

# Public Document Pack



MEETING: PLANNING COMMITTEE

DATE: 15th December 2021

TIME: 6.30 pm

VENUE: Bootle Town Hall

## 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. 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. Susan Bradshaw  
Cllr. Patrick McKinley  
Cllr. Leslie Byrom C.B.E.  
Cllr. Janet Grace  
Cllr. Sinclair D'Albuquerque  
Cllr. Gordon Friel  
Cllr. Dave Robinson  
Cllr. John Dodd  
Cllr. Janis Blackburne  
Cllr. Linda Cluskey

COMMITTEE OFFICER: Ruth Appleby / Ian Barton  
Telephone: 0151 934 2181 / 2788  
email: ruth.appleby@sefton.gov.uk /  
ian.barton@sefton.gov.uk

**See overleaf for COVID Guidance and the requirements in relation to Public Attendance.**

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## COVID GUIDANCE IN RELATION TO PUBLIC ATTENDANCE

In light of ongoing Covid-19 social distancing restrictions, there is limited capacity for members of the press and public to be present in the meeting room indicated on the front page of the agenda at any one time. We would ask parties remain in the meeting room solely for the duration of consideration of the Committee report(s) to which their interests relate.

We therefore request that if you wish to attend the Committee to please register in advance of the meeting via email to [ian.barton@sefton.gov.uk](mailto:ian.barton@sefton.gov.uk) by no later than **12:00 (noon) on the day of the meeting.**

Please include in your email –

- Your name;
- Your email address;
- Your Contact telephone number; and
- The details of the report in which you are interested.

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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 room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

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

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

## 4. Applications for Planning Permission - Petitions

Report of the Chief Planning Officer

### A DC/2021/01762 - Land Off Raven Meols Road/Harebell Close/The Ravens, Formby (Pages 11 - 30)

Report of the Chief Planning Officer

## 5. Applications for Planning Permission - Approvals

Report of the Chief Planning Officer

### A DC/2021/02138 - 503-509 Hawthorne Road, Bootle (Pages 31 - 50)

Report of the Chief Planning Officer

### B DC/2021/01602 - 8A Granville Road, Birkdale (Pages 51 - 58)

Report of the Chief Planning Officer

## 6. Planning Appeals Report (Pages 59 - 76)

## 7. Visiting Panel Schedule (Pages 77 - 78)

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

## **PLANNING COMMITTEE**

### **MEETING HELD AT THE BOOTLE TOWN HALL ON 17 NOVEMBER 2021**

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

Councillors Hansen, John Kelly, Sonya Kelly, Riley, Roche, Spencer, Lynne Thompson, Waterfield and Grace.

**ALSO PRESENT:** Councillors Dodd, John Joseph Kelly, Lewis, Roscoe and Sathiy

#### **48. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Blackburne (Substitute Member), Corcoran, Dutton, Jones (Substitute Member) McGinnity, Anne Thompson (Substitute Member) and Tweed.

#### **49. DECLARATIONS OF INTEREST**

No declarations of any disclosable pecuniary interests or personal interests were received.

#### **50. MINUTES OF THE MEETING HELD ON 20 OCTOBER 2021**

**RESOLVED:**

That the Minutes of the meeting held on 20 October 2021 be confirmed as a correct record.

#### **51. DC/2021/00417 - LAND OFF HOLGATE, THORNTON**

Further to Minute No. 40 the Committee considered the report of the Chief Planning Officer recommending that the above application for the proposed development of 206 dwellings, including access from Park View, car parking, landscaping and public open space, following the demolition of Orchard Farm and outbuildings be granted subject to the conditions and for the reasons stated or referred to in the report.

Prior to consideration of the application, the Committee received a petition from Mr. O'Keefe on behalf of objectors against the proposed development and a response by the applicant's agent, Mr. Wright.

# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 17TH NOVEMBER, 2021

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, subject to final clarification from Natural England and subject to the Completion of a S106 Legal Agreement securing the following: -

- 62 affordable dwellings (including two thirds social/ affordable rented and one third discount market)
- 20% of market dwellings to qualify as 'accessible and adaptable' under Building Regulations
- £459,380 in contributions towards primary education in the Thornton/ Crosby area
- Supplementary feed for bird species on a nearby field to be agreed by the Chief Planning Officer in consultation with Merseyside Environmental Advisory Service and Natural England in perpetuity (£118,939 in total)
- The management of public open space and sustainable drainage systems
- Contributions towards the A565 Route Management Strategy
- £6,658 to monitor compliance with the agreement

## **52. DC/2021/01317 - 5 - 7 BURBO BANK ROAD SOUTH, BLUNDELLSANDS**

The Committee considered the report of the Chief Planning Officer recommending that the above application for the erection of 8 dwellinghouses and associated infrastructure following demolition of existing dwellings be granted subject to the conditions and for the reasons stated or referred to in the report.

The Chief Planning Officer also reported that comments from the Green Sefton team had been received earlier that day advising that a pedestrian access point shown on the plans to the beach was not suitable. The access point was just outside the red line/application site but a request could be made for it to be removed from the plans as the recommendation for approval was subject to a Section 106 legal agreement.

Arising from the discussion on this matter it was suggested that a condition should be included to prevent future residents creating similar access points through the boundary wall of properties.

Prior to consideration of the application, the Committee received a petition from Mrs. Ramsbottom on behalf of objectors against the proposed development and a response by the applicant's agent, Mr. Diaz.

Councillor Roscoe, as Ward Councillor, made representations on behalf of objectors against the proposed development.

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, subject to the completion of a Section 106 Legal Agreement to secure a commuted sum payment towards education provision, and subject to the following additional condition:-

(16): There shall be no access along the rear (south-west) boundary of the site through to the adjacent Coastal Park.

Reason: To safeguard the integrity of the site of nature conservation importance.

**53. DC/2020/02331 - LAND OFF BANKFIELD LANE, SOUTHPORT**

Further to Minute No. 42 the Committee considered the report of the Chief Planning Officer recommending that the above application for reserved matters consent which was sought for appearance, landscaping, layout and scale for 156 dwellings and associated works (Pursuant to outline planning application DC/2017/00821 granted 20.10.20). be granted subject to the conditions and for the reasons stated or referred to in the report.

The Chief Planning Officer also informed the Committee that it was understood that a request had been submitted to the National Planning Casework Unit that it consider whether to call in this application. If Members were minded to approve the application, the decision would not be issued until this matter had been resolved.

Councillor Daniel Lewis, as Ward Councillor, made representations on behalf of objectors against the proposed development.

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.

**54. DC/2021/02293 - FORMER Z BLOCK SITES BUCKLEY HILL LANE, NETHERTON**

The Committee considered the report of the Chief Planning Officer recommending that the above application for Variation of Condition 2 pursuant to planning permission DC/2020/01853 approved on 01/07/2021 to allow amendments to drawings be granted subject to the conditions and for the reasons stated or referred to in the report.

# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 17TH NOVEMBER, 2021

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.

## 55. PLANNING APPEALS REPORT

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.

Appellant	Proposal/Breach of Planning Control	Decision
Mr Nesarasa	DC/2020/01792 - 9 Hawthorne Road Bootle L20 2DG. Appeal against refusal by the Council to grant Planning Permission for the Change of use of the first and second floors from gymnasium (Use class E) to dwelling (Use class C3) with alterations to the shop front to provide a separate access.	Dismissed 11.10.21
Mr S. Fairclough	EN/2021/00198 - 100 Cambridge Road Crosby Liverpool L23 7UA. Appeal against refusal by the Council to grant Planning Permission for the creation of a balcony / terrace on top of the existing garage roof and erection of a rail to the perimeter of the balcony / terrace	Dismissed 05.10.21
Mr D. Currie	DC/2020/01647- Chestnut House, 2A Chestnut Avenue, Crosby L23 2SZ Appeal against refusal by the Council to grant Planning Permission for the 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.	Allowed 16.07.21
Mr G. Abrams	DC/2021/00382 - 2A - 2D Curzon Road, Waterloo, Liverpool L22 0NL. Appeal against refusal by the Council to grant Planning Permission for the change of use of redundant commercial space on first floor to residential to create 1 Flat (C3).	Allowed 24.09.21



# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 17TH NOVEMBER, 2021

Penny Lane Builders Limited, Plus Dane Housing Limited and Urban Generation (Crosby)	DC/2020/00734 - Former Central Buildings, Church Road, Crosby, L23 5RD. Appeal against refusal by the Council to grant Planning Permission for the erection of a four-storey building containing 2 commercial units and 39 apartments with associated parking	Allowed 09.07.21
Mr Power	DC/2019/02088 - Liverpool Ramblers Football Club, Moor Lane, Thornton, Crosby L23 4TW. Appeal against refusal by the Council to grant outline Planning Permission the erection of 6 dwelling houses with associated gardens, car parking and access with all access and layout to be agreed all other matters reserved (appearance, landscaping and scale reserved for future consideration).	Allowed 20.09.2021
Mr Power	DC/2020/00423 - Liverpool Ramblers Football Club, Moor Lane, Thornton, Crosby L23 4TW. Appeal against refusal by the Council to grant Planning Permission for the layout of a car park on former tennis courts in replacement of existing parking facilities serving Liverpool Ramblers Football Club, layout of accessible bays adjacent to the clubhouse and alterations to the access track.	Allowed 20.09.21

RESOLVED:

That the report be noted.

## 56. VISITING PANEL SCHEDULE

The Committee considered the report of the Chief Planning Officer which advised that the undermentioned sites had been inspected by the Visiting Panel on 15 November 2021.

Application No.	Site
DC/2021/01317	5 - 7 Burbo Bank Road South, Blundellsands
DC/2021/00417	Land Off Holgate, Thornton

# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 17TH NOVEMBER, 2021

RESOLVED:

That the report on the sites inspected by the Visiting Panel be noted.

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 15th December 2021

**Subject:** [DC/2021/01762](#)  
[Land off Raven Meols Road/Harebell Close/The Ravens, Formby, L37](#)

**Proposal:** Erection of a detached dwelling and associated access from Harebell Close

**Applicant:** Ms Cathryn Davies      **Agent:** Federico Manzo (RAL Architects)

**Ward:** Raven Meols Ward      **Type:** Full Application

**Reason for Committee Determination:** Petition (Endorsed by Cllr Bennett)

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## Summary Report

The proposal would see the erection of a detached dwelling within a wooded copse to the south of Raven Meols Lane. The site is designated in the Local Plan as being a Primarily Residential Area and is subject to a Tree Preservation Order. The main issues to consider are the principle of development, the potential impact on the character of the area, the design, the living conditions of neighbouring residents, ecology, trees, drainage/flood risk and matters relating to highway safety and movement at the site.

The proposal would be appropriate within a residential area and, on balance, would not be significantly harmful to the standard of living currently enjoyed by residents in the area. The harm caused by the loss of protected trees on the site is outweighed by the biodiversity enhancements that could be delivered as part of the development and ongoing management of the land. The proposal would be acceptable in design terms, would not be harmful to the character of the area and is acceptable in relation to matters concerning flood risk and highway safety. Consequently, the proposal is compliant with the aims and objectives of the National Planning Policy Framework, the Formby and Little Altcar Neighbourhood Plan and the Sefton Local Plan.

## Recommendation: Approve with Conditions

**Case Officer**      David Atherton

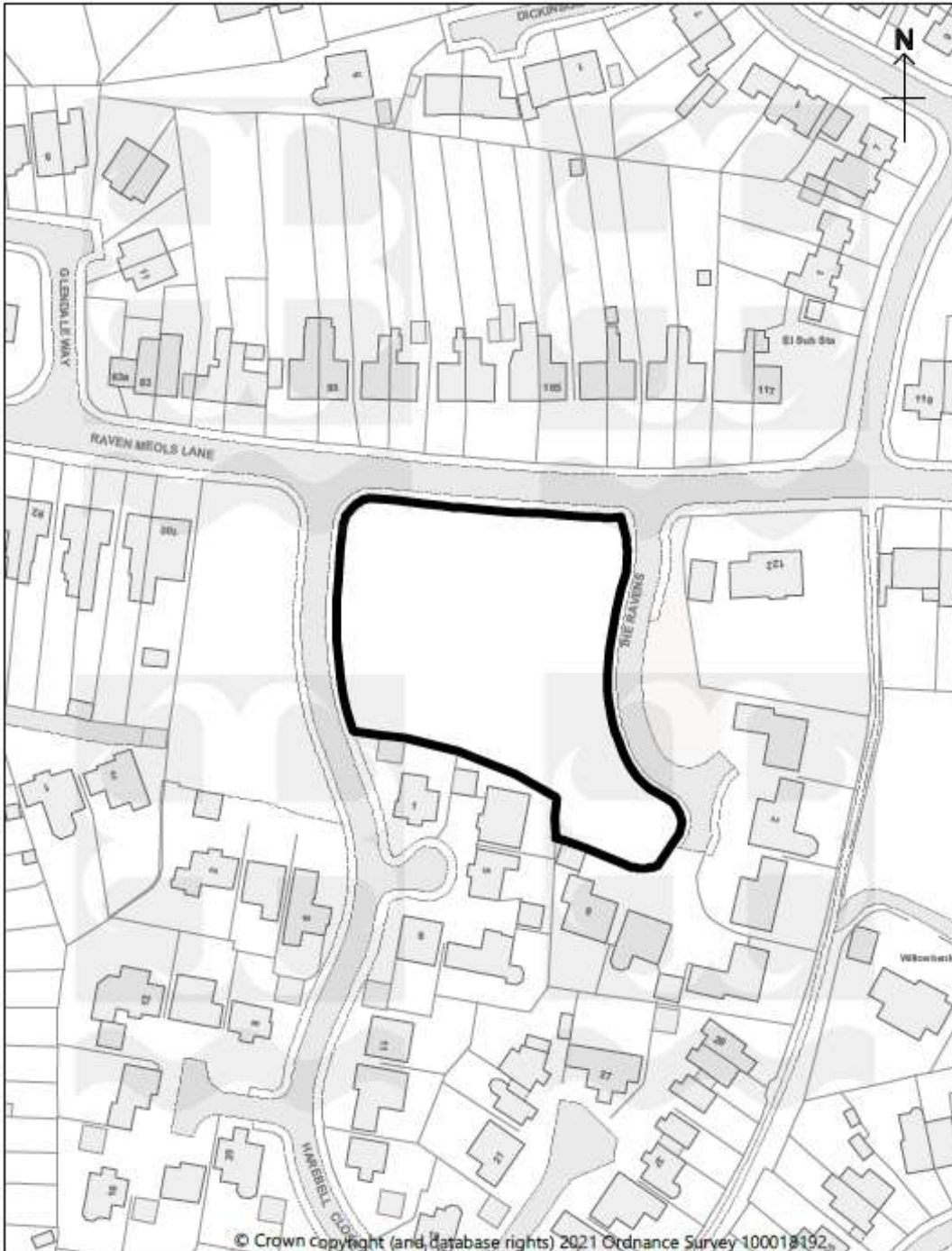
**Email**      [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone**      0345 140 0845 (option 4)

