffected. These are subject to a restriction on hours of use, which similarly the applicant has agreed to reduce when the pitch is being used by the wider community.

Overall, while increased use of the site would result in more noise and disturbance, the hours proposed by the applicant are not unreasonable with respect to the existing lawful use of the site and it would not be reasonable to insist on the installation of an acoustic fence which with being so close to residential properties risks harming outlook from those properties.

## Drainage

The Flooding and Drainage Manager has raised no objection to the proposal. In terms of surface water drainage, it is proposed to install a series of lateral drainage pipes below the pitch surface which would connect to the existing drainage system on site which is deemed acceptable.

## Ground Conditions

The Environmental Health Manager has raised no objection given the low likelihood of contaminants on site. Regarding levels, the applicant has submitted a schedule of works which clarifies that the existing grass pitch and topsoil would be excavated down 320mm, with the new 3G pitch placed a top. The future ground level would therefore remain indistinguishable from present.

## **Access, Transportation and Highway Safety**

The proposal would result in intensified use of the application site, due to the additional capacity created by the 3G pitch. The applicant has submitted a Traffic Management report which has been reviewed to the satisfaction of the Highways Manager. This set out various measures Marine FC proposes to implement such as shuttle services during certain matches. The statement also clarifies that there will be a permanent staff presence to assist during non-match days also, while traffic will be minimised by the use of minibuses by community groups.

The site is an existing sports complex without restriction on the number of matches which can take place. It is expected that the greatest number of visitors, and thus vehicle trips, would be during the professional matches which already take place. It is considered that the traffic generated by the proposal can be readily accommodated within the local highway network, while any increased

# Agenda Item 5a

demand for parking would not result in significant cumulative adverse impacts. In order to encourage more sustainable modes of transportation the Highways Manager has recommended the implementation of a Travel Plan. This is reasonable and can be secured by condition. Physical measures to encourage more sustainable modes of travel include cycle parking and electric vehicle charging points which can also be secured by condition.

The proposed widening of the access is supported as it would allow for two-way movements. This will require off-site works including dropped crossings, the relocation of street signage, a Traffic Regulation Order (TRO) to provide double yellow lines across the access and amendments to existing TROs. It is considered necessary also to require the submission of a Construction Traffic Management Plan given site constraints and the extent of works proposed.

## **Design, Character and Visual Impact**

The proposed 3G pitch itself would maintain a similar appearance to the existing grass pitch, which is not immediately visible from the public realm. There are no proposals to alter existing boundary treatments or lighting to the pitch. The replacement of the palisade fencing to the College Road frontage and replacement with knee rails and planters would improve the appearance of the street scene and is supported from a design perspective.

## **Other Matters**

### Neighbour Comments

Most neighbour comments are addressed within the report. Aside from this it is not considered that there would be a loss of privacy to neighbours above what is already experienced, or any greater security risk given the procedures which will be implemented including staff being present on site at all times during games/ training sessions.

## **Planning Balance and Conclusion**

The proposed replacement pitch would facilitate increased use due to being suitable in all weather conditions. In this respect there are clear benefits associated with health and wellbeing given it would be available for wider community use more regularly. There are also economic benefits associated with supporting the viability of a professional football club. Nevertheless, the site is constrained by residential properties and any intensification of use risks further noise and disturbance.

The applicant has not proposed any form of physical acoustic mitigation which the Environmental Health Manager is opposed to. However, such a request would have to meet the tests of reasonableness and necessity. Given the long-established presence of Marine FC at Rossett Park which is capable of being used to any extent without the need for planning permission and residents are fully aware of this, the request for acoustic mitigation is not considered to be reasonable. Other measures are to be implemented including restrictions on hours of use and a

noise management plan. On the whole it is not considered that increased use would constitute significant harm.

The Highways Manager has raised no objection on highway safety grounds and considers there would not be any significant cumulative impacts on the local network either. Overall and on balance it is considered that the identified harm is outweighed by the significant benefits presented by the proposed development and on the whole the proposal complies with adopted local and national policy. The application is therefore recommended for approval.

## Recommendation - Approve with Conditions

### 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
  - Proposed FTP Drainage (DP0001 Rev 01)
  - Proposed 11 A-Side Pitch Layout (591-11-A)
  - Proposed 9 A-Side Pitch Layout (591-12-A)
  - Proposed 7 and 5 A-Side Pitch Layout (591-13)
  - Car Park (594-07)
  - Existing & Proposed Entrance Changes (594-15)
  - Works Description
  - Management and Traffic Management Plans

Reason: For the avoidance of doubt.

# Agenda Item 5a

## Before the Development is Commenced

- 3) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must include a programme of works, days and hours of working, a site layout during the construction phase, methods for traffic management and full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance. The provisions of the approved Demolition and Construction Traffic Management Plan shall be implemented in full during the period of construction.

Reason: In the interests of highway safety.

## Before the Development is Occupied

- 4) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and changing rooms, and include details of pricing policy, hours of use, access by non-partner club users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Local Plan policy NH5 and paragraph 97 of the NPPF.

- 5) No part of the development shall be brought into use until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated and managed in accordance with the approved plan at all times.

Reason: In order to minimise noise and safeguard the living conditions of neighbouring occupiers and land users.

- 6) No part of the development shall be brought into use 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 details of widening of the vehicle access onto College Road, the associated dropped kerbs and tactile crossings relocation of two signposts, alterations to existing Traffic Regulation Orders and a new Order for double yellow lines fronting the access. The highway works shall be carried out in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

- 7) 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.

- 8) No part of the development shall be brought into use until two electric vehicle charging points have been installed and are operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning. The approved infrastructure shall be permanently retained thereafter.

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

- 9) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity thereafter.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

- 10) 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 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.

## Ongoing Conditions

- 11) The use of the 3G pitch hereby approved for those groups expressly identified within the Community Use Agreement as set out by condition 4 shall take place as follows:-

From 2<sup>nd</sup> Sunday of May until 1<sup>st</sup> Friday of August inclusive:

09:00-18:00 Monday to Friday with floodlighting switched off outside the hours of 09:00-18:15,

09:00-16:00 Saturdays, Sundays and Bank Holidays with floodlighting switched off outside the hours of 09:00-16:15

# Agenda Item 5a

All other times:

09:00-21:00 Monday to Friday with floodlighting switched off outside the hours of 09:00-21:15,

09:00-18:00 Saturdays, Sundays and Bank Holidays with floodlighting switched off outside the hours of 09:00-18:15.

Reason: In order to protect the living conditions of neighbouring residents from unacceptable noise and light disturbance.



**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 2<sup>nd</sup> June 2021

**Subject:** [DC/2021/00466](#)  
[Land West Of Formby By Pass And North Of Liverpool Road Liverpool Road Formby](#)

**Proposal:** Variation of condition 2 pursuant to planning permission DC/2018/00658 approved 27/3/2019 to amend the approved layout plan to allow the inclusion of a foul water pumping station

**Applicant:** Simon Artiss      **Agent:** Mr Daniel Ramsay  
Barratt Homes (A trading      Turley  
name of BDW Trading Ltd)

**Ward:** Ravenmeols Ward      **Type:** Variation of condition

**Reason for Committee Determination:** Called in by Councillor Bennett

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## Summary

The proposed pumping station is needed to ensure that foul water can flow from the site into the wider foul drainage network, as initially proposed under the drainage strategy originally approved as part of the wider residential development.

The key issues for consideration relate specifically to the change proposed, that being the impact of the proposed pumping station on the living conditions of existing and future residents, character of the area, highway safety, loss of open space and flooding/drainage.

Overall it is considered that the development would be acceptable and in accordance with both the Neighbourhood Plan and the Local Plan.

**Recommendation: Approve with Conditions, subject to an amendment to the Section 106 agreement attached to permission DC/2018/00658.**