Application documents and plans are available at: <https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVVD5NNWL0Q00>

# Agenda Item 4a

## Site Location Plan



Sefton Council



Reference: Map reference  
Date: 29/11/2021  
Scale: Scale: 1:1250  
Created by: Initials

## The Site

The site sits on the south side of Raven Meols Lane, on a wooded area between Harebell Close and The Ravens (cul-de-sac). The site is bound by a low wall (to Raven Meols Lane) and timber fencing. Residential properties bound the site to the south (Harebell Close) and south east (The Ravens). The properties to the south were developed following the demolition of the former St Vincent's School

The site is covered by a Tree Preservation Order (TPO95). The section of open space to the west of Harebell Close is designated as Open Space, however, it is not within the red line boundary of the application site.

## History

There have been various applications on the site and wider area associated with the surrounding housing development granted permission in the 1990 and various Tree Preservation Orders.

Planning permission was sought in 2020 for erection of a detached dwellinghouse, associated driveway and access from the Ravens (app.ref: DC/2020/02375) which was subsequently withdraw in March 2021.

## Consultations

### **Environmental Health Manager**

No objection, subject to condition.

### **Highways Manager**

No objection subject to conditions

### **Flooding and Drainage Manager**

No objection

### **Natural England**

No objection

### **Merseyside Environmental Advisory Service**

No objection subject to conditions

### **Tree Officer**

No objection subject to condition

# Agenda Item 4a

## Neighbour Representations

Letters of notification were sent to properties in the vicinity of the site.

144 objections have been received and a petition has been submitted and endorsed by Cllr Bennett. Cllr Irving submitted an objection on behalf of the Formby Civic Society. Four representations in support of the development have been received. The objections have been published and are available to view in full on the Council's website. A summary of the representations is referenced below:

### Trees

- Loss of TPO trees; does not accord with policy ESD7 of the Neighbourhood Plan
- Trees help soak up regular flooding on the road
- Trees provide shelter for wildlife
- More trees will need cutting down
- Woodland was designed as a focal point entering Harebell Close

### Ecology

- Loss of habitat for protected species
- Comments received in relation to the Ecological Survey & Assessment report being the same as the first application (NOTE: an updated ESA was submitted by the applicant)
- Site part of a network of green spaces
- Destruction of habitat for one house is outrageous
- Need to protect the red squirrels
- Planet is on the brink of mass extinction, green space to be preserved to combat climate change
- Undeveloped woodland increases biodiversity
- Long term woodland management would not be delivered once the site is sold

### Design/Character of the Area

- House is not in-keeping with the area
- The development does not integrate with existing properties and does not accord with policy EQ2 of the Local Plan
- Loss of green space, urban landscape increasing
- Formby is overdeveloped, too much pressure on schools and GPs
- Woodland contribution to the visual appearance of the area/Raven Meols Lane
- Protect green belt land (NOTE: the site is not in the green belt)
- Preserve our green spaces
- This is a beautiful space for people to enjoy and beneficial to their wellbeing
- While an improvement on the previous one, it is still an anomaly in design, style and size
- Fencing not in-keeping with the area which is open plan

## Residential Amenity

- Loss of privacy
- Too close to existing properties
- Construction vehicles would cause chaos for residents

## Highways/Access

- The Ravens is a quiet cul-de-sac and it would be dangerous for young people
- Too much traffic in Formby
- Access dangerous as close to Raven Meols Lane
- Will cause nuisance parking close to adjacent junction

## Drainage

- Development would exacerbate existing issue of sewer backfilling during heavy rain

## Principle

- Not designated for development in Local Plan
- Land is designated as green space – should be managed as Green Belt as per policy ESD1
- Brownfield land should be developed first

## Non-material objections:

- Loss of space to walk the dog (Note: the site is within private ownership)
- Works are unnecessary
- Developer is more interested in profit
- Development has brought residents together to preserve and protect the woodland
- Submitted reports are pessimistic in tone
- The Planning Authority should conduct independent assessment of trees

## Support

- Design of the house and surrounding areas looks incredible. About time this scruffy area was improved
- Woodland doesn't flower like it used to, if this improves it then I support it
- Removal of trees and replacement with healthier trees and future management would be a major enhancement to sustain the woodland
- Site is overgrown, trees are poor and require active management

# Agenda Item 4a

## Policy Context

The application site lies within an area designated as a Primarily Residential Area in the Sefton Local Plan, adopted by the Council in April 2017. The National Planning Policy Framework, the New Housing (2018) Supplementary Planning Document and Sustainable Travel and Development (2018) Supplementary Planning Document are also material.

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

## Assessment of the Proposal

The main issues to consider are the principle of development, the potential impact on the character of the area, the design, the living conditions of neighbouring residents, ecology, trees, drainage/flood risk and matters relating to highway safety and movement at the site

### Principle of development

The site lies within a 'Primarily Residential Area' (PRA) as defined in the adopted Sefton Local Plan 2017. Policy HC3 of the Local Plan allows for residential development in Primarily Residential Areas (shown on the Policies Map) where it is consistent with other Local Plan policies.

The National Planning Policy Framework (NPPF) requires that decisions should apply a presumption in favour of sustainable development. This means the Local Planning Authority (LPA) is required to approve development proposals that accord with an up-to-date development plan. Both the Local Plan (LP) and Formby and Little Altcar Neighbourhood Plan (NP) are up-to-date in this respect and the starting point for decision taking. The NP takes precedence over (non-strategic) policies in the LP covering the neighbourhood area. The NPPF supports the development of windfall sites, affording great weight to using suitable sites within existing settlements. Policy GP1 (Spatial Strategy) of the NP also promotes infilling to contain the spread of the town. While development should be optimised to make effective use of land, a preference for brownfield sites does not preclude the use of undeveloped sites, particularly where opportunities exist to achieve gains in biodiversity and new habitat creation.

In considering the above and subject to compliance with other policies within the plan covering relevant material considerations, the principle for residential development at the site is acceptable.

### Design and Character of the Area

NP plan policy H1 (Density) requires that residential development should demonstrate the most effective use of land through high quality design that respects local character and residential amenity. It also goes on to say that proposed development should maintain the



prevailing character of the immediate area. Formby is generally characterised by low density housing between 25-30 dwellings per hectare. Policy H2 (New Housing) deals with matters of connectivity to the wider town, while ESD2 (High Quality Design) covers matters relating to local character by demonstrating consideration of (amongst other things) scale, height, layout and outlook towards and within the development.

Proposals for the development have been significantly amended from the application which was previously withdrawn (see planning history). The footprint, orientation, access and overall site layout now better reflects the constraints of the site and minimises the extent of tree removal on site. The design is also significantly amended and now better reflects the character of properties which have some degree of consistency to their character in terms of materials, arrangement of fenestration, roof pitches and orientation, i.e. face towards the highway with private garden areas to the rear and provide in-curtilage parking. The site sits adjacent to an existing housing estate and would be well connected to the wider town.

The proposal is for a single dwelling and there is nothing substantive to suggest that services such as doctors, dentists and schools would not be able to cope with the development of this site on its own or when considering the cumulative effect with allocated sites.

Representations have been received stating that residents/the community use the site for walking dogs and general amenity, however the land is within private ownership and its use for these purposes is at the discretion of the landowner. It is not a designated open space and it would not be unreasonable for the landowner to secure the site from public access (if they were minded to). A designated open space sits immediately opposite to the site and there are large open spaces within walking distance of the site at Bills Lane Park and Duke Street Park. For this reason, no weight can be afforded to the potential benefits of the sites use for amenity reasons.

Given the size of the site as a whole and the extent of the woodland area to the north especially, the proposed dwelling would not form an overly prominent or undue feature within this residential area. The degree of harm (if any) to the wider character of the area would not be to a significant degree. The proposed development is therefore considered to accord with policy H1, H2 and ESD2 of the NP.

### Living Conditions

The proposed dwelling would provide a private rear garden in excess of the Councils recommended minimum spacing standards which is acceptable. The trees to be retained and new planting within the curtilage may cause a degree of overshadowing to some parts of the garden, however, it would not be to a degree that would compromise the quality and useability of the amenity area.

Representations have referenced conflict with the Councils recommended standards in relation to the 10.5 metre 'interface' figure however this relates principally to ensure appropriate privacy to nearby resident garden areas opposite. The proposed dwelling and its relationship to existing properties (perpendicular) to the south would ensure that existing

# Agenda Item 4a

residents would not be harmed to any significant degree by way of a loss of privacy to their rear garden areas.

The design includes glazing at first floor level to the south elevation forming the staircase (a non-habitable room). The small bay window return to bedroom 3 would also face to the south. To avoid any perception of overlooking to the existing properties to the south, a condition could be imposed to ensure these windows are obscurely glazed.

The proposed boundary treatments as detailed on submitted plans are unclear in some parts and require amendment in others to be more consistent with Council guidance. Additional elements are also required that will enhance connectivity for protected species. This matter is covered elsewhere in this report. A condition requiring detailed boundary proposals could be secured by condition.

To appropriately manage the construction of any approved dwelling, the applicant could detail how the effects of construction related activity could be mitigated to avoid impacting on the living conditions of existing residents nearby. This could be secured by a suitably worded condition.

The proposed development would not cause significant harm to the living conditions of neighbouring occupiers by being overbearing, causing a loss of outlook, overshadowing or a loss of privacy. Furthermore, the future residents would be afforded acceptable living standards. The proposal therefore accords with the requirements of policy ESD2 (High Quality Design) of the Neighbourhood Plan, EQ2 (Design) of the Local Plan and the New Housing SPD on matters relating to living conditions of existing and future residents.

## Trees & Ecology

The site is covered by a Tree Preservation Order (TPO95). The Order was made to secure the retention of the 'many fine trees along the main drive, and between the front of the building and Raven Meols Lane are of great importance'.

The planning history of the site shows that there have been applications to remove trees which have been refused by the Council, however there is evidence that the condition of some species has changed since they were last assessed by the Council.

Policy ESD7 (Trees and Landscape) of the NP is consistent with policy EQ9 (Provision of Public Open Space, Strategic Paths and Trees) of the LP in that it requires, amongst other things, new development should not result in the net loss of trees or woodlands or significant landscaping during or as a result of development, trees identified in a Tree Preservation Order should be maintained, trees lost as a result of the development should be replaced at a ratio of 1:1 and that new developments should include management arrangements where necessary.

Policy ESD7 of the NP does not have any explanation/justification text, however given the consistency between it and the LP policy it is reasonable to utilise the text in the LP, notably Para 10.82 in relation to TPO's which states that

“Development that results in a loss of trees which are subject to a TPO will be acceptable only if it is demonstrated that there are no practical alternative solutions and where the need for development outweighs the value of the trees that will be lost.”

Trees on this site make an important contribution to the character of the area and the wider urban environment and their provision can help mitigate and adapt to climate change. Para 131 of the NPPF says that decisions should ensure that appropriate measures are in place to secure the long term maintenance of newly planted trees and that existing trees are retained where possible.

The application is supported by the required tree survey work and an Arboricultural Impact Assessment. To facilitate the development, five individual trees and two groups of trees would need to be removed. Trees across the site are in various states of health and the submissions to support the application have been assessed by the Council's Tree Officer who has advised that owing to the poor quality and shorter life expectancy of the trees identified for removal, he has no objection to the development subject to the scheme being implemented in accordance with the submitted reports supporting the application and the submission and implementation of a long-term, detailed woodland management plan.

The trees to be lost are largely concentrated in central areas of the site so their loss is not as pronounced as it would be if it involved sections of the woodland group to the north and south east of the site which are clearly more visible within the wider area. Mitigation planting would be focused on new planting to further strengthen these areas. An opportunity exists to ensure that any replacement tree planting is of small seeded species which will encourage red squirrels and deter greys. This could be secured by condition.