**Case Officer**      Kevin Baker

**Email**      [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

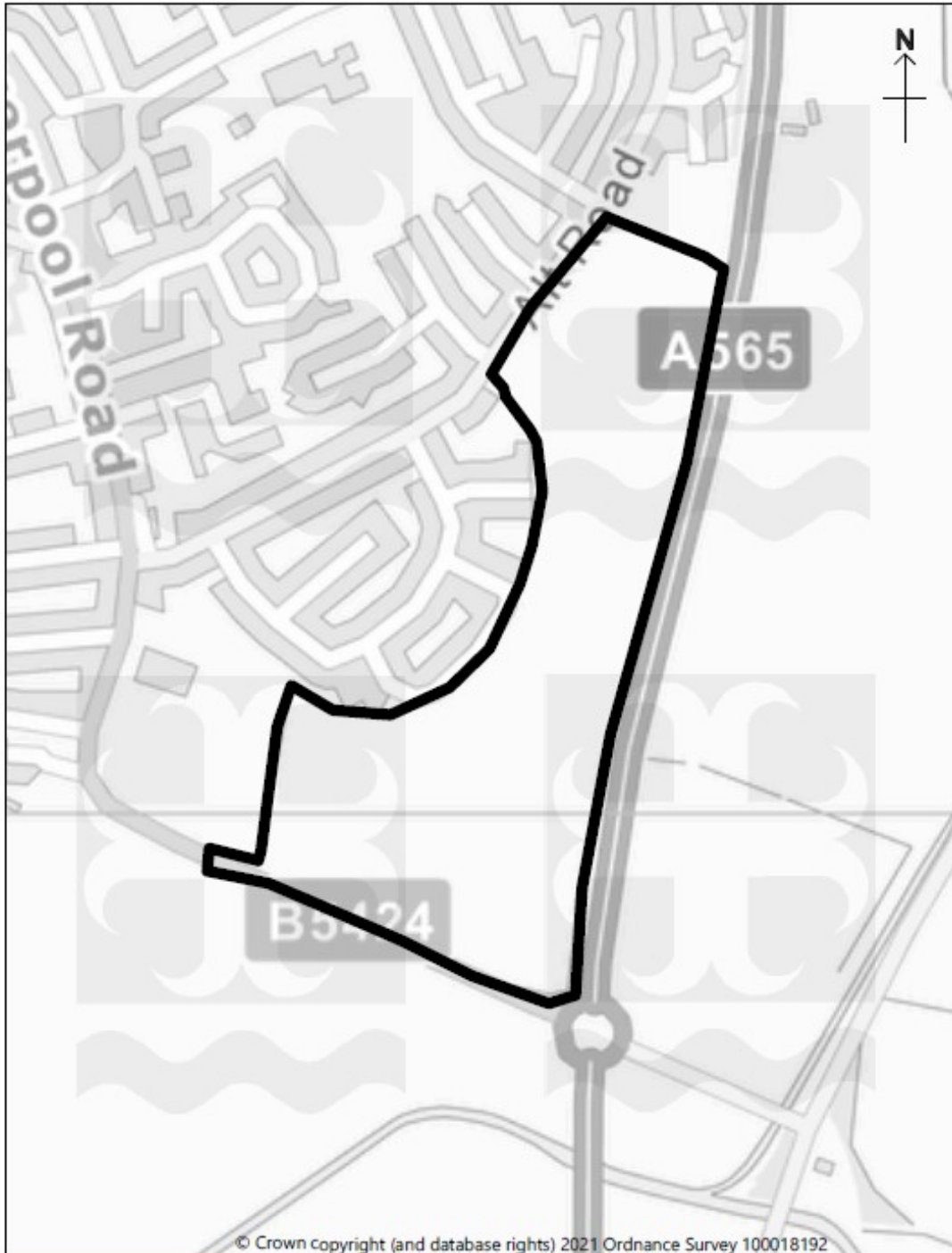
**Telephone**      0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOOKK1NWHRC00>

# Agenda Item 5b

## Site Location Plan



Reference: Map reference  
Date: 21/05/2021  
Scale: Scale: 1:5000  
Created by: Initials

## The Site

Housing Development site off Liverpool Road, Formby.

## History

The land to which application relates is part of a wider allocation site as identified in the Sefton Local Plan.

In May 2018 a joint application was granted for a new vehicular and pedestrian access to enable a single access to be constructed to serve two residential developments (app.ref: DC/2018/00258). This has commenced on site.

Planning permission was granted in March 2019 for the erection of 304 dwellings (app.ref: DC/2018/00658). This relates to the larger eastern part of the allocation site which is currently under construction. It is this development to which this current application relates.

Planning permission was also granted in September 2019 for the erection of 68 houses (app.ref: DC/2018/00588). This relates to the western part of the wider allocation site and is yet to start.

Since the granting of the 2018 planning application for 304 homes, a number of applications have been submitted to the Council to discharge conditions and to allow works to commence on site. In addition, there have been two applications approved for non-material amendments to the planning permission which sought to amend the house type and roof construction on a number of plots (DC/2020/00095) and to reposition and amend house types and alter garages on some plots (DC/2020/01195).

A further non material amendment application was submitted in January 2021 to seek approval for a foul pumping station within the site. However, this application was refused as it was felt that the changes proposed were materially different to the originally approved scheme, albeit minor when considered against the wider proposals for the area. This decision resulted in the submission of this current application.

## Consultations

### Highways Manager

No objection

### Environmental Health Manager

No objection subject to condition requiring a scheme of noise control for the pumping station and associated equipment.

# Agenda Item 5b

## **Flooding and Drainage Manager**

No comments.

## **Natural England**

No comments.

## **United Utilities**

No comments received.

## **Environment Agency**

No comments received.

## **Neighbour Representations**

### Residents

Correspondence has been received from residents on Savon Hook, Fountains Way, Romsey Avenue, Monks Drive, Tintern Drive, Friars Walk, River Close, Phillip Lane, Abbots Close and Alt Road objecting to the proposal on the following grounds:

### ***Living Conditions***

- Lack of respect to residents
- Zero consideration of the environmental impact on existing or proposed housing
- Being built close to housing, should be further away closer to the by-pass
- Increase in smells
- Increase in noise
- Adds to the disruption and unfairness already caused by the development
- Will impact on general living environment
- Will cause noxious gases during maintenance
- No consideration towards welfare of people, what happens in the event of a spillage.
- Smells will create sickness
- Smell of sewage is not healthy
- No risk assessments have been carried out
- No consideration towards the Neighbourhood Plan
- Developers should come up with alternative solutions
- Dangerous smells can prevent people from opening windows, doors, enjoying their gardens, etc.
- No thought has been given towards the positioning
- The pump could explode if mismanaged
- Will impact on residents health
- Developer should reduce number of houses to allow pumping station to be built closer to the by-pass

## ***Flooding and drainage***

- Increased flooding
- Issue of foul water should have been addressed earlier in the process
- Will this cover the whole site or will there be a need for additional pumping stations
- Foul water would be directed to existing properties where there has already been a flooding issue.
- Would make more sense to locate pump close to main road closer to sewage works on Hoggs Hill Lane
- Impact on nearby schools and kids play areas

## ***Other Matters***

- Developer has failed on their legal duty on more than one occasion already
- Question why it was not included from the start.
- Pumping Station has already been constructed
- Reduction in house values

## **Formby Parish Council**

Object on the following grounds:

- Although principle of a pumped system may have received support, location is absent from any drawings.
- Documentation is insufficient to determine the full impacts of the proposal. It is unclear how many properties will be served by the pumping station, whether to serve the first phase or entire site.
- Although there have been improvements in pumping stations, they are still prone to failure.
- No assessments have been given to the location and impacts on amenity.
- Adds additional risk to an existing problem
- Impacts on local and wider water course, ground water, open space and public footpath in the event of a failure. No assessment has been made or measures proposed.
- Increase smells from foul water has the potential to cause significant and adverse effect on residential amenity
- No consideration has been given to the *“likely magnitude of odour emissions, the likely meteorological characteristics at the site, the dispersion and dilution afforded by the pathway to the receptors, the resulting magnitude of odour that could result and the sensitivity of the receptors”* (IAQM Guidance on the assessment of odour for planning 2018).
- No attempt to quantify the harm or propose mitigation to reduce the harm to residential amenity or justify the proposed location of the pumping station
- Recommend that a different location be proposed

## **Councillors**

Cllr Bennett has also called the application in due to harmful impact on residential amenity and poor design quality. Also considers that the application should state that it is for a pumping station, not a variation on the current consent.

# Agenda Item 5b

## Policy Context

The application site lies within an area allocated for housing 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 a material amendment to planning permission DC/2018/00658 for the inclusion of a proposed pumping station.

It is acknowledged that the applicant initially advised that the application was to relocate the pumping station from an approved location under the original permission. However, upon review of the approved scheme, have accepted that the original plans failed to include the location of the pumping station in error.

Notwithstanding this, the original application through the drainage strategy identified the need to connect to the existing foul drainage network, the proposal does not change this. The applicant has confirmed that the intention was always that the foul water would be accommodated by way of a pumping station, due to the flat topography of the site, along with fairly deep sewers. The pumping station will ensure that sewage can flow from the site into the wider foul drainage network.

The applicant has also advised that the location of the pumping station has been chosen, due to the identification of unexpected ground conditions to the west of the site, where the pumping station was initially planned to be located, and which would have required deep sheet piling, which would have to be installed using driven techniques. This would cause disturbance and disruption to existing residents. The proposed location is not subject to these ground conditions.

In terms of the key issues, the principle of the residential development and its impacts were considered and agreed in the granting of the previous permissions. Subsequently, the key issues for consideration relate specifically to the change proposed, that being the impact of the proposed pumping station on the living conditions of existing and future residents, character of the area, highway safety, loss of open space and flooding/drainage.

### **Impact on existing and future residents**

The pumping station would be sited to the north western boundary of the site, adjacent to Savon Hook, on an area of land previously proposed as informal open space. The pumping station would be located within a fenced enclosure, with much of the equipment, including the storage tank, located underground.

As the bulk of the pumping station would be located underground, it would not in itself present a physical impact on the living conditions of existing or future residents. The fencing would be visible from existing and future properties, however, the fencing would not be solid and would be of a location and height that would not appear dominant. Furthermore, the existing hedging and introduction of additional landscaping would help soften any potential impact on views both into and out of the site.

Concerns have been expressed regarding potential noise and odours caused by the pumping station. In addition, there are concerns regarding the harm in the event of a system failure.

In terms of noise, the pumping station would be located in excess of 25m from the nearest existing residential property and 20m from the nearest proposed residential property. It is acknowledged that pumping stations require mechanical equipment to operate which could create noise. However, given the scale of pumping station with the majority of mechanical part being located underground, it is considered that noise levels would be minimal. Notwithstanding this, the Council's Environmental Health Manager has advised that such matters could be addressed by condition to ensure the living conditions of existing and future residents is protected.