Concern has been raised as to whether the proposal would lead to further pressure to fell additional trees on site. The scheme proposed here is supported by a sun study and while there will be some areas of overshadowing (mainly caused by the house itself, rather than retained trees), future occupiers would benefit from enough natural light so as to secure an acceptable standard of living. It is not therefore expected that additional pressure would occur to fell additional trees, whilst any request to remove trees in the future would be subject to further assessment. Conversely, the submissions in this application could be used as evidence to resist such proposals. It would however be prudent to remove permitted development rights for the dwelling to ensure any potential extensions are appropriately assessed in terms of any potential impact on protected trees.

Overall, it is considered that the Arboricultural Implications Assessment is clear and has identified the key site constraints alongside appropriate solutions. The replacement planting and long-term management of the site will encourage the long-term retention of the Tree Preservation Order as well as retaining the landscaped character of the site.

# Agenda Item 4a

The ecological value of the site goes hand-in-hand with the issue of trees and ground covering at the site. The application is supported by an Ecological Survey and Assessment (ESA). This is an updated document from that which was submitted with the previous application. The surveys were carried out during the summer of 2021 and are representative of the existing ecological significance of the site. It recognises that given the distance between the site and the statutory designated sites for nature and conservation and the absence of any direct habitat and hydrological connectivity, adverse affects on those sites can be reasonably discounted. Features of the site, like the woodland copse to the north, various plant species, opportunities for foraging for bats and red squirrel habitat are however of site level interest.

The ESA has been assessed by the Council's Ecologist at Merseyside Environmental Advisory Service (MEAS) who has advised that the updated surveys are acceptable and that the ESA meets British Standard 42020:2013.

During the bat dusk emergence and re-entry surveys, no bat emergence and/or re-entry was recorded from trees T17 or T40, however Reasonable Avoidance Measures (RAMs) will be required as detailed in section 5.3.10 of the ESA for trees with low and moderate bat roost potential. These could be incorporated into a Construction Environmental Management Plan (CEMP). However, if tree works have not commenced by 1st May 2022, an updated bat survey of affected trees would be required. This could be also secured by condition.

Lighting for the development may affect the use of the site. A lighting scheme could be designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with NPPF (paragraph 180). This could be secured by condition.

Red squirrels were surveyed and recorded on site. Those recorded were observed using Scot's Pine trees, Poplar trees in the southern area of W2 and the ground within the site. Recordings made during the surveys indicated that tree T18b supported a red squirrel drey. Tree 18b, which supports the drey, along with the other Scot's Pine trees on the site are to be retained. Some encroachment into the canopy spread of tree T18b and T18a is anticipated during development. However, this is not considered to be significant and works should not disturb the area of the drey. To ensure that red squirrels and the drey are not harmed during the course of the development, measures of mitigation would be required. These could be incorporated into a comprehensive CEMP to be secured by condition. The ESA further details a range of measures to compensate for any loss in habitat and through the implementation of a long term Woodland Habitat Management Plan, enhance the ecological value of the site post development.

The site has significant tree coverage forming individual trees, groups and woodland areas (ref. W1 & W2 in the Arboricultural Impact Assessment) however the extent of tree loss to facilitate the development is not significant by comparison. Notwithstanding this, policy ESD7 of the NP states that Tree Preservation Order trees should be maintained. In this instance the trees lost are considered to be in poor or fair condition and it would be possible to successfully mitigate their loss on a 1:1 basis. Urban trees are important for providing food sources, nesting sites and corridors to minimise the risk of crossing roads. Specimens can

be planted which better encourage red squirrels while deterring greys, while ecological enhancements (bird/bat boxes, native hedgerow etc) alongside an active management plan would help to improve the ecological value and overall biodiversity of the site.

In considering the above, the biodiversity enhancements and the small contribution that the development would make to the Council's 5 year housing supply would outweigh the harm caused by the loss of the existing trees that would be removed as part of the development proposal.

The proposed development would not have significant adverse impacts on the statutorily protected sites or landscapes and as such, any likely significant effect can be ruled out. Natural England and the Council's ecological advisors have raised no objection to the development proposal. The proposed development is limited in its scale and subject to compliance with appropriate conditions, the construction and use of the site for residential purposes is unlikely to result in any significant harm to protected species or habitat. The proposals are consistent with the aims of policy ESD7 of the LP and policies EQ9 and NH2 (Nature) of the LP.

### Drainage and Flood Risk

While the site is within Flood Zone 1 and at the lowest risk of flooding from rivers or the sea, it is within a Critical Drainage Area whereby multiple and interlinked sources of flood risk (surface water, groundwater, sewer, main river and/or tidal) can cause local flooding during severe periods of weather. In accordance with standing advice, the Lead Local Flood Authority has no objection to the development. Consequently, the applicant will be advised by way of an informative on preferable measures with which to reduce flood risk in the area and the appropriate drainage to be implemented on site would be regulated under the Building Regulations.

The proposed development is for a single dwelling within a Primarily Residential Area. It is reasonable to conclude that it would be possible to build a single dwelling at this location without increasing flood risk at the site or elsewhere and manage surface water run-off in a sustainable way. The proposal would accord with policies F1 (Avoiding Increased Flooding and Flood Risk) and F3 (Reduced Surface Water Discharge) of the NP and policy EQ8 (Flood Risk and Surface Water) of the LP.

### Highway Safety & Movement

Access to the site has been altered from the withdrawn application from The Ravens side of the site, to Harebell Close. A detailed scheme of works to implement the access can be secured by condition.

The site would provide off-street parking to serve the property in accordance with policy H6 (Off-Road Parking) of the NP. The parking spaces and garage provision fits in with the character of the development and would not be unduly prominent within the street scene. This element accords with policy H7 (Design of Car Parking) of the NP.

# Agenda Item 4a

Boundary treatments would be subject to condition and consideration will be afforded at the time of their submission to the need for appropriate intervisibility between vehicles emerging from the access and pedestrians walking along the footway at the site frontage.

Subject to appropriate conditions, the Highways Manager has raised no objection to the proposal. The development would not have a detrimental impact on highway safety and the residual cumulative impact on the road network would not be severe. The development accords with policy EQ3 (Accessibility) of the LP and policies H6 (Off Road Parking) and H7 (Design of Car Parking) of the NP.

## Archaeology

There are no heritage assets recorded on the Merseyside Historic Environment Record. However, a search of historic Ordnance Survey mapping suggests the proposed development site lies within the landscaped grounds of the former St Vincent's Children Centre (1984 1:2,500) which originated as Shaftsbury House (1893 1:2,500). The house appears to have been used as a private lunatic asylum in the early part of the twentieth century (c 1914 to 1918). The associated landscaping included a formal coach drive and various designed pathways.

Policy NH14 (Scheduled Monuments and Non-Designated Archaeology) of the LP requires, amongst other things that, provision is made for the recording, reporting and interpretation of archaeological interests. Para 205 of the NPPF also requires developers to "record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted." A Written Scheme of Investigation condition could be added to any approval given to ensure that the understanding of any archaeological works at the site and its appropriate publication.

Subject to this condition, the proposal accords with policy NH14 of the LP.

## **Conclusion**

The application site lies within a Primarily Residential Area and will not cause any significant harm to the living conditions of future occupiers or neighbouring properties. The proposal is of an appropriate size, scale, and massing to ensure no significant harm to the character of the area or the standard of living currently enjoyed by existing residents. It would also provide acceptable living conditions for future occupiers. The proposal would not be detrimental to highway safety and movement and mitigation for flood risk is appropriate. On balance, the proposed harm caused by the loss of trees is outweighed by the biodiversity enhancements at the site and small contribution to the Council's 5 year supply of housing. The proposal accords with the aims and objectives of the relevant policies in the Formby and Little Altcar Neighbourhood Plan, Sefton Local Plan, the National Planning Policy Framework and guidance on New Housing and sustainable travel. It is therefore recommended for approval, subject to appropriate conditions.

## Recommendation - Approve with Conditions

### 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 hereby granted shall be carried out strictly in accordance with the following details and plans: -
  - dwg. L01 Location Plan
  - dwg. L03 Rev A Proposed Site Plan
  - dwg. G01 Proposed Floor Plans and Roof Plan
  - dwg. G02 Proposed Elevations
  - dwg. L04 Sun Study
  - dwg. S01 Materials Schedule
  - Arboricultural Implications Assessment (14 July 2021)
  - Tree Survey Ref. DTCL.207.TCC.2020
  - dwg. DTCL.207.AIA.01 The Ravens
  - dwg. DTCL.207.AIA.02 The Ravens
  - dwg. DTCL.207.AIA.03 The Ravens
  - dwg. DTCL.207.AIA.04 The Ravens Shadow Drawing
  - Results of Further Ecological Survey and Assessment 2021 (ESA), August 2021

Reason: to ensure a satisfactory development

#### Before the Development is Commenced

- 3) No development shall commence until a construction management plan detailing the means of mitigation of construction has been submitted to and approved in writing by the Local Planning Authority.

This shall include but not be limited to the following:

- Methods for the mitigation of noise and vibration from construction works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
- Methods for dust control and suppression.

# Agenda Item 4a

- Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
- The areas for the storage of any plant and materials and location of any on site compound.
- Hours of construction work

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of highway safety and movement and to ensure the amenity of neighbouring occupiers is not significantly impacted on.

- 4) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall build upon the measures identified in the approved Ecological Survey and Assessment (ESA) to form a comprehensive CEMP to avoid harm to protected species and habitat.

The CEMP shall include (but not be limited to) information to accord with/provide:

- Measures that will be undertaken during construction to protect native bluebell and broad-leaved helleborine, including details of a translocation strategy for both species if harm becomes unavoidable (e.g. during installation of boundary fencing);
- Red squirrel mitigation measures
- Reasonable Avoidance Measures (RAMs) to be adopted during felling of trees with low and moderate suitability for roosting bats (i.e. T8, T10, T17 and T40);
- Tree protection measures for retained trees;
- Measures to avoid harm to nesting birds;
- RAMs for hedgehog;
- Details of any external lighting to be used during the construction phase (if lighting necessary it should be of a type which avoid light spillage into retained habitat); and
- Details of the measures that will be taken during construction to prevent the spread of *Rhododendron ponticum* on the site (*R. ponticum* is listed on schedule 9 of the Wildlife and Countryside Act 1981 (as amended))

Reason: To avoid harm to protected species and ensure compliance with policy NH2 of the Local Plan in relation to priority habitats and protected species.

- 5) No development shall commence until the applicant has undertaken an archaeological walkover and historical research of the site to inform a Written Scheme of Investigation (WSI) for archaeological works which shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall include the following steps as a minimum:
- A phased programme and methodology of site investigation and recording;



- A programme for post-investigation reporting to include production of a final report of the significance of the archaeological and historic interest;
- Provision for appropriate publication and dissemination of the archaeology and history of the site;
- Provision for archive deposition of the report, finds and records of the site investigation; and
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Reason: To record and report on the archaeological significance of the site and conserve the historic environment as required by policy NH14 of the Local Plan and Para. 205 of the National Planning Policy Framework (2021)

## During Building Works

- 6) If the tree works required to facilitate the development have not commenced by 1st May 2022, a further bat survey of the affected trees shall be carried, the results of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to protect habitats and priority/protected species from significant harm.

## Before the Development is Occupied

- 7) The development shall not be occupied until a Woodland and Habitat Management Plan (WHMP) has been submitted to and approved in writing by the Local Planning Authority. The WHMP shall build on the detail referenced in Section 5.4.7 of the approved Ecological Survey and Assessment and include details as to how the wooded copse and wider site area will be actively managed over a minimum 25 year period to ensure the biodiversity enhancement of the site in the long term.

Reason: To appropriately manage landscaping and ecological enhancements on site.

- 8) The development shall not be occupied until the ecological mitigation and enhancement measures detailed in Section 5 and illustrated in Figure 6 of the approved Ecological Survey and Assessment (ERAP Ltd 2021) have been implemented.

For the avoidance of doubt, the proposed native hedgerow shall be planted using the following species to encourage red squirrels:

- Holly
- Hawthorn
- Blackthorn; and
- Dog Rose

The approved measures shall be retained as approved in perpetuity.

# Agenda Item 4a

Reason: To enhance biodiversity at the site and safeguard the conservation of species/habitat.

- 9) No part of the development shall be occupied until specific details of the proposed landscape mitigation scheme have been submitted to and approved by the Local Planning Authority. The scheme shall include details for all proposed planting, including their location, size and species, as well as a programme of implementation.

If within a period of 5 years from the date of the planting of any tree proposed as part of the approved landscaping scheme, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree.

Reason: To ensure suitable tree mitigation planting and an acceptable visual appearance to the development.

- 10) No part of the development shall be occupied until the precise scheme details of proposed boundary treatments, including proposed materials and detailed elevations have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full, in accordance with the approved scheme.

Reason: To ensure an acceptable visual appearance to the development and maintain the character of the area.

- 11) Prior to the dwelling becoming occupied, a lighting plan showing measures to reduce light spillage onto commuting and foraging habitats shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the conservation of species/habitat

- 12) No dwelling shall be occupied until areas for vehicle parking, turning and manoeuvring have been laid out, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 14) No part of the development shall be brought into use until an electric vehicle charging point has been provided for the approved dwelling. The facility shall be retained thereafter for that specific use.

Reason: To encourage the use of energy efficient vehicles.

- 15) Prior to the occupation of the approved dwelling, full fibre broadband connections shall be installed and made available for immediate use.

Reason: To ensure appropriate broadband infrastructure for the new dwelling

## Ongoing Conditions

- 16) Prior to the occupation of the approved dwelling, the first floor window to the stairs/landing area of the south elevation and south facing element of the bay window to bedroom 3 (as shown in approved dwg. G01 & G02) shall not be glazed otherwise than with obscured glass and thereafter be permanently retained as such.

Reason: To protect the residential amenity of neighbouring occupiers adjacent.

- 17) Notwithstanding the provisions of the Town and Country Planning (General permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no extensions shall be made to the approved dwelling other than those expressly authorised by this permission.

Reason: To assess any potential additions to the dwelling and ensure that TPO trees are retained and unharmed.

- 18) The external surfaces of the building shall be constructed using materials as illustrated on dwg. G02.

Reason: To ensure an acceptable visual appearance to the development

# Agenda Item 4a

## Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail [snn@sefton.gov.uk](mailto:snn@sefton.gov.uk) to apply for a street name/property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk) for further information.
- 3) There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy:

Pressed-in methods, e.g. Hydraulic jacking

Auger / bored piling

Diaphragm Walling

Vibratory piling or vibro-replacement

Driven piling or dynamic consolidation

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

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

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

into the ground (infiltration);

to a surface water body;

to a surface water sewer;

to a combined sewer.

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

- 5) As part of a proposed lighting scheme, the applicant should refer to the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>
- 6) The Woodland Habitat Management Plan secured by condition should include details of how the site will be managed to secure the biodiversity enhancements in the long term. The plan should include (but not be limited to) the following:
  - Details of management of the site in perpetuity, including management those responsible for implementation;
  - Description and evaluation of the features to be managed;
  - Aims and objectives of management;
  - Appropriate management options for achieving aims and objectives;
  - Prescriptions for management actions;
  - Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward); and
  - Personnel responsible for the implementation for the plan.
- 7) The Archaeological Written Scheme of Investigation (WSI) should be produced by an appropriately qualified and experienced archaeologist. A contingency for further archaeological works as warranted by the investigation results should be included. The WSI must be approved in writing by the LPA prior to commencement of the archaeological works.

At Sefton Council's request, MEAS will continue to liaise with the applicant's archaeological contractor, to ensure that all aspects of the proposed archaeological investigation are implemented in accordance with the appropriate professional standards

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<b>Report to:</b>	PLANNING COMMITTEE	<b>Date of Meeting:</b>	15 <sup>th</sup> December 2021
<b>Subject:</b>	<a href="#">DC/2021/02138</a> <a href="#">503-509 Hawthorne Road, Bootle, L20 6JJ</a>		
<b>Proposal:</b>	Redevelopment of the site to provide new residential dwellings and extra care dwellings along with associated works including landscaping and provision of access from Hawthorne Road.		
<b>Applicant:</b>	Housing 21 And Onward Homes Limited	<b>Agent:</b>	Mr Brad Wiseman Savills
<b>Ward:</b>	Litherland Ward	<b>Type:</b>	Full Application - Major
<b>Reason for Committee Determination:</b>	Discretion of Chief Planning Officer		

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## Summary

The proposal is for the erection of 67 dwellinghouses and an extra care facility comprising 91 units. The site is designated as a Regeneration Opportunity Site and it is considered that the proposal would meet the aims of this policy. The housing element of the proposal would be 100% affordable, while the Adult Social Care Manager has confirmed their support of the extra care element. In terms of residential amenity, the proposal provides a good standard of internal and external living for all future occupiers. The scheme is considered to be of a good design which would provide a significant enhancement to the Hawthorne Road corridor.

The two distinct phases of the development would be served by separate accesses, while the Highways Manager has raised no objection to the proposal on highway safety grounds. There are significant contamination issues associated with the site given historic industrial uses, however appropriate investigation and remediation can be secured by way of condition. Overall, the proposal would make a significant contribution to housing and extra care need in the borough and bring forward a vacant opportunity site as identified within the Local Plan. It is considered that the proposal complies with adopted local and national policy and is therefore recommended for approval.

# Agenda Item 5a

## **Recommendation: Approve with Conditions**

**Case Officer** Steven Healey

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

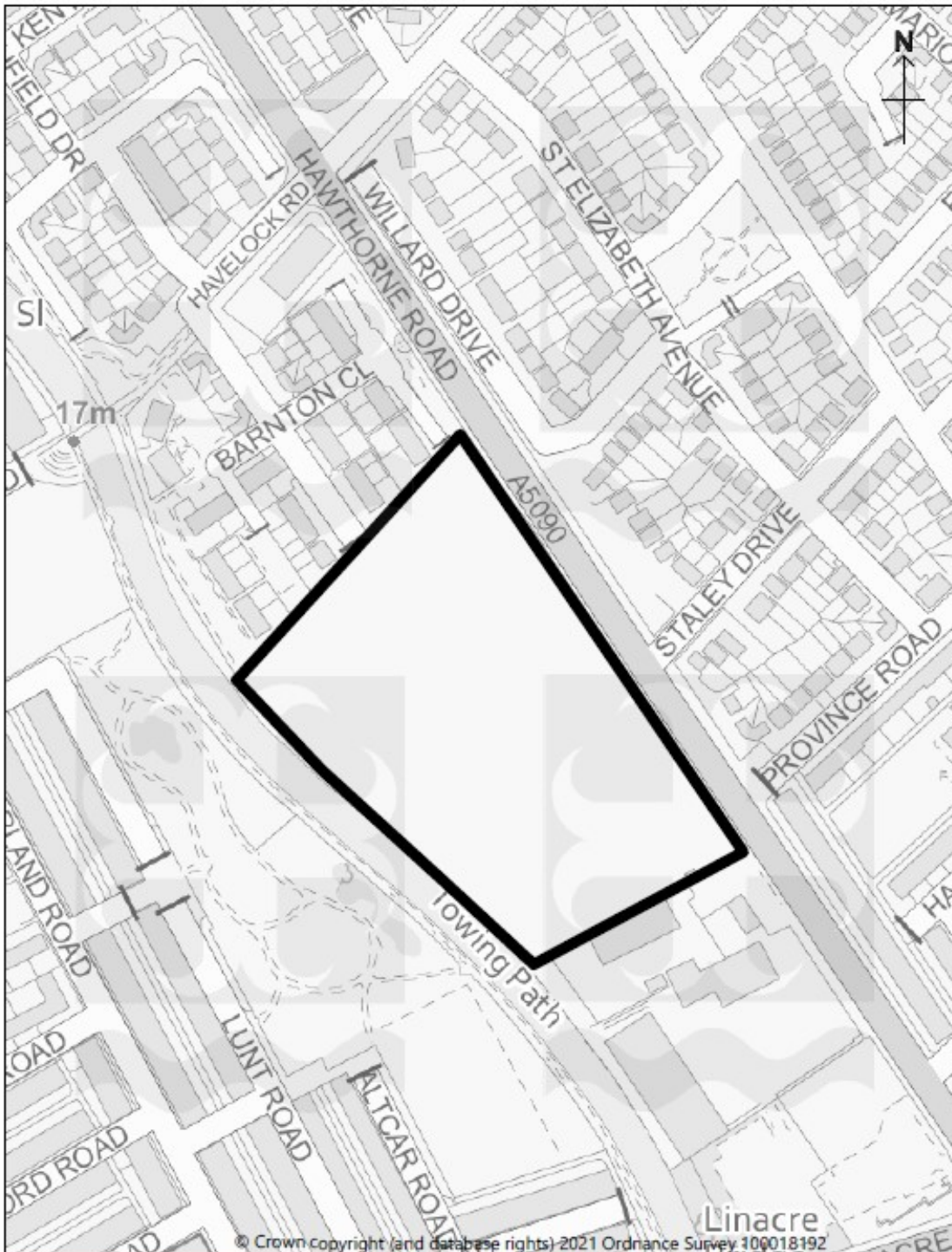
**Telephone** 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QYGCEGNWLVN00>



Site Location Plan



Sefton Council



Reference: Map reference  
Date: 29/11/2021  
Scale: Scale: 1:2500  
Created by: Initials

# Agenda Item 5a

## The Site

The site comprises 2.7 hectares of vacant land previously occupied by commercial and industrial buildings bounded by Hawthorne Road to the east, a salvage yard to the south, the Leeds and Liverpool Canal to the west and residential properties on Barnton Close to the north.

## History

The Council provided an Environmental Impact Assessment Screening Opinion in May 2021 concluding that the development of 62 dwellings and a 91-unit extra care facility would be unlikely to have 'significant effects on the environment' thus not warranting the preparation of an Environmental Statement (DC/2021/01025).

Outline planning permission was granted in July 2018 for the layout of a mixed-use development comprising a 2,300sqm retail unit, 119 dwellings and associated access, parking and landscaping (DC/2014/01312). An application to vary the trigger point of various pre-commencement conditions attached to the outline permission was submitted in June 2019, however this has not been determined (DC/2019/01121).

Two alternative outline residential schemes were granted permission in 2005 (S/2005/0004 and S/2005/0624). Various applications relating to the bus depot and commercial/ industrial uses which occupied the site were granted permission prior to this from the 1970s to 1990s.

## Consultations

### **Adult Social Care Manager**

No objection.

### **Cadent Gas**

No objection.

### **Canal and River Trust**

No objection subject to conditions.

### **Environment Agency**

No objection subject to conditions.

### **Environmental Health Manager**

No objection subject to conditions.

### **Highways Manager**

No objection subject to conditions.

## **Local Plans Manager**

No objection.

## **Merseyside Environmental Advisory Service**

No objection subject to conditions.

## **Merseyside Police Architectural Liaison Officer**

Requested information relating to boundary treatments (*to be conditioned*).

## **Natural England**

No objection subject to conditions.

## **Neighbour Representations**

Merseyside & West Lancashire Bat Group has requested that measures be implemented in order to limit light spill during construction and the lifetime of development.

## **Policy Context**

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

## **Assessment of the Proposal**

The proposal is for the erection of 67 dwellinghouses, which would be 100% affordable, and a three-storey extra care facility containing 91 units. Both applicants have been successful in obtaining Brownfield Land Funding from the Liverpool City Region Combined Authority.

The main issues to consider are the principle of development, matters relating to housing provision, residential amenity and general environmental impacts.

### **Principle of Development**

The site is located within an area allocated as a Regeneration Opportunity Site. Policy ED6 of the Local Plan states that: - 'This site is suitable for housing development. Partial development for other uses will be permitted where this does not prevent the development of the remainder of the site for housing, and where the proposed uses are compatible with a residential environment.' It is therefore considered that the proposal is acceptable in principle.

### **Housing Provision**

The joint applicants (Housing 21 and Onward Homes) are a care provider and registered affordable housing provider. The proposal includes 67 dwellings which would be entirely affordable rent. This

# Agenda Item 5a

is considered acceptable with respect to the Local Plan policy HC1 and the affordable housing needed identified locally within the Council's most recent [Strategic Housing Market Assessment](#). In summary the SHMA identifies an oversupply of affordable homes, however much of these are older, energy inefficient and without adequate outdoor space, therefore the provision of new modern homes is deemed to be a positive intervention. This can be secured within a section 106 legal agreement. Given the proposal is wholly affordable, the housing mix policy set out under Local Plan policy HC2 does not apply.

In respect of the extra care facility, this is by definition Use Class C2 (care institutions) as opposed to C3 (dwellinghouses). The submitted plans indicate that the facility would also include communal areas and offices for staff members. The applicant has confirmed that the facility would be for persons of 55 years and older as required by the Supplementary Planning Document 'Affordable and Special Needs Housing'. This can also be secured within a section 106 legal agreement.

The Adult Social Care Manager has been consulted on the application and stated their support. The proposal would provide a significant step in meeting the need for extra care facilities in Bootle as highlighted within [Sefton's Extra Care Prospectus](#). Specifically, a requirement for 251 affordable extra care units up to the year 2036 within the Bootle/ Netherton area.

## **Living Conditions of Future Occupiers and Existing Neighbours**

### Future Occupiers

The proposal is subject to Local Plan policy HC3 and the guidance contained within the 'New Housing' Supplementary Planning Document. The submitted site plan indicates that there would be sufficient distance between dwellings to protect privacy, outlook and availability of light. All properties would meet the respective minimum garden standards set out under the SPD – 50sqm for one and two-bedroom dwellings and 60sqm for three plus bedroom dwellings. There are two blocks of six flats towards the northeast corner of the site which would each benefit from communal garden areas of around 200sqm which exceeds the Council's standard of 20sqm per flat. Internally the flats are all one-bedroom and exceed the Council's minimum floor space standard of 37sqm.

The applicant has submitted a Noise Report which has been reviewed to the satisfaction of the Environmental Health Manager. Measures to secure a good standard of internal soundproofing can be secured by condition. In terms of outdoor areas, during the course of the application the applicant reorientated a number of dwellings closest to Hawthorne Road in order to ensure these are not subject to unacceptable traffic noise levels.

There is no specific guidance relating to extra care facilities. However in applying the guidance contained within the 'Flats and Houses Multiple Occupancy' Supplementary Planning Document (SPD) as similar living arrangements, it is clear a good standard of amenity would be afforded. All one-bedroom units exceed 37sqm in floor area while all two-bedroom units exceed 61sqm, and therefore meet the Council's standards. In terms of outdoor space, the extra care facility sits

amongst landscaped grounds over 5,000sqm in area which far exceeds the 20sqm standard required per flat within the above SPD.