Regarding potential odours, by its very nature, there is the potential for harm to be caused to the living conditions of existing and future residents from inappropriate odours produced from the pumping station. However, it is not unusual for pumping stations to be used in residential developments to assist with foul drainage, as identified in the adjacent development site which also includes a pumping station close to residential properties. Furthermore, the applicant has advised that the pumping station would be adopted by United Utilities and designed in accordance with their guidelines and specifications, one of which requires the pumping station to be located a minimum of 15m from residential properties to minimise the impact of potential noise and odour.

As with odours, the applicant has advised that the pumping station has been designed to minimise the likelihood of a blockage or pump failure. This includes, but is not limited to, a 'telementary system' which would automatically alert the management operator (i.e. United Utilities) of any failures allowing emergency work to be carried out to prevent the build up of odours and potential spillages above ground.

It is considered the proposal would not cause harm to living conditions of neighbouring residents as a result of its physical appearance or impacts through potential noise or odours. The proposal would therefore comply with policy ESD2 (High Quality Design) of the Neighbourhood Plan and EQ4 (Pollution and Hazards) of the Local Plan.

### **Character of the area**

As identified above, most of the proposal would be located underground. The most noticeable element of the proposal is the security fencing which, given it uses appropriate materials and existing/proposed landscaping, would not cause harm to the character of the area. This would comply with policy ESD2 (High Quality Design) of the Neighbourhood Plan in this regard.

# Agenda Item 5b

## **Highway Safety**

The proposed pumping station would not impact on vehicle or pedestrian movement in or around the site. Servicing vehicles would be able to access the pumping station from within the development site.

The proposed pumping station would not cause harm to highway safety and would therefore comply with policy ESD2 of the Neighbourhood Plan.

## **Loss of Open Space**

It is acknowledged that the substation would be located on an area of open space/landscaping. The committee report for the original application acknowledged there was a shortfall in open space provision across the development as a whole. However, a financial contribution to support the improvement of off site open space and address the shortfall, was agreed through a Section 106 agreement and thus complied with Policy EQ9 of the Local Plan.

The proposed changes would reduce the area of open space by approximately 80 sq.m in this part of the site. Although the applicant has advised that there was always the intention to include a pumping station on site, this was not illustrated on the approved drawings. Had it been, the off site contribution could have been amended to address the further shortfall. Notwithstanding this, the applicant has agreed to amend the Section 106 agreement to account for this additional shortfall. This is considered acceptable given the nature of the open space.

Policy ESD6 (Green Infrastructure) of the Neighbourhood Plan, Policy EQ9 (provision of public open space, strategic paths and trees) of the Local Plan and its supporting guidance does not specifically account for such scenarios, but confirms that developments should provide 40 sq.m per newbuild home, or £2,200 per newbuild home where an off site contribution is accepted.

Given the site would see the loss of around 80 sq.m of open space, this would be equivalent to that required for 2 new build homes. An additional contribution, therefore, of £4,400 would be considered appropriate to address the proposed loss. This can be secured by amending the original s.106 agreement and would comply with Policy EQ9 of the Local Plan and ESD6 of the Neighbourhood Plan.

## **Drainage**

The proposed pumping station would support the foul drainage system for the site and would not impact on the surface water drainage. The proposal would see the removal of an attenuation basin, as originally proposed under the approved drainage strategy, but would introduce additional swales to ensure the principles of the drainage strategy are maintained and that the site or surrounding area does not flood. Full details of the proposed swales can be secured by planning condition to ensure compliance with Policy F1 (Avoiding Increased Flooding and Flood Risk), F2 (Flood Risk Assessments and scheme Design) and F3 (Reduced Surface Water Discharge) of the Neighbourhood Plan.



## **Other matters**

Many residents have questioned why the pumping station cannot be located elsewhere within the site, further away from existing properties. Whilst the applicant has not explained why the pumping station cannot be located further away, they have explained the need for it and the reasons for choosing the proposed location. It is the responsibility of the Council to assess the acceptability of the location chosen.

Concerns have been expressed regarding the impact of the proposed pumping station on house prices. This is not a material consideration.

## **Conclusion**

The proposed pumping station is needed to ensure that foul water can flow from the site into the wider foul drainage network, as initially proposed under the drainage strategy originally approved as part of the wider residential development.

The pumping station would be a relatively minor alteration to the wider residential development which was approved in 2019. It would not harm the living conditions of existing or future residents and would be acceptable in design terms. The development would not increase flood risk above that which was agreed under the original permission and would be acceptable in highway safety terms. The pumping station would result in the loss of some informal open space within the new residential development, however, the developer has agreed to provide an off-site financial contribution to compensate for the loss. This would be secured through an amendment to the original Section 106 agreement.

Overall it is considered that the development would be acceptable and in accordance with both the Neighbourhood Plan and the Local Plan.

**Recommendation - Approve with Conditions, subject to an amendment to the Section 106 agreement attached to permission DC/2018/00658.**

## **Approved Plans**

- 1) The development hereby granted shall be carried out strictly in accordance with the plans and documents listed below:

Drawing no. BH/LRF/SMP/01 Rev A2 Composite Site Layout  
Drawing no. BH/LRF/SMP/03 Rev A2 Site Layout Sheet 2 of 2  
Drawing no. 433/ED/02 Rev.K Engineering Layout Sheet 1  
Drawing no. 433/ED/17 Rev.E Pumping Station Civils Only

and those identified on application DC/2018/00658.

Reason: To ensure a satisfactory development.

# Agenda Item 5b

## Before the Development is Commenced

- 2) Should any changes be made to the phasing plan agreed under application DC/2019/00798, then an updated phasing plan must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on any subsequent phase.

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

Reason: To ensure a satisfactory development.

- 3) Prior to the construction of external elevations above finished floor level of the first 15 dwellings in each phase, the finished levels shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority. The results of these surveys shall confirm that the FFL of those plots are constructed to the levels agreed by condition 20 and no further construction above FFL of external elevations of dwellings on those plots shall take place until approval is given as required above. In the event that the submitted surveys fail to confirm the FFL correspond to the levels as approved, or are not within 100mm of those levels, a new planning application(s) shall be submitted for those plots to which the variation relates.

Reason: This matter is fundamental in order to safeguard the living conditions of nearby occupiers, to safeguard the character and appearance of the area and ensure satisfactory drainage.

## During Building Works

- 4) Within 1 month of the date of this decision, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include phase specific details of:

- The proposed times construction works shall take place
- Details of temporary construction access
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The location of the site compound
- Suitable wheel washing/road sweeping measures
- Describe all of the measures which will be adopted during construction to minimise the risk of disturbance to qualifying species using adjacent functionally linked land to the European Sites.
- Submission of the piling methodology during the construction

- Appropriate measures to control the emission of dust and dirt during construction
- Appropriate measures to control the emission of noise during construction
- Appropriate measures to control fuel and oil spillages during construction
- Details of the acoustic fencing to be installed on site boundary during construction
- Details of all external lighting to be used during the construction
- The name and contact details of person(s) accountable for air quality and dust issues
- A programme for issuing information on construction activities to residents that border the site
- Details of the days/hours when construction activities will take place
- Nonbreeding bird survey of the surrounding area prior to commencement of any percussion piling carried out during the period September to March (inclusive)
- A Site Waste Management Plan, including a scheme for recycling/disposal of waste resulting from the demolition and construction works

The details approved above shall be implemented throughout the period of construction unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity, highway safety and amenity.

- 5) Within 1 month of the date of this permission, a scheme including full construction details, phasing and timetable of works for the site access on Liverpool Road and the following off-site improvement works has been submitted to and approved in writing by the Local Planning Authority:

- The widening of the north side of Liverpool Road on the eastbound approach to the roundabout at the Formby Bypass together with associated carriageway markings and traffic signs.
- Removal of the existing zebra crossing on Liverpool Road (north of Alt Road) and replacement with a new traffic signal controlled Toucan/Puffin crossing;
- The installation of flush kerbs and tactile paving at the following locations:-

Across Savon Hook opposite no.3/5 Savon Hook;

Across Savon Hook at Monks Drive (North);

Across Savon Hook at Monks Drive (South);

Across Monks Drive at Alt Road (North);

Across Monks Drive at Alt Road (South);

Across Alt Road at Liverpool Road;

Across access to shops at Liverpool Road;

Across Cheapside at Liverpool Road;

Across Coronation Avenue at Liverpool Road;

Across Phillips Lane at Liverpool Road.

Across Alt Road south of Fountains Way;

Across access to Redgate Community Primary School at Regate, and;

# Agenda Item 5b

Across Crown Close at Coronation Avenue.

- The upgrade of Altcar Footpath No.8 between Liverpool Road and the Formby Bypass to a surfaced path with street lighting and minimum width of 3.0m;

- A scheme of works at the following bus stop locations:-

Liverpool Road (south side) New bus stop construction of a new lay-by with access kerbs, raised footway area and enhanced carriageway markings and the provision of a new shelter;

Liverpool Road (north side) Existing bus stop install access kerbs, raised footway area and enhanced carriageway markings and the provision of a new shelter;

Alt Road (outside no. 71/73) Existing bus stop install access kerbs, raised footway area and enhanced carriageway markings; and,

Alt Road (outside no. 17/19) Existing bus stop install access kerbs, raised footway area and enhanced carriageway markings.