## Existing Neighbours

The closest neighbouring properties are located to the north on Barnton Close. The development has been laid out so as to comply with the Council's minimum separation distances, including those recommending a minimum separation of 10.5sqm between the rear windows of dwellings and neighbouring boundaries.

## **Design and Character**

The site is currently vacant having been cleared of redundant commercial and industrial buildings. The surrounding land to the north and east has been redeveloped from the mid-2000s to present day by developers Bellway with a mix of detached, semi-detached, terraced dwellings and flats. Earlier terraces are located to the west across the adjacent canal and public open space while a corridor of industrial uses continues to the south.

Local Plan policy EQ2 requires that new development responds positively to local form, character and distinctiveness. The Council are also currently running a pilot scheme of the Government's National Model Design Code which specifically looks at canal-side sites in Bootle.

The proposal includes two distinct phases, A – the dwellings occupying the northern half of the site, and B – the extra care facility occupying the southern half. In respect of layout, the proposal is considered to be of an appropriate density, providing active frontages to both Hawthorne Road and the Leeds and Liverpool Canal. Enhanced landscaping is proposed to the canal frontage alongside a public footway which extends onto Barnton Close. It is considered that the extra care facility sits comfortably within its extensive grounds,

The dwellings comprise a mix of terrace and semi-detached dwellings of two storeys in height. The styles of dwellings are generally traditional with some modern interventions including floor to ceiling windows and flat canopies to entrances in various colour ranges. The use of a number of brick colours and roof styles, including prominent gables to terrace dwellings, is considered acceptable with respect to the other relatively modern developments which characterise this stretch of Hawthorne Road.

The extra care facility is the largest building within the proposal occupying an extensive footprint and comprising three storeys in height. The height is considered acceptable given a set back from the public highway and the presence of other three storey plus buildings nearby at Ken Mews. The building takes on a 'h'-shaped plan with a variety of facing materials which assist in softening its visual impact.

The applicant has submitted outline landscape proposals which are considered to be acceptable. Full details of planting can be secured by condition along with full details of boundary treatments

# Agenda Item 5a

to the extra care facility which were queried by the Police Architectural Liaison Officer. In terms of boundary treatments to Phase A, these have been clarified as primarily 1.8m fencing between properties, although fencing would reach a height of 2.4m to the boundary with the extra care facility which is supplemented by hedgerow planting. To Hawthorne Road railings would be introduced in a manner similar to the adjacent development at Barnton Close.

There is no public open space provided however this is not a policy requirement on schemes providing fewer than 150 dwellings. The explanatory text to policy EQ9 explains that this requirement only applies to Use Class C3 and not care institutions.

Overall, the proposal would utilise a vacant previously poor-quality area with modern attractive residential accommodation. The proposal would vastly improve the appearance of the Hawthorne Road corridor and is of an appropriate design with regard to local form, character and distinctiveness. Opportunities have been taken to improve the canal frontage and it is considered that the proposal complies with policy EQ2.

## **Environmental Matters**

### Ground Contamination

The application site has an extensive history of invasive uses which have or have had the potential to contaminate the site, including historic lead works and more recently a bus depot.

The submitted ground investigation report has identified widespread heavy metal contamination in soil and groundwater. The Environmental Health Manager considers that further investigation is necessary to delineate potential sources of contamination, while the Environment Agency has requested that the subsequent remediation strategy considers risks to controlled waters including the Principal Aquifer below the site. The submitted report also indicates the presence of tin slag within the layer of crushed material which covers the site following demolition of the previous buildings. Both the Environmental Health Manager and Environment Agency have requested a scheme of remediation which is necessary and can be secured by condition.

### Low Carbon Design and Sustainability

The site is situated within an accessible location on former industrial land and is considered to be a good example of urban renewal and sustainable development. The submitted Design and Access Statement details a number of sustainability measures to be incorporated including a fabric first approach, use of energy efficiency systems and power supply from low or zero carbon technologies. In addition to this each dwelling would be required to be served by an electric vehicle charging point. Waste minimisation during the construction phase can be secured within a Construction Environment Management Plan. Overall, it is considered that the proposal complies with policy EQ7 in relation to sustainability and low carbon design.

### Flood Risk and Drainage

The site lies within Flood Zone 1 indicating low risk of flooding. The applicant has submitted a detailed Flood Risk Assessment and Drainage Strategy which has been reviewed to the satisfaction of the Flooding and Drainage Manager. The applicant has initially ruled out infiltration due to unfavourable ground conditions, and discharge of surface water into the adjacent canal due to the gradient relative to the application site. Outline proposals are therefore to connect to the adjacent combined sewer beneath Hawthorne Road at an attenuated rate. Full details and evidence to conclusively rule out more sustainable methods of surface water drainage can therefore be secured by condition.

## Ecology

The application site has limited ecological interest although the adjacent canal hosts habitat for various species. It is considered necessary to secure protective measures during the construction phase through a Construction Environment Management Plan, while it is also necessary to condition a scheme of external lighting to minimise glare onto the canal and associated habitat. Net biodiversity gain can be delivered in the form of bird and bat boxes throughout the development.

Given the scale of development, the application has been screened for Habitats Regulations Assessment and Likely Significant Effects on designated sites resulting from increased recreational pressure. In the circumstances, the Council's environmental advisors Merseyside Environmental Advisory Service consider that an advisory leaflet in house sales packs represents commensurate mitigation. Natural England agree with this approach.

## Archaeology

The application site contains two listings on the Historic Environment Record, the Linacre Brick and Tile Works dated the late 19<sup>th</sup> century and a canal-side building dated the early 19<sup>th</sup> century. Given the potential for below ground remains and the importance of the former in the development of Bootle it is considered reasonable to require archaeological investigation and recording. This can be secured by condition in line with the Council's archaeological advisor's request.

## Minerals

While the Site lies within a Mineral Safeguarding Area it is also an urban allocation in the Local Plan with extant permission in place. A full detailed Minerals Statement is therefore not considered necessary.

# Agenda Item 5a

## **Other Matters**

### Developer Contributions

The application site lies within an area where there is sufficient capacity in local primary schools, therefore there is no requirement for education contributions to be made on this application. Similarly there are no site-specific development requirements contained within the Local Plan.

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

The applicant has submitted a Transport Assessment which has been reviewed to the satisfaction of the Highways Manager. The proposal involves separate accesses to the two distinct elements of the proposal, subject to the relocation of an existing bus stop which can be secured by condition. It is considered the accesses will benefit from adequate visibility splays. The two accesses will include footways while separate footway access is available to the development from both Hawthorne Road and Barnton Close. Off-site works are necessary in order to improve accessibility for pedestrians which can be secured by condition and delivered through highways legislation. It is understood that the extant (i.e. existing) permission relating to the site was designed as a signalled junction as this was considered necessary for the anticipated number of vehicle movements associated with dwellings and a supermarket. However, a signalled junction is not considered necessary for this proposal.

In terms of traffic generated by the proposed development, the dwellings are anticipated to result in 26 two-way movements at weekday AM peak and 25 at PM peak, whereas the extra care facility would generate 9 and 11 trips during the same hours respectively. By way of background the outline residential scheme for a supermarket and 119 dwellings was likely to generate 67 two-way movements at AM peak and 174 at PM peak. The applicant has demonstrated through modelling that this would not result in an unacceptable impact on highway safety or severe residual cumulative. In terms of accessibility the site is well served by the local bus network with a cycle route along the Leeds and Liverpool Canal and good accessibility to local amenities.

Within the site, the access roads and footways accord with the Council's standards. It will be necessary to implement 20mph speed limits on access roads which can be secured by condition. In terms of parking, all dwellinghouses would benefit from 2 spaces whereas single bedroom flats would benefit from 1 space. The extra care facility will benefit from, 47 parking spaces. This is considered acceptable with respect to the 'Sustainable Travel and Development' Supplementary Planning Document. Cycle storage and electric vehicle charging points can be secured by condition in order to encourage low carbon means of transportation, while it is also reasonable to request separate Travel Plans for the residential and extra care aspects of the development.

Given the scale of the development it is reasonable and necessary to require the submission of a Construction Traffic Management Plan. Overall, however it is considered that the proposal is acceptable with regard to policy EQ3. There are no unacceptable impacts on highway safety and the scheme will provide suitable access to, from and within the development for all.



## Conclusion and Planning Balance

The proposal would meet the aims of Local Plan policy ED6 insofar as bringing a vacant Regeneration Opportunity Site into use. There would be significant benefit associated with developing this prominent and extensive stretch of Hawthorne Road with modern accommodation comprising 100% affordable rent dwellings and extra care units for older residents. The proposal is of a good design which provides a good standard of living for future occupiers. Matters relating to ground contamination can be addressed through appropriate investigation and remediation. Overall, it is considered that the proposal complies with adopted local and national policy and is thus recommended for approval.

## Recommendation - Approve with Conditions

### 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:
  - Site Location Plan (20020-PJA-00-ZZ-DR-A-001-B)
  - Proposed Site Plan (20020-PJA-00-ZZ-DR-A-100-H)
  - Outline Landscape Proposals (MR21-065/101-A, 102-B and 103-A)
  - House Type A1 Plans and Elevations (20020-PJA-A1-ZZ-DR-A-110 and 120-A)
  - House Type B1 Plans and Elevations (20020-PJA-B1-ZZ-DR-A-110-A and 120-B)
  - House Type C1 Plans and Elevations (20020-PJA-C1-ZZ-DR-A-110 and 120-A)
  - House Type D1 Plans and Elevations (20020-PJA-D1-ZZ-DR-A-110-A and 120-B)
  - House Type E1 Plans and Elevations (20020-PJA-E1-ZZ-DR-A-110 and 120-A)
  - House Type F1 Plans and Elevations (20020-PJA-F1-ZZ-DR-A-110 and 120-A)
  - House Type G1 Plans and Elevations (20020-PJA-G1-ZZ-DR-A-110-A and 120-B)
  - House Type H1 Plans and Elevations (20020-PJA-H1-ZZ-DR-A-110 and 120-A)
  - House Type J1 Plans and Elevations (20020-PJA-J1-ZZ-DR-A-110 and 120)
  - Proposed Ground Floor Plan Extra Care (20020-PJA-EC-00-DR-A-110-C)
  - Proposed First Floor Plan Extra Care (20020-PJA-EC-01-DR-A-111-C)

# Agenda Item 5a

- Proposed Second Floor Plan Extra Care (20020-PJA-EC-02-DR-A-112-C)
- Proposed Roof Plan Extra Care (20020-PJA-EC-ZZ-DR-A-113-A)
- Proposed Elevations Hawthorne Road (20020-PJA-EC-ZZ-DR-A-120-C)
- Proposed Elevations West (20020-PJA-EC-ZZ-DR-A-121-B)
- Proposed Elevations Canal (20020-PJA-EC-ZZ-DR-A-122-B)
- Proposed Elevations East Courtyard (20020-PJA-EC-ZZ-DR-A-123-B)
- Proposed Elevations South Courtyard (20020-PJA-EC-ZZ-DR-A-124-B)
- Proposed Elevations North Courtyard (20020-PJA-EC-ZZ-DR-A-125-B)
- Proposed Street Scene Hawthorne Road (20020-PJA-00-ZZ-DR-A-101-A)
- Proposed Street Scene Canal (20020-PJA-00-ZZ-DR-A-102-A)
- Proposed Phasing Plan (20020-PJA-00-ZZ-DR-A-004)

Reason: For the avoidance of doubt.

## Prior to Commencement of Development

- 3) Prior to the commencement of development, a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 must be entered into with the Council to secure the affordable housing on the site and the provision of extra care units for persons of 55 years and older only.

Reason: To ensure that the development provides appropriate affordable housing.

- 4) No development or phase of development as shown on Proposed Phasing Plan: 20020-PJA-00-ZZ-DR-A-004 (hereinafter referred to as Phases A & B) shall take place until a Written Scheme of Investigation including programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority for that phase of development. The scheme must include the following:

- A phased programme and methodology of site investigation and recording;
- A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
- Provision for appropriate publication and dissemination of the archaeology and history of the site;
- Provision for archive deposition of the report, finds and records of the site investigation;
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

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

Reason: In order to ensure appropriate recording or archaeology and non-designated heritage assets.

- 5) Notwithstanding the submitted Preliminary Risk Assessment and Phase II Geoenvironmental Site Assessment, no development shall commence until additional site investigation is carried out in accordance with a scope of works which shall previously have been agreed in writing by the Local Planning Authority. The investigation and assessment must be undertaken by competent persons with a report of the findings including an appraisal of remedial options and most appropriate for each relevant pollutant linkage has been submitted to and approved in writing by the Local Planning Authority.

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 and in order to protect water quality in the underlying Principal aquifer, Shirdley Hill Sand Secondary A aquifer and the adjacent canal.

- 6) 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 and in order to protect water quality in the underlying Principal aquifer, Shirdley Hill Sand Secondary A aquifer and the adjacent canal.

- 7) No development or phase of development shall commence other than as may be required in relation to remediation until details of existing ground levels and proposed finished ground and floor levels for the respective phases or phases have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: These details are required prior to commencement to ensure an acceptable visual appearance to the development and/or to ensure that the privacy of neighbouring occupiers/land users is retained at all times.

- 8) No development or phase of development shall commence until a Construction Traffic Management Plan relating to that specific phase or phases 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

# Agenda Item 5a

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.

- 9) No development or phase of development shall commence until a Construction Environmental Management Plan relating to that specific phase or phases has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include the following:
- Pollution, noise, light and dust control measures including timing of activities in order to protect adjacent residents and ecological habitat;
  - Protective measures to be applied during bird breeding season
  - Protection measures for the adjacent canal including appropriate storage of materials and steps to be taken to prevent pollution into the canal
  - Details of any ground-penetrating activity required including piling, investigation boreholes, or excavation require for subsequent ground source heating or cooling systems
  - Measures in order to minimise construction waste.

Reason: To protect the amenity of adjacent land users and ecological interest of the area, prevent air, ground and water pollution and minimise waste.

- 10) No development or phase of development shall commence above slab level until a surface water drainage scheme relating to that specific phase or phases, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement National Standards. Proposals for infiltration must be accompanied by an assessment of risks to controlled waters while the Finished Floor Levels for all dwellings and the extra care facility must be at least 150mm above ground level.

The development shall be carried out in accordance with the approved details. The scheme shall be implemented in accordance with the approved details prior to occupation of the respective phase of phases of development and retained thereafter in perpetuity.

Reason: These details are needed prior to the commencement of development in case design changes are necessary; in order to promote sustainable development, in order to secure proper drainage and to manage risk of flooding and pollution.

- 11) Prior to the commencement of development or phase of development, a detailed scheme of highway works together with a programme for their completion of that particular phase has been submitted to and approved in writing by the Local Planning Authority.

The scheme (where relevant to a particular phase) shall include:

- Alterations to the existing accesses on Hawthorne Road to construct priority junctions, including dropped kerbs and tactile paving at the site accesses;
- Reconstruction of footway along the south west side of Hawthorne Road across the whole frontage of the site, including returning redundant vehicle accesses back to footway;
- Relocation of the existing bus stop and shelter on Hawthorne Road which is adjacent to the proposed site access to a point approximately 80m north west of its current location.

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

Reason: These details are required prior to occupation to ensure that acceptable access to the development is achieved and to ensure the safety of highway users.

## During Building Works

- 12) Samples of the facing materials to be used in the external construction of either phase of the development shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of that particular phase. The approved materials shall then be used in the construction of the development

Reason: In the interest of visual amenity.

- 13) The sound reduction performance for the glazing ( $R_w$ ) and combined ventilation rating ( $D_{n,e,w}$ ) for each dwelling within Phase A shall, as a minimum, meet the performance standards shown in tables 10 and 11 of the submitted Environmental Noise Survey received on 18<sup>th</sup> November 2021.

Reason: In order to protect the living conditions of future occupiers from adverse noise impacts.

- 14) All attic/roof rooms within the dwellings of Phase A shall have ceilings that consist of, 100mm 45kg/m<sup>3</sup> insulation fitted tightly between the 200mm roof joists and 1no. 15mm SoundBloc plasterboard fixed to British Gypsum RB1 resilient bars to achieve a minimum sound reduction of 50dB  $R_w$ .

Reason: In order to protect the living conditions of future occupiers from adverse noise impacts.

# Agenda Item 5a

- 15) No part of Phase A of the development shall be occupied until a detailed scheme of traffic calming measures designed to maintain vehicle speeds at 20mph or less on the access roads within the development has been submitted to and approved in writing by the Local Planning Authority, including the implementation of a Traffic Regulation Order to restrict speed to 20mph. The approved measures must be implemented prior to first occupation of Phase A.

Reason: In the interests of highway safety.

## Before Development is Occupied

- 16) Before the development or phase of the development hereby permitted is occupied, a verification report that demonstrates compliance with the agreed remediation objectives and criteria relating to that specific phase or phases 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 and in order to protect water quality in the underlying Principal aquifer, Shirdley Hill Sand Secondary A aquifer and the adjacent canal.

- 17) 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 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 and in order to protect water quality in the underlying Principal aquifer, Shirdley Hill Sand Secondary A aquifer and the adjacent canal.

- 18) No part of either phase of development shall be occupied until full details of the arrangements to secure funding and maintenance of the approved drainage scheme for the lifetime of that specific phase or phases of development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable and be managed and maintained as such thereafter.

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

- 19) No phase of the development shall be occupied or brought into use until a Travel Plan(s) comprising immediate, continuing and long-term measures to promote and encourage

alternatives to single-occupancy car use relating to that specific phase or phases has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan(s) 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.

- 20) No dwelling or extra care unit within either phase shall be occupied until space has been laid out within the curtilage of that specific dwelling for car(s) to be parked in accordance with the approved plans. All such spaces shall thereafter be kept available for the parking of vehicles in perpetuity.

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

- 21) No dwellinghouse within Phase A shall be occupied unless and until an electric vehicle charging point for that residential unit has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Phase B shall be served by no fewer than five electric vehicle charging points made operational prior to first occupation on 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.

- 22) No dwelling or extra care unit within either phase shall be occupied until facilities for the secure storage of cycles for that residential unit have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved storage shall be permanently retained thereafter.

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

- 23) Prior to the first occupation of either phase of development a detailed scheme of external lighting to the proposed access roads and footways within Phase A and the extra care facility communal gardens and parking forecourt within Phase B shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of that specific phase or phases.

Reason: In the interests of highway safety and in order to prevent glare onto adjacent habitat.

# Agenda Item 5a

- 24) Prior to the first occupation of either phase of development, visibility splays of 2.4 metres by 25 metres at the new junctions into and within that specific phase or phases shall be provided clear of obstruction to visibility at or above a height of 1 metre above the carriageway level for that particular phase of the new development. 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

- 25) Prior to the first occupation of any dwelling within Phase A visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 1 metre above the footway level of the new development. 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.

- 26) Prior to the occupation of any dwelling within Phase A, closed boarded fencing with a minimum surface mass of 10 kg/m<sup>2</sup> must be installed to every garden boundary at a height of 1.8m with the exception of the south-eastern perimeter of plots 1-10 as shown in Appendix C of the submitted Environmental Noise Report which shall measure 2.4m in height. The approved fencing must be maintained thereafter as such.

Reason: In order to protect the living conditions of future occupiers from adverse noise impacts.

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

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

- 28) Prior to the occupation of the first dwelling within Phase A 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: In order to comply with the Habitats Regulations Assessment Regulations and mitigate increased recreational pressure on European sites.



- 29) Prior to first occupation of either phase of development, and notwithstanding the detail contained on the Outline Landscape Proposals a detailed landscaping scheme covering that respective phase of the approved development shall be submitted to and approved in writing by the Local Planning Authority, including all boundary treatments and the location, size and species of each specific shrub, plant and tree to be planted and a schedule of implementation.

Reason: In the interest of visual amenity and to ensure satisfactory tree replacement.

- 30) No phase of development shall be occupied until a scheme for the provision of bat and bird boxes including the phasing and timing for their implementation has been submitted to and approved in writing by the Local Planning Authority for that particular phase of development and implemented in accordance with those details and maintained thereafter.

Reason: To secure biodiversity enhancement.

## Ongoing Conditions

- 31) Within the first planting/seeding season following practical completion of each phase of development, all planting, seeding or turfing comprised in the approved details of landscaping relating to that specific phase of phases 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.

## Informatives

### Highways

- 1) There will be a requirement for the applicant to enter into a s278 Highways Act 1980 Legal Agreement to enable the works on the adopted public highway. Further to this a Stopping-Up Order will be required with regard to the realignment of footway on Osborne Road. Please contact Sefton's Highway Development and Design team in this respect- email: [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk)
- 2) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4569 or E-Mail [snn@sefton.gov.uk](mailto:snn@sefton.gov.uk) to apply for a property numbers.

### Canal

- 3) The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on 01782 779909 or email [Enquiries.TPWNorth@canalrivertrust.org.uk](mailto:Enquiries.TPWNorth@canalrivertrust.org.uk) in order to

# Agenda Item 5a

ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works Affecting the Canal & River Trust” to ensure the waterways are protected and safeguarded.

- 4) The strip of land adjacent to the canal is subject to covenants associated with the land transfer agreement dated 27<sup>th</sup> February 2001. The applicant is advised to contact the Canal & River Trust Estate Management Team on 0303 040 4040 or email [Matthew.Hart@canalrivertrust.org.uk](mailto:Matthew.Hart@canalrivertrust.org.uk) directly to discuss this matter

## Cadent

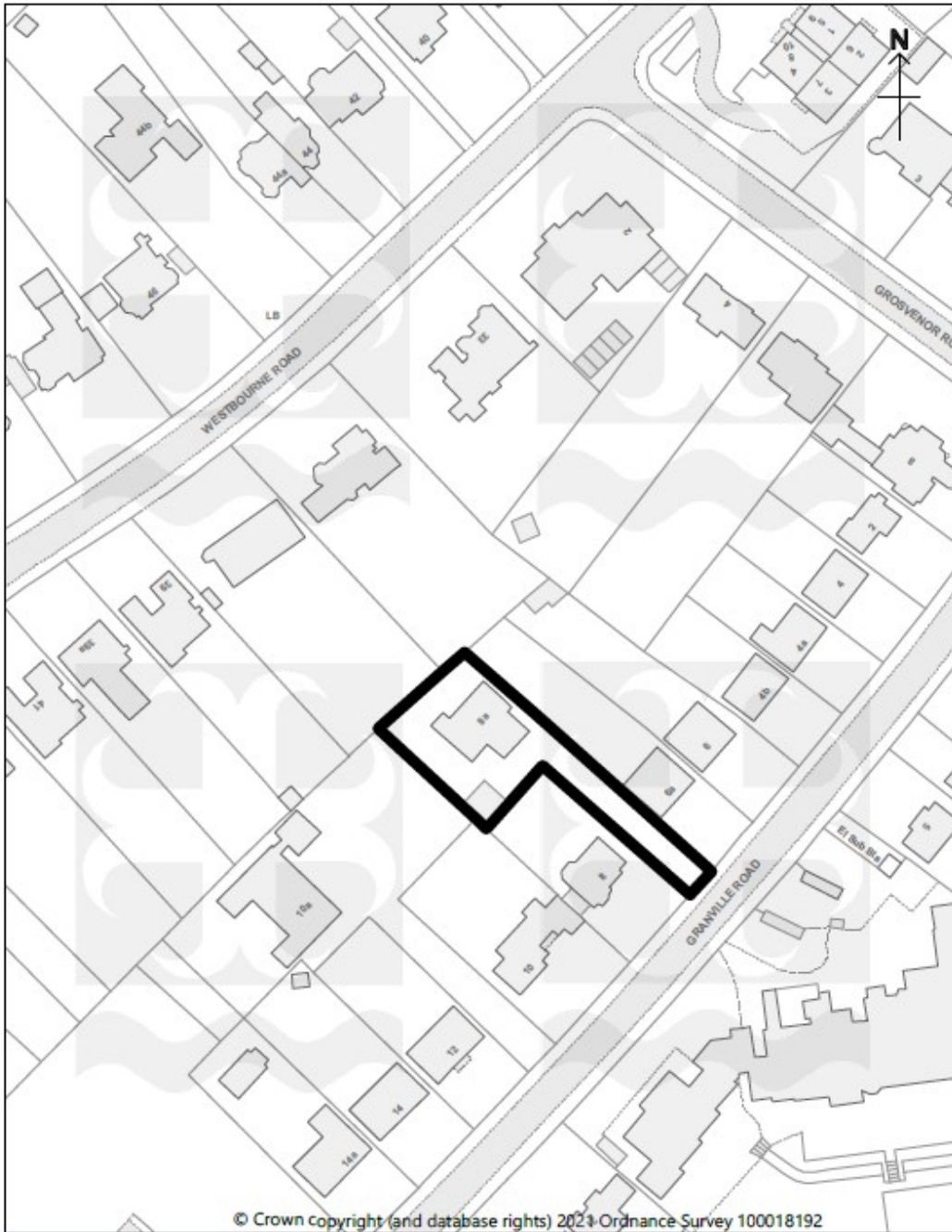
- 5) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.



# Agenda Item 5b

## Site Location Plan



Reference: Map reference  
Date: 29/11/2021  
Scale: Scale 1:1250  
Created by: Initials

## The Site

The application relates to an existing detached dormer bungalow on the north west side of Granville Road. The site is accessed via Granville Road, between 6a and 8 Granville Road.

## History

Outline planning permission was granted in 1988 for the erection of a detached bungalow and garage (app.ref: N/1987/0871), with subsequent details agreed in the same year (app.ref: N/1988/0866).

Various extensions have since been approved to the bungalow including a dormer windows and single storey extensions (app.ref: N/2003/0854 and S/2012/0906).