- Design details of the emergency access onto Savon Hook including a no waiting at any time restriction (Traffic Regulation Order)

The works must be carried in accordance with the approved details and the agreed phasing and timetable.

Reason: In the interests of highway safety and the satisfactory development of the site.

- 6) a) Within 1 month of the date of this permission, details of the proposed surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the Surface Water Drainage Strategy detailed in the submitted Flood Risk Assessment and Drainage Strategy (June 2018 Issue 12] approved under application DC/2018/0068 and the amended plans hereby approved. The approved details, shall be implemented and maintained for the duration of the development.

b) In accordance with the recommendations of the approved Flood Risk Assessment ground levels across the site are to be raised to a minimum of 4.5m AOD.

Reason: To ensure satisfactory drainage facilities are provided to serve the site.

- 7) a) Within 1 month of date of this decision, a scheme of investigation into the surface water sewer overflow in the north-western corner of the site, and details of any necessary mitigation measures identified shall be submitted to and approved in writing by the local planning authority.

b) The details approved in a) shall be carried out in full.

Reason: To identify opportunities to reduce flood risk elsewhere in accordance with the NPPF.

- 8) Within 1 month of the date of this permission, details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include: i) phasing plan ii) a timetable for its implementation, and iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. The sustainable drainage system shall be implemented and thereafter, managed and maintained in perpetuity in accordance with the approved details.

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

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

Reason: To ensure satisfactory drainage facilities are provided to serve the site

- 10) The development shall be implemented in accordance with the level details approved under application DC/2019/00936.

Reason: To ensure a satisfactory development and in the interest of visual and residential amenity.

- 11) The tree protection measures outlined in the approved Arboricultural Impact Assessment (Arboricultural Report 5900.01.001 June 2018) shall be implemented in full.

Reason: To prevent damage to trees.

- 12) No tree felling, scrub clearance, hedgerow removal, vegetation management and / or ground clearance are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To prevent damage to trees.

- 13) The development shall be carried out in accordance with the approved boundary treatment details in drawing nos. BH/LRF/BTP/08 (1 of 2) and BH/LRF/BTP/08 (2 of 2). No dwelling shall be occupied until the approved boundary treatments for that property have been implemented.

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Reason: In the interests of visual amenity.

- 14) The scheme of glazing approved under application DC/2019/00798 shall be implemented in full.

Reason: In the interests of amenity of future occupiers.

- 15) The development shall be carried out in accordance with the approved Noise Impact Assessment Report (Ref. no. 70025112-001 June 2018). The acoustic barriers in appendix C shall be implemented in full and retained thereafter.

Reason: In the interests of amenity of future occupiers.

- 16) The employment charter/code agreed under application DC/2019/00936 shall be implemented in full.

Reason: To ensure the provision of locally accessible employment opportunities.

## Before the Development is Occupied

- 17) a) Details of electric vehicle charging points (minimum one per dwelling) must be submitted to and approved in writing by the Local Planning Authority.

b) No dwelling shall be occupied until the electric vehicle charging point for that dwelling has been installed and is operational in accordance with the approved details.

The approved infrastructure shall be permanently retained thereafter.

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

- 18) Prior to the occupation of the 50th dwelling access to into the western part of the housing allocation MN2.17 must be implemented in accordance with Drawing no. A099083-P013 Rev F Proposed Site Access Arrangement Signalised (Appendix F of Transport Assessment Ref. A099083).

Reason: To ensure the delivery of the wider housing allocation MN2.17 of the Appendix 1 of the Sefton Local Plan.

- 19) Before any individual dwelling is occupied all of the necessary areas required for vehicle parking, turning and manoeuvring for that individual dwelling must be laid out, demarcated, levelled, and drained in accordance with the approved plans and retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 20) No part of the development shall be brought into use until visibility splays of 2.4 metres by 25 metres at junctions within the site have been provided clear of obstruction to visibility at or above a height of 0.6 metres above the carriageway. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

- 21) Prior to the occupation of any dwellings within a phase a validation report demonstrating that the drainage scheme has been carried out in accordance with the approved Flood Risk Assessment , Drainage Strategy (June 2018 Issue 12] and details approved under condition ? for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The approved works shall be retained as such thereafter.

Reason: To ensure adequate provision is made for the management of surface water and sewage disposal.

- 22) Prior to the occupation of the first 15 dwellings in each phase the levels of gardens, adjacent highways and other public areas shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority. The results of these surveys shall confirm that the levels of those plots and adjacent areas are constructed to the levels approved under condition 20. In the event that the submitted surveys fail to confirm the levels correspond to the levels as approved, or are not within 100mm of those levels, a new planning application(s) shall be submitted for those plots to which the variation relates.

Reason: This matter is fundamental in order to safeguard the living conditions of nearby occupiers, to safeguard the character and appearance of the area and ensure satisfactory drainage.

- 23) a) No part of the development shall be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i. A statement setting out the design objectives and how these will be achieved;
  - ii. earthworks showing existing and proposed finished levels or contours;
  - iii. means of enclosure and retaining structures;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.);

# Agenda Item 5b

- vii. water features;
- viii. Details of soft landscape works. This shall include planting plans; written specifications; including cultivation and other operations associated with plant and grass establishment; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
- ix. Details of hedgerow to be retained and associated protection measures; where practicable details of existing boundary hedgerow to be translocated; details of any new hedgerow to be planted; and where practicable the infilling of gaps in existing boundary hedgerows identified as being retained.
- x. an implementation programme including a phasing plan of the works.

Any landscaping and/or replacement planting shall include small seed bearing species which encourage red squirrels and discourage grey squirrels.

b) The hard and soft landscaping shall be implemented in accordance with the approved programme under (a) above.

c) Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

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

- 24) Prior to the occupation of any dwelling, a landscape and habitat management plan, including management responsibilities and maintenance schedules for all landscaped areas (other than privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any successors to the original body responsible for its implementation shall be notified to the Local Planning Authority in writing within one month of any such change occurring.

Reason: To ensure an acceptable visual appearance to the development over a longer term period.

- 25) Prior to the occupation of any dwellings full details of an information pack to be provided informing residents of the presence and importance of the designated nature sites, and how residents can help protect them shall be submitted to and approved in writing by the Local Planning Authority. The agreed information must be provided on first occupation of each dwelling.

Reason: To mitigate recreational pressure on the designated coast.



- 26) Prior to the occupation of any dwellings full details of the following mitigation measures and suitable alternative natural green space measures shall be submitted to and approved in writing by the Local Planning Authority:
- Provision of leaflet in sales packs of proposed new dwellings which will include information on European sites, including a Responsible Users Code;
  - Provision of informal dog walking / walking / jogging route within the site
  - Provision of a connections through to existing dog-walking field to the north of site
  - Sign posting scheme for availability of dog walking / recreation routes to be provided on site and within information packs
  - On-site signage the availability of recreational facilities and routes on-site and off-site

The agreed measures must be implemented in full prior to the occupation of the last dwelling.

Reason: To mitigate recreational pressure on the designated coast.

- 27) No dwellings shall be occupied until a scheme for the provision of bird boxes and details of fencing allowing for movement of wildlife (i.e. hedgehogs), including their phasing and timing for their implementation has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with those details.

Reason: To secure biodiversity enhancement.

- 28) A scheme of noise control for the foul water pumping station and associated equipment must be submitted to and agreed in writing with the Local Planning Authority. The approved scheme must be installed before the pumping station becomes operational and retained thereafter.

REASON: To protect the amenity of neighbouring residents.

## Ongoing Conditions

- 29) The provisions of the Full Travel Plan approved under application DC/2019/00798 shall be implemented and operated in accordance with the timetable contained therein.

Reason: In the interests of ensuring sustainable choice of travel.

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**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 2nd June 2021

**Subject:** [DC/2021/00288](#)  
[1 Long Lane Formby Liverpool L37 3QQ](#)

**Proposal:** Erection of a two storey extension to front, side and rear with first floor rooftop terrace and second floor balcony and a dormer extension at the rear involving alterations to the elevations of the dwellinghouse.

**Applicant:** Mr Bisnought      **Agent:** Mr Joshua White  
NJSR Chartered Architects LLP

**Ward:** Ravenmeols Ward      **Type:** Householder application

**Reason for Committee Determination:** Petition of objection received endorsed by Cllr Bennett.

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## Summary

This application is for the enlargement and remodeling of an existing dwelling by the addition of a two storey extension to the front and west side, a single storey rear extension with roof terrace over, a rear dormer extension and various alterations to the existing elevations.

The main issues to consider are the impact on the character of the area, the living conditions of neighbouring residents and highway safety. It is considered for the reasons within the report the application is acceptable on all grounds.

## Recommendation: Approve with Conditions

**Case Officer**      Joy Forshaw

**Email**      [planning.department@sefton.gov.uk](mailto: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=QNY0ZCNWHE300>

# Agenda Item 5c

## Site Location Plan



Sefton Council



Reference: Map reference

Date: 21/05/2021

Scale: Scale: 1:1250

Created by: Initials

## The Site

A detached two storey dwelling with attached double garage, set in a large plot on the south side of Long Lane, between Halsall Lane and Davenham Road.

## History

With the exception of the permission for the erection of the existing dwelling and garage, in April 1980 (app. ref S/14118), there is no relevant planning history.

## Consultations

### Highways Manager

No objections to the proposals as there are no adverse highway safety implications.