## Consultations

### Conservation

No objections

## Neighbour Representations

3 letters of objection received from neighbouring properties. The issues raised include:

### Living Conditions

- Front terraces and front windows are looking directly into our property, invasion of our privacy
- Significant overbearing and oppressive effect on 6A and 8 Granville Road
- Rise in scale and mass to rear boundary with 35 and 37 Westbourne Road will become overbearing and dominant structure with windows and balconies providing viewing points to neighbouring gardens at very close proximity, less than the 10.5m required
- Overlooking and loss of privacy to 6A and 8 Granville Road and 35/37 Westbourne Road, particularly when trees not in leaf
- Given height of 2.5 storey should be considered a greater interface distance is required
- Proposed development more prominent overbearing and over-dominant, casting shadows, impact on trees in all neighbouring gardens

### Character

- Overdeveloped design and external appearance is very imposing
- Proposal fails to meet planning policy requirements and design criteria
- Substantial increase in the mass and scale of the property

# Agenda Item 5b

- Enormity of building will become significant feature affecting the general openness of the rear gardens of Westbourne Road and Granville Road
- Extension will form an external situation, will erode the spacious character of the Conservation Area and therefore will be detrimental to it
- Presence of existing bungalow is already damaging the grain but extending in the manner proposed is only going to exacerbate further the negative impact
- Plot coverage is 4x that of the general coverage of the area and is therefore damaging to the adjacent Conservation Area

## Other

- Seven bathrooms will have an impact on the disposal of foul and surface water with the pump system, concerned about impact on our drains
- Application makes no reference to drainage increase in hard surface will proliferate localised flooding that occurs
- Adequate design of storage and drainage of surface water is required as part of the application, so that it can be properly assessed, without it, the application should be refused.

Following the receipt of amended plans a further letter of objection has been received. The issues raised include:

- Original objection and all reasons previously mentioned remain
- Minor lowering of ridge and eaves are insufficient to bring the scale and massing of proposal to an acceptable level
- Property remains 2.5 storeys in height and is overbearing and dominant
- Front will cause loss of privacy to 6a Granville Road, removal of second floor Juliette balcony does not improve privacy situation
- Single storey extension still has potential to be used as a roof terrace due to design keeping French doors, which would allow the terrace to be implemented in the future which will be difficult to police and enforce
- Street scene is misleading as it does not appreciate the fact that properties along Granville Road are split level, with lower levels at the rear. Section would show this in more detail.

## Policy Context

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

## Assessment of the Proposal

The main issues to consider are the impact on the living conditions of the neighbouring properties and the impact on the character and appearance of the area.

### Living Conditions

Policy HC4 (House Extensions, Houses in Multiple Occupation and Flats) of the Local Plan seeks to ensure that extensions will not have any negative impacts on the living conditions of neighbouring properties, particularly with regards to outlook, light levels and privacy.

Amended plans have been received which has reduced the scale of the development. The amended plans ensure that at first and second floor level the proposal would meet interface distances to all neighbouring habitable room windows. Ground floor windows would look onto the existing vegetation to the boundaries and would therefore not result in a loss of privacy.

Given the orientation of the site to Granville Road and distances to neighbouring properties, it is considered that the proposal would not cause significant harm in terms of overshadowing or outlook from neighbouring habitable windows.

The proposal would fail to meet the interface distances in relation to distance to neighbouring gardens at ground floor level to properties on Granville Road and ground and first floor level to properties on Westbourne Road. However, the surrounding properties benefit from long, spacious gardens and as a result, any overlooking would only affect the far rear element of these. Furthermore, the boundaries benefit from dense vegetation, particularly along the boundary with Westbourne Road, which would further restrict the extent of overlooking. It is therefore considered that despite the reduced distances, the proposal would not cause significant harm in terms of a loss of privacy to neighbouring properties.

Concern has been raised in relation to the use of the flat roof of the rear extension as a roof terrace. The submitted plans, as amended, do not propose to use the roof of the roof of this element of the development as a terrace. However, it is evident that there could be the potential for it to be used in such a manner. Nevertheless, a condition could be attached to any subsequent approval to ensure that this area could not be used as a roof terrace.

### Character

Policy HC4 (Design) of the Local Plan seeks to ensure that proposals respond positively to the character and form of the existing property and those surrounding.

This is further expanded upon within the Councils guidelines for house extensions, which states in part:

# Agenda Item 5b

"2.2 The size and design of the extension should fit within the existing building; the extension should be a small addition to the existing property rather than an excessively large or disproportionate addition."

The proposed extension would see the existing dormer bungalow converted to a 2.5 storey dwelling. This would not be a small extension to the dwelling and therefore would be considered as a disproportionate addition to the dwelling when viewed in isolation.

That's said, the proposal would be a redesign of the existing property, which includes changing the shape and the introduction of new materials. The proposed extensions would be part of a comprehensive approach to the house as a whole, with the various extensions, alterations and changes to materials complementing each other.

In relation to the surrounding area, the properties within the area are made up of different designs and are constructed from a range of materials. This would therefore grant some flexibility in terms of the materials to be used and the style of the extensions and alterations to the application site. In addition, given the backland setting of the application site limited views would be available from Granville Road, while the height of the proposal would be lower than the properties on Granville Road.

The proposal would see a greater height and massing of the building, which would differ to other backland developments in the area. However, it is considered that due to the position of the existing building, vegetation to the boundaries of the site and the changes in land levels from the front of Granville Road, lowering towards the rear, that this would not cause any significant harm to the character and appearance of the wider area.

Concerns have been raised in relation to the impact on the character and appearance of the West Birkdale Conservation Area and the Grade II Listed Building, Birkdale School for Hearing Impaired. It is recognised that the application property is near to a grade II listed building and several non-designated heritage assets. The application property does not sit within West Birkdale Conservation Area, but is close to the boundary. That said, the application site is set back from the frontage of Granville Road, behind existing larger buildings, and partially screened by existing vegetation. Whilst it is accepted that the height and massing of the building would increase, it is considered that due to the relationship between the building and heritage assets, no harm would be caused to the setting of these assets. This is a view shared by the Councils Conservation Officer.

## **Response to Representations**

In relation to flooding and drainage of the site, the Lead Local Flooding Authority have not raised any objections to the proposal, subject to an informative promoting the use of sustainable methods of drainage. This includes taking measures such as installing water butts, permeable paving and roof gardens so as to help reduce potential surface water flooding in the area.



## Conclusion

The proposal would comply with the Councils guidelines in relation to interface distances between properties but fall short of the Councils recommended distances between habitable windows and neighbouring boundaries. However, as the neighbouring properties benefit from large gardens and dense vegetation surrounds the site, it is considered that the proposal, subject to condition, would not cause significant harm to the living conditions of the neighbouring properties.

Given the position of the dwelling on a backland site and the relationship with existing properties in the area, it is considered that the proposal would not cause significant harm to the character and appearance of the area or the setting of local heritage assets.

The proposal is therefore considered to be acceptable and is recommended for approval subject to conditions.

## Recommendation - Approve with Conditions

### Time Limit for Commencement

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

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

### Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents: 20.031.PL01, 20.031.PL02 Rev B, 20.031.PL04 Rev B, 20.031.PL05 Rev C, 20.031.PL06 Rev D, PL08D, PL09B, PL11

Reason: For the avoidance of doubt.

### Ongoing Conditions

- 3) The roof area of the single storey rear extension hereby permitted shall not be used at any time as a storage area, balcony, roof garden or similar amenity area and no window or door to the dwelling either existing or proposed shall be installed or otherwise adapted to afford such use.

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

## Informatives

# Agenda Item 5b

- 1) The development site is at significant risk from surface water flooding.

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

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

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

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

# Agenda Item 6

<b>Report to:</b>	Planning Committee	<b>Date of Meeting:</b>	Wednesday 15 <sup>th</sup> December 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**  
N/A

# Agenda Item 6

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> There are no resource implications	
<b>Legal Implications:</b> There are no legal implications	
<b>Equality Implications:</b> There are no equality implications.	
<b>Climate Emergency Implications:</b>  The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	N
There are no climate emergency implications.	

## Contribution to the Council's Core Purpose:

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

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6631/21.....) and the Chief Legal and Democratic Officer (LD.4832/21.....) 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 meeting.

<b>Contact Officer:</b>	Tina Berry
<b>Telephone Number:</b>	0345 140 0845
<b>Email Address:</b>	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 Councils 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 01 November 2021 and 25 November 2021

## Appeal Decisions

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### Greenloons Farm Kirklake Road Formby Liverpool L37 2DD

**Reference:** DC/2019/01421 (APP/M4320/W/21/3271324)

Erection of dwellinghouse following demolition of existing dwelling

**Procedure:** Written Representations

**Start Date:** 20/07/2021

**Decision:** Dismissed

**Decision Date:** 08/11/2021

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### Park House Guest House Haigh Road Waterloo Liverpool L22 3XS

**Reference:** DC/2019/01043 (APP/M4320/W/21/3270408)

Outline planning application with all matters reserved except for access for extra care residential apartment building and independent living residential apartment building (C3) (up to 142 units), for occupants aged over 55 years and 100% affordable, including demolition of existing building.

**Procedure:** Written Representations

**Start Date:** 16/07/2021

**Decision:** Dismissed

**Decision Date:** 08/11/2021



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## Appeal Decision

Site visit made on 28 September 2021

**by Beverley Wilders BA (Hons) PgDurb MRTPI**

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

**Decision date: 8 November 2021**

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**Appeal Ref: APP/M4320/W/21/3271324**

**Greenloons Farm, Kirklake Road, Formby L37 2DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Noel Davis against Sefton Metropolitan Borough Council.
  - The application Ref DC/2019/01421, is dated 30 July 2019.
  - The development proposed is redevelopment of house and domestic/commercial outbuildings with detached house.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised in July 2021, after the appeal had been submitted. The parties have been given the opportunity to comment on the revised Framework and I have had regard to it in reaching my decision.

### Background and Main Issues

3. The Council did not issue a decision within the prescribed period or within an agreed extension of time period. The appellant exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application.
4. A statement has been submitted by the Council in response to the appeal and this concludes that had the Council determined the application, it would have refused permission due to concerns relating to the impact of the proposal on the Green Belt.
5. Having regard to the evidence submitted by all parties, including local residents, I consider that the main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - the effect of the proposal on the openness of the Green Belt; and
  - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other



considerations so as to amount to the very special circumstances necessary to justify the proposal.

## Reasons

6. The appeal site comprises a bungalow and a small outbuilding positioned centrally within the site. It appears from the evidence that the site previously contained more extensive outbuildings but at the time of my visit, these had been removed. Vehicular access to the site is via a track off Kirklake Road that runs adjacent to the rear garden boundaries of properties on Edenhurst Drive and Spruce Way to the east. Land to the north, south and west of the site is undeveloped with an access track positioned adjacent to the southern boundary and a public bridleway positioned close to the western and northern site boundaries. The appeal site boundaries are marked by a close boarded timber fence, with the boundary with residential properties to the east being marked by a laurel hedge.
7. The appeal site is in the Green Belt and it is also adjacent to land the subject of various environmental designations including European Sites at the Sefton Coast Special Area of Conservation (SAC) and the Ribble and Alt Estuaries Ramsar.

### *Whether the proposal is inappropriate development*

8. Policy MN7 of the Sefton Local Plan (LP)<sup>1</sup> relates to the Green Belt with part 2 of the policy stating that the construction of new buildings is generally regarded as inappropriate development in the Green Belt, subject to the exceptions set out in national planning policy. Part 3b of the policy states that national Green Belt policy requirements relating to replacement buildings will be interpreted as replacement buildings that are more than 15% larger (by volume) of the existing building(s) being considered to be inappropriate.
9. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt should generally be regarded as inappropriate and sets out a number of exceptions to this that include the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. The Framework does not define the term "materially larger" though as noted above, the LP defines this as being 15% larger in terms of volume. Paragraph 149 also permits the partial or complete re-development of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. I understand from the evidence that the Council has previously considered that the site is previously developed land.
10. Notwithstanding the Council's view as to the status of the appeal site, the site now appears to be in residential use with any previous non-residential buildings on the site having been removed. The proposal is for a replacement building and the proposed dwelling is clearly materially larger than the existing buildings on site. Even if I were to take the view that the proposal involves the re-development of previously developed land, the proposal would clearly have a greater impact on openness than the existing development. The proposal is therefore inappropriate development in the Green Belt and it is contrary to Policy MN7 of the LP and to relevant paragraphs of the Framework.

<sup>1</sup> A Local Plan for Sefton Adopted April 2017

# Agenda Item 6

Appeal Decision APP/M4320/W/21/3271324

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## *The effect on openness*

11. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open.
12. The appeal site comprises the existing bungalow and small outbuilding positioned centrally within the site. Although the existing buildings are located on a more elevated part of the site, their central position, modest scale and height together with existing boundary treatments means that they are not prominent when viewed from public vantage points around the site. However, the upper part of the roof of the bungalow is visible from some parts of the bridleway to the west of the site.
13. Notwithstanding that land levels would be reduced, the proposed dwelling is significantly larger in scale than the existing buildings. It has a larger footprint, floorspace, volume and height and in relative terms would be 1.5 metres higher than the ridge height of the bungalow. This increase in scale and height would make the proposed dwelling more prominent and visible than the existing buildings, particularly when viewed from the south and west. As a consequence, the proposal would have a moderate impact on the visual aspect on openness and would lead to a significant loss of openness having regard to its spatial dimension. I therefore conclude that the proposal would lead to significant harm to the openness of the Green Belt.