**Flooding & Drainage** – no objections.

## Neighbour Representations

Neighbouring residents were notified of the original proposal, comments received are summarised below.

Amended plans have been received to overcome some of the concerns raised and neighbours have been re-notified. This notification expires on 27<sup>th</sup> May 2021, any comments received will be reported in late representation.

### Response to original proposal

Petition of 25 signatures objecting to the proposal, endorsed by Councillor Bennett, has been received. It states that the proposal would have an overbearing and oppressive effect on neighbouring and nearby properties.

Letters received from number 3 Long Lane, numbers 61 and 63 Davenham Road and jointly from numbers 54, 56, 60 & 62 Halsall Lane, objecting on the following grounds:

### Amenity

- Overshadowing/overbearing/oppressive to no. 3 Long Lane – right to light.
- Impact on privacy to no. 3 Long Lane from side windows and 61/63 Davenham Road and 54, 56, 60, 62 Halsall Lane from rear balcony/roof terrace.
- Noise impact from rear balcony/terrace on 61/63 Davenham Road and 54, 56, 60, 62 Halsall Lane.

# Agenda Item 5c

- Neglected 35ft high Leylandii inside east boundary of site offer no privacy to rear gardens of 61/63 Davenham Road, block sunlight and need to be removed.

## Design and character of area

- Not an extension more a remodel/excessively large/disproportionate/would affect character of area - more than 100% increase in floor space.
- Will create terraced effect with no. 3 Long Lane.
- Creates a three storey dwelling - against principle in Formby/Little Altcar Neighbourhood Plan.

## Highway safety

- Impact of long construction time on public footpath/highway safety/traffic generation.
- Request conditions to control days/hours of operation/regulating construction vehicles/staff to reduce impact in area and on users of public footpath.

## Other matters

- Queries regarding comments in submitted planning statement relating to previous extensions, secondary nature of first floor side window to no. 3, relevance of similar development in Argarmeols Road.
- Road, improvement in street scene, no detriment on amenity.
- Impact of construction traffic on established trees on Long Lane – at least 3 houses within falling distance which could be damaged.
- Impact on wildlife from construction traffic.
- Fear of crime – large houses more attractive to criminals.

## **Councillors**

The application has been called in by Councillor Bennet who states that the proposal is overdevelopment/excessively large & disproportionate, is too close to the boundary with no. 3, would overshadow habitable room windows to no. 3, does not comply with Neighbourhood Plan in respect of 3 storey houses, impact on privacy from rear terrace/balcony, breaches principles 2.2, 2.3,2.5, 2.6, 2.7, 4.3b, 5.2c of House Extensions SPD

## **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 main issues to consider in respect of this proposal are the impact on the character of the area, the impact on the living conditions of neighbouring residents and highway safety

### Character of the Area

Local Plan Policy HC4 'House Extensions' permits development that is of high quality design that matches or complements the style of the dwelling and the surrounding area and the size and scale and materials of the development are in keeping with the original dwelling and surrounding area

Concerns have been expressed from neighbouring residents and local councilors regarding the scale and massing of the development impacting on the character of the area. The extensions are large, whilst the alterations to the elevations do result in the remodeling of the property. As such, it is accepted that the extensions and alterations are not in keeping with the original house. Consideration therefore needs to be given to the impact of the enlargement and remodeling of the property on the street scene and wider character.

Long Lane is a narrow road, which is predominantly used for pedestrian access in an east to west direction. This stretch of Long Lane serves 2 properties, the application property being one of these, set behind the main properties fronting Halsall Lane. The properties are both of individual design and set in large plots. No.3 Long Lane is set off the adjoining boundary, whilst dense vegetation further limits views of the properties. Within the wider area, larger detached properties are evident, along with a mix of house styles and use of materials.

The proposed extensions would increase the scale and massing of the host dwelling. However, given the location of the application site, the dense screening and the nature of this stretch of Long Lane, it not considered that the overall increase in the scale and massing harms the character of the street scene. Furthermore, the setting in of the proposed west side extension together with the proposed hipped roof, reduces visual dominance and maintains separation of around 5m between the application property and that at no.3. This separation prevents the appearance of terracing and complements the general spacing between properties in the surrounding area.

The extension to the eastern portion of the building creates a balanced appearance in the building whilst the use of red multi brick together with part timber paneling and feature stonework to the front elevation creates a unified and attractive appearance to the host dwelling.

Concerns have been expressed regarding the height of the property, with reference made to policy H5 (Storey Height) of the Formby and Little Altcar Neighbourhood Plan. While the proposal creates additional accommodation within the roofspace there is no increase in the ridge height of the host dwelling. This would therefore comply with policy H5.

# Agenda Item 5c

Overall, the proposal responds positively to the individual designs of properties in the area, does not harm the character of the street or the wider area and is considered acceptable.

## Living Conditions of Neighbouring Properties

Local Plan Policy HC4 advises alterations to dwellinghouse should be designed so there is no significant reduction in the living conditions of neighbouring properties in particular in relation to outlook, loss of light/overshadowing and privacy.

The proposed two storey side extension faces the gable of no. 3 Long Lane which has a ground floor door and first floor high level window. The existing garage will already impact on the ground floor door and while the proposed extension may impact on light entering the first floor window, understood to be an office, light entering the main window to this room in the front elevation would be unaffected. Similarly, the proposed side extension creates no impact on the outlook from the front elevation window to no. 3 Long Lane.

The 5m (approx.) interface between the site and no. 3 Long Lane together with the minimal projection of the two storey side extension beyond the rear elevation of 3 Long Lane creates no significant impact on outlook or overshadowing to the rear lounge and bedroom windows closest to the site.

Four proposed first floor windows in the west gable serving ensuite and dressing room could be conditioned to be obscurely glazed, with restricted opening to maintain privacy to 3 Long Lane.

Concerns in respect of possible overlooking/loss of privacy towards the rear gardens of properties in Halsall Lane and Davenham Road from the proposed rear balcony/terrace are acknowledged. However, as the first floor balcony and rear dormer are set back from the 2 side 'wings' of the property any direct outlook would be to the rear garden of the site. Sufficient distance is maintained between the rear windows/balcony/terrace and the rear boundary so as not to reduce privacy to properties directly to the rear.

The balcony/terrace area may give rise to some potential increased noise as a result of the elevated position. However, given the residential nature of the proposal, it is considered that this would not be significant or detrimental to the living conditions of neighbouring residents.

The proposed site plan indicates the removal of 2 leylandii trees to the west boundary to allow space for the two storey side extension with other existing trees to the side and rear boundaries to be retained. Concern in relation to the trees to the east boundary creating overshadowing and providing no privacy to properties in Davenham Road is noted. However, the trees are not protected, whilst it has been noted above that the balcony/terrace area would not give rise to overlooking.



## Highway safety

The existing access arrangement from Long Lane is to remain and the Highway Manager considers the development would create no highway safety issues as sufficient space to park multiple vehicles on the driveway within the curtilage of the site and within the garage would be retained.

The imposition of a condition restricting the hours/days of construction to control the movement of construction vehicles is considered unnecessary for a development of this scale.

## Other matters

Given the scale of the development, it is considered the proposal would not give rise to concerns regarding the safety of existing trees or wildlife through construction.

Concerns regarding fear of crime are noted, however, there is no evidence to demonstrate that the development would give rise to crime.

There are no other material considerations that would give rise to concerns associated with the development.

## Conclusion

From the assessment above it is considered that whilst the proposed development would not be in keeping with the existing property, it would not cause harm to the character of the street scene or character of the wider area. It would not harm the living conditions of neighbouring residents or present any highway safety concerns. It is considered that subject to conditions this application complies with the Local Plan and Formby and Little Altcar Neighbourhood plan.

## **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:

# Agenda Item 5c

A199 Location plan

A200 Rev 4 Proposed site & block plan

A201 Rev 7 Proposed plans

A201 Rev 7 Proposed elevations

Reason: For the avoidance of doubt.

## Ongoing Conditions

- 3) Before the development hereby permitted is first occupied, the 4 first floor windows in the west side elevation shall be fitted with obscured glazing to a specification of no less than level 4 of the Pilkington Glass Scale and any part of the windows that are 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.

# Agenda Item 6

|                                      |                               |                                  |                                     |
|--------------------------------------|-------------------------------|----------------------------------|-------------------------------------|
| <b>Report to:</b>                    | Planning Committee            | <b>Date of Meeting:</b>          | Wednesday 2 <sup>nd</sup> June 2021 |
| <b>Subject:</b>                      | Planning Appeals              |                                  |                                     |
| <b>Report of:</b>                    | Chief Planning Officer        | <b>Wards Affected:</b>           | (All Wards)                         |
| <b>Cabinet Portfolio:</b>            | Planning and Building Control |                                  |                                     |
| <b>Is this a Key Decision:</b>       | No                            | <b>Included in Forward Plan:</b> | No                                  |
| <b>Exempt / Confidential Report:</b> | 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**

# Agenda Item 6

N/A

## Implications of the Proposals:

|  |
|--|
| <b>Resource Implications (Financial, IT, Staffing and Assets):</b><br>There are no resource implications |
| <b>Legal Implications:</b><br>There are no legal implications  |
| <b>Equality Implications:</b><br>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 Corporate Resources and Customer Services (FD.6383/21.) and Chief Legal and Democratic Officer (LD 4584/21) 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.

|                         |            |
|-------------------------|------------|
| <b>Contact Officer:</b> | Tina Berry |
|-------------------------|------------|

# Agenda Item 6

|                   |                                   |
|-------------------|-----------------------------------|
| 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](http://www.sefton.gov.uk/planapps)

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**Appeals Received and Decisions Made**

Email: [planning.department@sefton.gov.uk](mailto: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 23 March 2021 and 11 May 2021

**Appeal Decisions**

**Land To Rear Of 238-242 Rimrose Road Bootle Liverpool L20 4QT**

**Reference:** DC/2020/01791 (APP/M4320/W/21/3266402)

Change of use of former workshop to dwelling

**Procedure:** Written Representations

**Start Date:** 17/02/2021

**Decision:** Dismissed

**Decision Date:** 30/04/2021

**Land Adjacent To Nos. 46 And 46A Hawesside Street Southport PR9 0TN**

**Reference:** DC/2020/01072 (APP/M4320/W/20/3264590)

Erection of a dwellinghouse.

**Procedure:** Written Representations

**Start Date:** 25/01/2021

**Decision:** Dismissed

**Decision Date:** 22/04/2021

**51 Oxford Drive Waterloo Liverpool L22 7RY**

**Reference:** DC/2020/01851 (APP/M4320/W/20/3263747)

Conversion and extension of height of the existing garage to an independent accommodation for letting purposes (Alternative to DC/2020/01010 refused 08/09/2020)

**Procedure:** Written Representations

**Start Date:** 11/01/2021

**Decision:** Dismissed

**Decision Date:** 01/04/2021

**40 Fernhill Road Bootle L20 9HH**

**Reference:** DC/2020/00882 (APP/M4320/W/20/3265615)

Change of use of the premises from A1 (retail) to A5 (hot food take-away) incorporating the installation of an extraction flue to the rear of the property.

**Procedure:** Written Representations

**Start Date:** 26/01/2021

**Decision:** Dismissed

**Decision Date:** 30/03/2021

**23 Waterfield Way Litherland Liverpool L21 9PY**

**Reference:** DC/2020/01155 (APP/M4320/D/20/3263556)

Erection of a single storey extension to side and rear of the dwellinghouse (Retrospective)

**Procedure:** Householder Appeal

**Start Date:** 15/01/2021

**Decision:** Dismissed

**Decision Date:** 30/03/2021

**23 Waterfield Way Litherland Liverpool L21 9PY**

**Reference:** EN/2020/00590 (APP/M4320/C/21/3266384)

**Procedure:** Written Representations

# Agenda Item 6

Without planning permission and within the last four years, the erection of a single storey side and rear extension to the dwellinghouse

**Start Date:** 26/01/2021  
**Decision:** Dismissed  
**Decision Date:** 30/03/2021

## New Appeals

### Land West Of Damfield Lane Damfield Lane Maghull

**Reference:** DC/2020/02059 (APP/M4320/W/21/3268667)  
 Variation of conditions 1, 14 and 16 pursuant to planning permission DC/2019/02432 approved 03/08/2020 to introduce gated access to the development

**Procedure:** Written Representations  
**Start Date:** 26/03/2021  
**Decision:**  
**Decision Date:**

### 1 Heather Close Formby Liverpool L37 7HN

**Reference:** DC/2020/02369 (APP/M4320/D/21/3269181)  
 Erection of a boundary wall 900 mm high with intermittent pillars at 1475 and one pillar at 1660

**Procedure:** Householder Appeal  
**Start Date:** 24/03/2021  
**Decision:**  
**Decision Date:**

### 39 Harebell Close Formby Liverpool L37 4JP

**Reference:** DC/2020/01591 (APP/M4320/D/21/3270063)  
 Erection of a part two storey part first floor extension to the side of the dwellinghouse.

**Procedure:** Householder Appeal  
**Start Date:** 30/03/2021  
**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:** Written Representations  
**Start Date:** 26/03/2021  
**Decision:**  
**Decision Date:**

### Land To The Rear Of 61 Gardner Road Formby Liverpool L37 8DE

**Reference:** DC/2020/02046 (APP/M4320/W/21/3272332)  
 Change of use of the land from amenity space to a private garden.

**Procedure:** Written Representations  
**Start Date:** 07/05/2021  
**Decision:**  
**Decision Date:**

### Chestnut House 2A Chestnut Avenue Crosby Liverpool L23 2SZ

**Reference:** DC/2020/01647 (APP/M4320/W/21/3270461)

**Procedure:** Written Representations



Installation of replacement UPVC windows and doors to the front, sides and rear elevations, addition of five rooflights and alterations of two windows to doors to the rear elevation including replacement gutters.

**Start Date:** 19/04/2021

**Decision:**

**Decision Date:**

## Appeal Decision

Site Visit made on 20 April 2021

**by Graham Wraight BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 April 2021**

---

**Appeal Ref: APP/M4320/W/21/3266402**

**236 Rimrose Road, Bootle, Liverpool, Merseyside L20 4QT**

- 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 Mr Brian Corrigan against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/01791, dated 3 September 2020, was refused by notice dated 23 November 2020.
  - The development proposed is the change of use of former workshop to a single dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether or not the proposed development would provide acceptable living conditions for its future occupiers.

### Reasons

3. The building is constrained by its positioning immediately adjacent to two of the boundaries to the site. Furthermore, its location in relation to adjoining buildings and to the other two site boundaries places further restrictions on the outlook that could be achieved from the windows that would serve the habitable rooms of the proposed dwelling. In particular, the outlook from the proposed bedroom would be poor as it would be dominated by the presence of the high wall of 234 Rimrose Road, which extends alongside the window and continues along the full length of the vehicular access to the site.
4. The open plan kitchen and living room would be served by several clear glazed windows, but due to their closeness to the site boundaries their outlook too would be impaired, specifically by the presence of the existing boundary fences and by the side wall of No 11 Addison Street. Overall, these factors mean that only a limited outlook could be provided from the windows of the proposed dwelling and it would be an outlook which would fail to provide satisfactory living conditions for the occupiers of the proposed dwelling.
5. For the same reasons, the amount of sunlight reaching the rooms of the proposed dwelling would also be restricted. Whilst reference is made to light level testing that has been undertaken by the appellant, there is no substantive evidence before me in this respect. The appellant has also indicated a willingness to insert rooflights, but I have not been provided with any details of how many would be installed or where they would be located. Irrespective, this would not address the concern with respect to poor outlook.

6. The garden area would be of a limited size and would not meet the space requirements set out in the New Housing Supplementary Planning Document 2018 (SPD). Although it could provide future occupants a place to sit out, there would be a degree of overlooking from existing properties and it would have a constrained and oppressive feel due to its close proximity to the boundary fencing and to the adjacent buildings, including the appeal building itself. Therefore, the proposal would fail to provide an appropriate quality of outdoor amenity space to meet the reasonable needs of the future occupiers of the proposed development.
7. My attention has been drawn to a planning permission (DC/2020/01575) that has been granted by the Council on a different site and I have been provided with extensive information relating to this. On the basis of this there do appear to be some differences in the relationship of the individual proposals to existing properties but, in any event, I am not bound by previous decisions of the Council. The existence of the other planning permission to which I have been referred does not therefore justify the proposal that is before me.
8. I therefore conclude that acceptable living conditions would not be provided for the future occupiers of the proposed dwelling. Consequently, the proposal would fail to accord with Policy EQ2 of the Sefton Local Plan 2017, where it seeks to achieve acceptable living conditions. There would also be a conflict with the SPD and the National Planning Policy Framework where they seek to meet the same objective.

## **Other Matters**

9. I acknowledge that the appellant has sought to make amendments to the proposal and that there is support for it from a number of interested parties. The proposal would also provide a new dwelling in an urban location which has good access to services and facilities. However, these considerations do not outweigh the fact that acceptable living conditions would not be provided for its future occupiers.
10. Whilst concerns relating to security, fly-tipping and crime pertaining to the presence of the existing building have been raised, I am not persuaded that the appeal proposal is the only way in which such matters could be addressed.

## **Conclusion**

11. For these reasons, I conclude that the appeal should be dismissed.

*Graham Wraight*

INSPECTOR

## Appeal Decision

Site Visit made on 22 March 2021 by Hilary Senior BA (Hons) MCD MRTPI

**Decision by M Seaton BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 April 2021**

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**Appeal Ref: APP/M4320/W/20/3264590**

**46A Hawesside Street, Southport, PR9 0TN**

- 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 Mr Jeff Stephenson against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/01072, dated 17 June 2020, was refused by notice dated 15 October 2020.
  - The development proposed is to erect a 2 bed house on vacant site.
- 

### Decision

1. The appeal is dismissed.

### 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.

### Main Issue

3. The main issues are:
  - the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook, and
  - whether the proposal would create satisfactory living conditions with particular regard to private amenity space.

### Reasons for the Recommendation

#### *Living conditions of neighbouring occupiers*

4. The appeal site is an area of land adjacent to 46/46a Hawesside Street in a residential area characterised by a mix of detached and semi-detached dwellings. The proposed dwelling would be to the rear of the site due to the adjacent electricity substation.
5. Due to the position of the substation the dwelling would be set further back from the highway than the surrounding dwellings. The rear of the dwelling would therefore protrude beyond the neighbouring properties to the rear of the site, thus significantly limiting the distance between the rear of the proposal and the rear kitchen window of 34 Derby Road. This would result in an unacceptable limiting of the outlook available from the neighbouring property and would cause harm to the residential environment, exacerbated by the two-storey nature of the proposal.

6. I conclude that the proposed development would harm the living conditions of neighbouring occupiers with particular regard to outlook. Consequently, the proposal would not accord with Policy EQ2 of the Sefton Council A Local Plan for Sefton (2017) and the Sefton Council Supplementary Planning Document New Housing (2018) (SPD) which together seek to ensure, amongst other things, that the arrangement and layout of buildings protects the amenity of those within the site and adjacent to the site. It would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework).

*Satisfactory living conditions*

7. The proposal would incorporate two parking spaces to the front of the dwelling, one of which would be underneath a roof terrace accessed from the first floor. This roof terrace would create the only outdoor amenity space for the occupiers. This would not meet the guidance in the SPD which indicates that private and usable gardens for one and two bedroom houses should be at least 50m<sup>2</sup>.
8. The appellant has suggested that the inclusion of one of the two parking spaces to the front of the dwelling within the calculations of amenity space would meet the requirement of the SPD. However, I am not persuaded by the evidence before me that future occupiers would not use them and that there would not be conflict between the need for parking and provision of private amenity space. In any event, I have to determine the appeal on the proposal and evidence before me.
9. I conclude that the proposed development would not create satisfactory living conditions with particular regard to private amenity space. Consequently, the proposal would not accord with Policy EQ2 of the Local Plan and the SPD which together seek to ensure, amongst other things, that the arrangement and layout of buildings protects the amenity of those within the site and adjacent to the site. It would also conflict with the Framework.

**Conclusion and Recommendation**

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal should be dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

**Inspector's Decision**

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

*M Seaton*

INSPECTOR

## Appeal Decision

Site Visit made on 9 March 2021

**by Sarah Manchester BSc (Hons) MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> April 2021**

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**Appeal Ref: APP/M4320/W/20/3263747**

**51 Oxford Drive, Waterloo, Liverpool L22 7RY**

- 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 Dr Thomas Lee against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/01851, dated 15 June 2020, was refused by notice dated 18 November 2020.
  - The development proposed is Conversion and extension of height of the existing garage to an independent accommodation for letting purposes (Alternative to DC/2020/01010 refused 08/09/2020).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is described in the application form as 'Further to planning application DC/2010/01010 seeking approval for subsequent use of a permitted annex as independent accommodation for letting purposes which was refused. This application makes minor amendments to the plans to include private amenity space to appease the previous reason for refusal.' In the interests of clarity, I have adopted the description from the decision notice and the appeal form in the banner heading above.
3. Permission<sup>1</sup> was granted in June 2020 for conversion and extension in height of the existing detached garage to living accommodation as an annexe to No 51. As far as I am aware, the permission has not been implemented. The appeal scheme differs from the approved scheme in that the converted building would be a separate and independent residential unit and an area of private outdoor space would be provided to the front of the building.
4. The reason for refusal relates to the private outdoor space. However, both parties have submitted evidence to the appeal in respect of the internal living accommodation. Consequently, and taking into account the substantive nature of the issue, I am satisfied that neither party would be prejudiced by my consideration of it in the determination of the appeal.

### Main Issue

5. Therefore, the main issue is whether the proposal would provide an adequate standard of living conditions for future occupiers.

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<sup>1</sup> Ref DC/2020/00549

## Reasons

6. The appeal site is a single storey garage and hardstanding between 51 and 49 Oxford Road. It is separated from No 49 by a low brick wall and narrow back lane that provides access to the rears of properties on Beach Bank. It is in a densely developed residential area with closely spaced semi-detached and terraced dwellings. It is close to Crosby Coastal Park, an area of open green space with grassland and sand dunes leading to the beach.
7. The proposal would include approximately 44sqm of outdoor space to the front of the building. Slightly less than half of the area would be used to provide a bin storage area, a pathway to the front of the dwelling and a passageway to the side providing access to the dwelling. The small front garden would be enclosed by means of a new low boundary wall to Oxford Road.
8. Sefton Councils New Housing Supplementary Planning Document Adopted June 2018 (the SPD) sets out the requirements for private and useable garden areas for houses. This indicates that 1-2 bed properties should have a minimum of 50sqm of useable space, excluding front gardens, although a lesser space may be acceptable where it is consistent with the character of the area or it is dictated by particular site constraints. The proposed front garden space would not meet the SPD standards and it would not meet the reasonable needs of future occupiers in relation to activities such as sitting out, the drying of clothes or for children's play. Future occupiers would have access to the nearby public open space, but opportunities for outdoor recreation would not compensate for the shortfall in private outdoor space.
9. There is variation in the size of gardens in the area, and dwellings on corner plots and the mid-terrace dwellings facing the coastal park have their useable garden space to the fronts of properties. However, the appeal building is a small detached garage facing Oxford Road. The proposal would not be a flatted development, nor a large dwelling in a large corner plot, nor part of a terrace facing the coast. It would not be consistent with the character of the area. The smaller gardens of historic and flatted development do not justify a proposal that would fail to meet relevant current standards.
10. The low boundary brick wall would be in keeping with the Oxford Road frontages. The appellant has suggested that the addition of trellis fencing above the wall would be consistent with the taller boundary treatments of corner properties, including No 51, and it would ensure an adequate level of privacy for future occupiers. Even so, a taller boundary treatment would not mitigate the adverse effects arising from the shortfall in outdoor space.
11. The proposal would be a market dwelling with approximately 42sqm of internal floor space over 2 storeys. There would be 1 bedroom and a small bathroom at ground floor level, with a first floor open plan kitchen and living area and a wc.
12. In the absence of local internal space guidance, my attention has been drawn to The Technical Housing Standards – nationally described space standard Adopted March 2015. This sets out requirements for gross internal floor areas for new dwellings at defined levels of occupancy. In this regard, a 1 bedroom 2 person dwelling over 2 storeys, as is proposed here, should provide a minimum of 58sqm gross internal area. Dwellings should also have a minimum floor to ceiling height of 2.3m for at least 75% of that area.

13. The proposal would not meet the minimum standard for even the smallest 2 storey dwelling, which is necessarily larger than a 1 storey dwelling to accommodate the circulation space required for stairs. Moreover, taking account of its height and shallow roof slope, the proposal fails to demonstrate that it would provide the necessary floor to ceiling heights. Consequently, while it would be adequate for ancillary use in connection with No 51, there is little compelling evidence that it would be suitable for permanent independent use.
14. My attention has been drawn to small residential units elsewhere in the area. In the absence of full details, including the particular circumstances or whether they were determined in the same policy context, I cannot be certain that they are directly comparable and they do not provide a justification for the scheme.
15. Therefore, the proposal would fail to provide an adequate standard of living conditions for future occupiers, with regard to both external and internal space. In its decision notice, the Council has cited Policy HC3 of A Local Plan for Sefton Adopted April 2017 (the LP), which states that new residential development will be permitted in primarily residential areas where consistent with other LP policies. In this regard, the proposal would also conflict with Policy EQ2 of the LP in relation to high quality design that protects residential amenity and meets the long term needs of residents, and functional outdoor spaces. It would conflict with the guidance in the SPD and the residential amenity aims of the National Planning Policy Framework (the Framework).

## **Other Matters**

16. The proposal is in a suitable accessible location for residential development, in a popular area close to the coast. I accept that there would be a demand for a 1 bed property in this area, but this does not outweigh the harm.
17. The Framework encourages the development of under-used land and buildings, especially if it would help meet identified needs for housing where land supply is constrained. The Council can demonstrate a 5 year supply of deliverable housing sites and the proposal would not contribute towards meeting an identified housing need. The proposal would make a negligible contribution to the supply of housing and it would not make a positive contribution to local housing stock. There would be very limited economic benefits in the short-term during construction. Future occupiers would make a minimal contribution to the local economy and the local community.

## **Conclusion**

18. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that would outweigh the conflict.
19. Therefore, the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR





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## Appeal Decision

Site Visit made on 23 March 2021

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

**an Inspector appointed by the Secretary of State**

**Decision date: 30 March 2021**

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### **Appeal Ref: APP/M4320/W/20/3265615**

#### **40 Fernhill Road, Bootle L20 9HH**

- 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 Mr Michael Dalton against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/00882, dated 19 May 2020, was refused by notice dated 7 August 2020.
  - The development proposed is a change of use from A1 (retail) to A5 for the sale of hot food to take away, as well as the installation of an extraction flue to the rear of the property.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on character of the area, the vitality and viability of the local shopping parade and public health.

### **Reasons**

3. The appeal premises is part of a local shopping parade of 14 units occupied by a range of commercial, business and service uses<sup>1</sup>, and a hot food takeaway (Sui Generis). The appeal premises are occupied by a retailer. None of the premises within the parade are vacant. Most of the traders appear to serve local needs and there is no indication that the parade is not otherwise vital and vibrant considering current restrictions.
4. Hot food takeaways provide products and services that can adversely impact on health and wellbeing as they typically sell low cost, energy-dense meals with little nutritional value that can contribute towards obesity and its ensuing health issues. Excessive consumption of this type of food can contribute towards child and adult obesity. Nearly 69% of adults within the Borough are overweight which is above the national average and the Council's Control of Hot Food Takeaways and Betting Shops Supplementary Planning Document (SPD) outlines the effect of this on people and the health service. The SPD also explains that the density of hot food takeaways and the general ease of access in certain areas has been linked to increased levels of obesity. There is also a correlation between the number of hot food takeaways and deprived areas and the gatherings of youths and possible anti-social behaviour. This can be harmful to the character, and the vitality and the viability of the neighbouring retail units if it results in consumers feeling unsafe.

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<sup>1</sup> This includes former use classes A1, A2, A3, B1, D1 and D2

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5. Policy EQ1 of A Local Plan for Sefton (Local Plan) seeks to maximise opportunities to improve quality of life for people in Sefton by, among other things, appropriately locating hot food takeaways which have health impacts having regard to other land uses in the local area. Local Plan Policy EQ10 requires food and drink uses to meet three criteria. The second of these states that proposals should not result in unacceptable groupings of similar uses where they would harm the character of the area, the vitality and viability of a shopping parade or harm public health.
6. To address this, the SPD outlines that where there are less than 20 units in a centre or parade, no more than 1 unit of the specific use (i.e. one hot food takeaway and one betting shop) will be permitted. While a hot food takeaway was granted planning permission in 2016, this was not implemented. However, the shopping parade already has one hot food takeaway. Notwithstanding the potential food served, the development applied for would result in a further hot food takeaway within the parade that would lead to an over concentration of such uses in the parade. There is no mechanism before me to control what food or drink could be served. Such a restriction is unlikely to be reasonable as it would unduly restrict the business. It would also be difficult to precisely frame a condition around evolving business needs or food trends, and it would be difficult in practice to detect a contravention as menus can change regularly. The high number of commercial, business and service uses in the shopping parade does not change the conflict that the scheme would cause with the SPD as this is a further expectation for proposals to address.
7. The proposal could encourage greater gatherings of youths and potential anti-social behaviour which could affect the character, vitality and viability of this fully occupied and vibrant local shopping parade. The provision of CCTV may help but given the site's location and the deep pavement in front of the shopping parade, the potential of anti-social behaviour can't be ruled out.
8. The appeal scheme would not bring a vacant premise back into use. Added to this, the proposal would exacerbate the existing number of similar uses within the Derby ward and the adjacent Linacre ward which are already higher than the average across Sefton. Hence, the proposal would not help the health and wellbeing of the Borough's population which the Council is seeking to improve. The uptick in the delivery of items may only potentially widen the issue across a greater geographic area.
9. The site's location outside of the school exclusion zone does not change the harmful effects that the proposal would cause. Nor does the provision of adequate extraction equipment to deal with odours. I note the points about the Brownmoor Lane appeal decision, but I have considered the appeal scheme on its own planning merits.
10. Accordingly, I conclude that the proposal would harm the character of the area, the vitality and viability of the local shopping parade and public health. The proposal would conflict with Local Plan Policies EQ1 and EQ10, the SPD and paragraph 91c of the National Planning Policy Framework (the Framework). Jointly, among other things, these seek to appropriately locate hot food takeaways which have health impacts having regard to other land uses in the local area so that they do not result in unacceptable groupings of similar uses where they would harm the character of the area, the vitality and viability of a shopping parade or harm public health.

## **Other Matters**

11. I have had regard to the appellant's concerns regarding the Council's handling of the planning application. However, this matter does not alter or outweigh my findings on the proposal before me, which I have considered on its merits.

## **Conclusion**

12. The development proposal would help create new jobs which is a planning benefit. However, it would conflict with the Local Plan, the SPD and the Framework. These considerations clearly outweigh those relating to the employment benefits of the proposal.

13. For the reasons set out above, I conclude that the appeal should be dismissed.

*Mr Andrew McGlone*

INSPECTOR

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## Appeal Decisions

Site visit made on 26 March 2021

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 March 2021**

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### **Appeal A: APP/M4320/W/20/3263556**

#### **23 Waterfield Way, Litherland L21 9PY**

- 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 Mr Gary Blood against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/0115, undated, was refused by notice dated 23 October 2020.
  - The development proposed is a single storey extension at side and rear.
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### **Appeal B: APP/M4320/C/21/3266384**

#### **23 Waterfield Way, Litherland L21 9PY**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Gary Blood against an enforcement notice issued by Sefton Metropolitan Borough Council.
  - The enforcement notice was issued on 2 December 2020.
  - The breach of planning control as alleged in the notice is without planning permission and within the last four years, the erection of a single storey side and rear extension to the dwellinghouse as shown cross hatched on the attached plan.
  - The requirements of the notice are to demolish the single storey side and rear extensions as shown cross hatched on the attached plan and remove all materials arising as a result of the demolition works.
  - The period for compliance with the requirements is six months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the Act).
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## **Decisions**

### **Appeal A: APP/M4320/W/20/3263556**

1. The appeal is dismissed.

### **Appeal B: APP/M4320/C/21/3266384**

2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Appeal A and Appeal B - Background and Main Issue**

3. In respect of Appeal A, planning permission was refused for the retention of a single storey side and rear extensions on the site. Drawing No LB071 Rev B shows a proposed front garage door instead of a front glazed patio door which

has instead been installed and two rear velux rooflights instead of an unbroken rear roof plane. In this respect, I shall deal with Appeal A on the basis that it is in part a retrospective proposal. In respect of Appeal B, which is an appeal proceeding on ground (a) of Section 174(2) of the Act (i.e. a deemed planning application), it relates to the single storey side and rear extensions that exist on the site now. This is the same development as refused in respect of Appeal A, but with the velux rooflights and the front patio door.

4. Notwithstanding the fact that the Appeal A and Appeal B developments are not identical, the main issue pertaining to both is the same. Indeed, I do not disagree with the Council that the Appeal A and Appeal B developments are proportionate in scale to the original semi-detached dwelling and that they are both acceptable in terms of their effect on the character and appearance of the area.
5. I have considered the Council's reason for refusing planning permission and its reason for issuing the enforcement notice. In this context, and given my other findings above, the main issue in respect of both appeals is therefore the effect of the developments on the living conditions of the occupiers of No 21 Waterfield Way in respect of outlook and light.

### **Appeal A and Appeal B - Reasons**

6. I do not disagree with the Council that the rear extension, which projects about 3 metres alongside the common boundary with the neighbouring semi-detached dwelling, does not infringe the 45 degree line as outlined in the Sefton Council House Extensions SPD 2018 and that no significant harm is caused to the occupiers of this property in respect of privacy, outlook or light.
7. The side/rear extension projects about 6.8 metres from the rear elevation of No 21 Waterfield Way. The unauthorised extension is seen in the context of the original two storey gable elevation of No 23 Waterfield Way which already has some enclosing impact.
8. While the side/rear extension is single storey in height, a significant proportion of the wall and roof of the development is seen above the boundary fence when standing at the patio door/kitchen windows and garden area of No 21 Waterfield Way. The extension has been built in very close proximity to the boundary fence and owing to a combination of its significant length, changes in land levels and overall height, it has a materially enclosing and dominating impact when seen from the aforementioned areas.
9. In respect of No 21 Waterfield Way, there is no dispute between the parties that the side/rear extension would infringe the 45 degree guideline as outlined in the SPD. There is no objective evidence before me about the amount of general daylight the ground rear accommodation receives. However, it seems to me that given the staggered position of the two storey dwelling at No 23 Waterfield Way, a limited level of light is already afforded to part of the rear garden of No 21 Waterfield Way, for a significant period of the day. Given the height and close position of the side/rear extension, I consider that there has been an unacceptable increased loss of light to the rear windows and garden area of this neighbouring property. In this case, the rear garden area of No 21 Waterfield Way is not extensive and hence overshadowing for a large part of the day would be significant in the context that the occupiers of this property

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would have limited alternative options in terms of finding a sunny area in which to sit or relax.

10. I therefore find that in respect of both the Appeal A and Appeal B developments, significant harm has been caused to the occupiers of No 21 Waterfield Way in respect of loss of outlook and light. Consequently, I conclude that in respect of both appeals, the developments fail to accord with the amenity requirements of Policy HC4 of the Sefton Local Plan 2017; the SPD and paragraph 127(f) of the National Planning Policy Framework.

## **Other Matters**

11. I note the appellant's comment that the occupiers of the appeal property are at a disadvantage in terms of the application of policy given the position of the building relative to that of the neighbouring dwelling. While that may be the case, neither this, nor compliance with Building Regulations, justifies allowing harmful development in Planning terms.
12. I accept that the extension has been built in matching materials and is subordinate in scale to the house. However, acceptable design is a matter of neutral consequence in the overall planning balance and does not overcome my concerns relating to living conditions.
13. The appellant has referred me to other permitted extensions in the area where it is alleged that the circumstances are not dissimilar. I have not been provided with the precise details of these developments or indeed the exact circumstances which led to such extensions being permitted. In any event, I have determined these appeals on their individual planning merits.
14. None of the other matters raised alter or outweigh my conclusion on the main issue.

## **Conclusions**

### **Appeal A: APP/M4320/W/20/3263556**

15. For the reasons outlined above, I conclude that the development does not accord with the development plan for the area when considered as a whole. There are no material considerations which would outweigh the conflict with the development plan. Consequently, the appeal should be dismissed.

### **Appeal B: APP/M4320/C/21/3266384**

16. For the above reasons, I conclude that the ground (a) appeal fails. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

*D Hartley*

INSPECTOR