## *Other considerations*

14. My attention has been drawn by the appellant to the existence of planning permission for a new dwelling on the site (Refs DC/2017/00543, later amended by DC/2017/01318) (extant permission) and to a certificate of lawfulness for the implementation of planning permission DC/2017/00543 by virtue of demolition (Ref DC/2019/02043). I have been provided with details of the approved dwelling and have had regard to these in reaching my decision.
15. The extant permission is for a dwelling that is much larger than the existing buildings on site. However, at the time of determining the previous permission (Ref DC/2017/00543), the Council considered that the harm to the Green Belt identified was clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal. These considerations included the cessation of industrial activities and the removal of decrepit buildings and associated anti-social behaviour, neither of which apply to the proposal given that any non-residential use of the site appears to have ceased and that the decrepit buildings have already been removed.
16. Other considerations in relation to the extant permission such as improvements to the structure of the buildings on site, the effect on the Coastal Change Management Area and the creation of a dune heathland are not dependent on the proposal as all are required as part of the previously approved scheme. I therefore attach limited weight to these considerations.
17. Moreover, the approved dwelling is a flat roofed, contemporary dwelling with what appears to be the same relative ridge height as the existing bungalow. By contrast, the relative ridge height of the proposed hipped roofed dwelling is higher than both the existing bungalow and the approved dwelling. This increase in ridge height means that it would be more prominent and visible, notwithstanding its more traditional design and it would consequently have a

greater impact on the visual aspect of openness than the approved dwelling. This is despite there being a modest reduction in both floorspace and volume when compared to the approved dwelling.

18. The lawfulness of the extant permission has been confirmed by the Council and although the appellant is seeking to vary the design and scale of the approved dwelling, I do not consider that this in itself means that there isn't a realistic prospect that the extant permission would be implemented. However, whilst I attach significant weight to the fallback position as a material consideration, for the reasons stated, it would be less harmful than the proposal.
19. The proposed dwelling is of a traditional design and would incorporate traditional building materials as opposed to the approved contemporary dwelling. However, having regard to the position of the site and proposed dwelling, on the edge of relatively modern residential development at Spruce Way, I do not consider that there is a requirement for development on the site to reflect any particular building style. I do not therefore consider that the construction of a more traditionally designed dwelling is a benefit of the proposal that should be afforded any weight in my decision.

### *Green Belt balance*

20. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
21. The proposal is inappropriate development and it would lead to significant harm to the openness of the Green Belt.
22. I attach significant weight to the fallback position of the approved dwelling. However, I consider that it would be less harmful to the Green Belt than the proposal. I therefore find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, I do not consider that very special circumstances exist which justify the proposal.

### **Other Matters**

23. The Council's putative reason for refusal refers to conflict with Policy GP1 of the Formby and Little Altcar Neighbourhood Plan (NP) as the proposal is stated to be outside of the Formby settlement boundary as defined in the NP. However, as the proposal is for a replacement dwelling rather than an additional dwelling, Policy GP1 of the NP does not appear to be directly relevant to the proposal.
24. As stated, the appeal site is adjacent to land the subject of various environmental designations including European Sites. However, as I am dismissing the appeal due to the effect of the proposal on the Green Belt, there is no need for me to consider its effect on these environmental designations or to consider any other matters raised by interested parties.

# Agenda Item 6

Appeal Decision APP/M4320/W/21/3271324

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## **Conclusion**

25. The proposal is contrary to the development plan when taken as a whole and there are no material considerations that justify a decision not in accordance with the development plan.
26. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed and planning permission refused.

*Beverley Wilders*

INSPECTOR



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## Appeal Decision

Site visit made on 20 September 2021

**by Beverley Wilders BA (Hons) PgDurt MRTPI**

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

**Decision date: 8 November 2021**

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**Appeal Ref: APP/M4320/W/21/3270408**

**Park House Guest House, Haigh Road, Waterloo L22 3XS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Anwyl Construction Company Ltd against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2019/01043, dated 28 May 2019, was refused by notice dated 7 September 2020.
  - The development proposed is outline planning application with all matters reserved except for access for extra care residential apartment building and independent living residential apartment building (C3) (up to 142 units), for occupants aged over 55 years and 100% affordable, including demolition of existing building.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The proposal is for outline planning permission with all matters reserved except for access. A Development Framework Plan, indicative layouts and artist's impressions have been submitted and I have had regard to these in reaching my decision.
3. The description of development used in the heading above differs from that on the planning application form as a revised description of development was agreed by the parties prior to the application being determined by the Council.
4. The National Planning Policy Framework (the Framework) was revised in July 2021, after the appeal had been submitted. The parties have been given the opportunity to comment on the revised Framework and I have had regard to it in reaching my decision.

### Main Issues

5. The main issues are:
  - the effect of the proposal on the significance of the existing building;
  - the effect of the proposal on trees;
  - the effect of the proposal on the character and appearance of the area;
  - whether the proposal would provide a suitable mix of development and its effect on the wider community.

## Reasons

### *Effect on significance of existing building*

6. Park House has been identified by the Council as a non-designated heritage asset. It is a substantial, two-storey villa, originally dating from the 19<sup>th</sup> Century, with later extensions including a 20<sup>th</sup> Century chapel. Park House was built as a private dwelling and was subsequently used as a school, a convalescent and rest home and latterly as a nursing home. It has been vacant since 2015.
7. The building has some interest as a former high status residential villa constructed in red brick in the Italianate style. It retains some features typical of the style including round headed windows and dentilled eaves, though these are limited to the west and small parts of the south elevation. The appearance and architectural quality of the building has been significantly harmed by later unsympathetic additions and alterations to the north and east elevations in particular which serve to largely conceal the original structure and have eroded appreciation of its plan form and the hierarchies of its elevations. In addition, windows have been replaced and chimneys removed.
8. The architectural significance of Park House primarily stems from the original 19<sup>th</sup> century villa set within extensive walled grounds. The building also has some historical significance resulting from its previous uses both as a private villa and in connection with its use by the Sisters of Notre Dame and the Augustinian Sisters. However, previous unsympathetic alterations and additions to the building means that its architectural significance has been reduced somewhat resulting in its overall significance being low to moderate.
9. The proposal includes the demolition of all existing buildings on site and would therefore result in the total loss of significance of the non-designated heritage asset. Policy NH15 of the Sefton Local Plan (SLP)<sup>1</sup> states that 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. The proposal is therefore contrary to Policy NH15. Paragraph 203 of the Framework states that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. Taking the above matters into consideration, I conclude that the overall significance of the existing non-designated heritage asset is low to moderate and that the proposal would result in the total loss of this significance. The proposal is therefore contrary to SLP Policy NH15 which seeks, amongst other things, to conserve or enhance the significance of non-designated heritage assets.

### *Effect on trees*

11. The site contains a large number of trees, the majority of which are located on the western, open part of the site and surrounding the existing pond. A large number of the trees are protected by a Tree Preservation Order (TPO). The number, size and position of the trees means that many are visible from

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<sup>1</sup> A Local Plan for Sefton adopted April 2017

- beyond the site boundaries and they make a positive contribution to the character and appearance of the area.
12. The most recent arboricultural impact assessment dated April 2020 states that the proposal would result in the loss of approximately 58 trees, including 1 high value tree and 5 moderate value groups of trees. Some trees would be lost from the site boundaries with a large number of trees to be lost from the southern side of the existing pond. The Council is concerned about the number of trees that would be lost, notwithstanding that the appellant states that at least 25 mature trees would be planted in mitigation. Concerns have also been raised regarding the indicative layout and the impact that this would have on a number of trees shown as being retained.
  13. Policy EQ9 of the SLP states, amongst other things, that development proposals must not result in unacceptable loss of, or damage to, existing trees or woodlands. The explanation text at paragraph 10.81 notes that tree cover in Sefton is generally relatively sparse and that urban trees are therefore very important because of their green infrastructure benefits. With regard to TPO's, paragraph 10.82 states that development that results in a loss of trees which are subject to a TPO will be acceptable only if it is demonstrated that there are no practical alternative solutions and where the need for development outweighs the value of the trees that will be lost. Paragraph 131 of the revised Framework relates to trees and states that trees make an important contribution to the character and quality of urban environments and that decisions should, amongst other things, ensure that existing trees are retained wherever possible.
  14. Although the proposal is for outline planning permission, with layout being a reserved matter to be fully considered at a later stage, the indicative plans nevertheless need to demonstrate that it would be possible to accommodate development of the scale proposed without unduly affecting existing trees on site, some of which are protected by a TPO. I note that the appellant has sought to work with the Council's tree officer to retain as many trees as possible and that there have been a number of revisions to the proposal in respect of trees.
  15. The scale of the proposal is such that it will require a significant number of existing trees to be removed, a large number of which are of moderate value. Although a number of these are positioned within the site, to the south of the existing pond, and set away from the site boundaries, their presence is perceptible from wider public vantage points beyond the site. It is likely that the existence of the groups of trees to the south of the pond would be even more evident during winter months when boundary trees are not in leaf. Given that the existing trees positively contribute the character and appearance of the area and the largely built up, urban character of the immediate surroundings of the site, any significant loss of trees on the site would be detrimental to the area and would result in a reduction in green infrastructure benefits.
  16. Whilst I note that a number of mature trees are proposed to be planted in mitigation, based on the evidence before me, I do not consider that this would adequately compensate for the loss of trees proposed. Moreover, I note that the majority of mitigation planting would be positioned near to the site boundaries and that this would not directly compensate for the loss of trees

# Agenda Item 6

Appeal Decision APP/M4320/W/21/3270408

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proposed within the site. Although I acknowledge that there have been a number of changes made to the layout in an attempt to retain as many trees as possible, it appears from the evidence that the appellant considers that the indicative layout before me is the optimal one for providing the quantum of development proposed with minimum tree loss.

17. With regard to layout and trees, reference is made by the appellant to scheme viability, though I am not aware that any specific viability evidence was submitted with the application or appeal which sets out the minimum number of units required to make the scheme viable. In the absence of this, I do not consider that the amount of tree loss proposed has been fully justified or that it has been demonstrated that there are no practical alternatives to the extent of tree loss proposed.
18. Taking the above matters into consideration, I conclude that that the proposal would result in a significant adverse effect on trees within the site and is contrary to Policy EQ9 of the SLP which seeks, amongst other things, to avoid the unacceptable loss, or damage to, existing trees or woodlands.

### *Effect on character and appearance - buildings*

19. As stated above, the appeal site comprises a large, detached building comprising the original two-storey 19<sup>th</sup> century villa together with later extensions ranging in height up to four-storeys, many of which are unsympathetic to the original building. The existing building is positioned in the north east corner of the site, adjacent to Haigh Road and Park Road with the remainder of the site being largely undeveloped with the exception of a small, detached building to the south of the site and the large pond in the north west corner. As noted above, the site contains a large number of trees.
20. The site is bounded by the A565 (Crosby Road) to the west, Haigh Road to the north and Park Road to the east with the existing building being highly visible from the latter two roads and largely screened from Crosby Road by intervening landscaping. The boundary of the site is marked by a high red brick wall.
21. The surrounding area is mixed in character and appearance comprising commercial, community and residential uses in buildings of varying heights, designs and materials.
22. The proposal is for up to 142 units of extra care and residential development. Although the application is for outline planning permission, the indicative layouts and artist's impressions show a development comprising two buildings, a largely 4 storey building positioned in the north east corner of the site near to Haigh Road and Park Road and a largely five storey building in the south west corner adjacent to Crosby Road. Vehicular access is to be taken from Park Road with parking to be provided on site and requiring a reduction in the size of the existing pond. The north western part of the site adjacent to Crosby Road and Haigh Road would remain largely open and undeveloped, save for the provision of parking.
23. Whilst all matters except for access and including layout, scale and appearance are reserved, the indicative layouts and details demonstrate that it would be possible to accommodate a building/buildings for up to 142 units on the appeal site without detriment to the character and appearance of the area. Though



there are residential buildings near to the site, the immediate surrounding area is very mixed in character and appearance with Crosby Road having a busy, commercial character and Haigh Road and Park Road containing non-residential buildings. The scale of the proposed development and buildings would not be out of character with either the existing building or the surrounding area, noting the presence of a five storey office building at Burlington House to the south of the proposed five storey building.

24. Taking the above matters into consideration and notwithstanding my findings on the effect of the proposal on trees, I conclude that the appeal site could accommodate a building/buildings for the provision of up to 142 units without being out of keeping with the character and appearance of the area. Whilst the density, scale and massing of the proposal may be out of keeping with nearby existing residential development, the immediate surrounding area is mixed and is not dominated by residential development such that the proposal does not respect the local character and form of its surroundings. I therefore conclude that the proposal accords with Policy EQ2 of the SLP which seeks, amongst other things, to ensure that development responds positively to the character, local distinctiveness and form of its surroundings.

### *Mix of development*

25. The proposal is for up to 142 residential units comprising a mixture of extra care (housing with care) and independent living (housing with support). It is stated that the site will be delivered in partnership with a registered social provider.
26. The Council is concerned that this mix of development does not provide for an inclusive or cohesive community citing paragraphs 8 and 127 of the Framework (now paragraphs 8 and 130 in the revised Framework). These paragraphs refer to the need to support communities with reference to a range of homes, to an appropriate mix of development and creating inclusive places. The Council's statement refers to the proposal representing a ghetto of elderly accommodation.
27. Although I have considered the Council's concerns, having regard to the nature and scale of the development proposed and to the requirements of the Framework, I do not consider the mix of development proposed to be unacceptable. Whilst all units would be for occupants aged over 55, two types of accommodation are proposed on site and the proposed residential accommodation would add to the overall mix and range of homes in the wider area which, as stated, comprises a mix of commercial and residential uses. Moreover, the Framework does not explicitly preclude developments comprising only one particular type of accommodation.
28. Consequently, I am satisfied that the proposed mix of development is acceptable and that the proposal accords with relevant paragraphs in the Framework, including those requiring an appropriate mix of development; supporting communities, including by providing a range of homes, and the creation of inclusive places.

### *Planning Balance*

29. As stated, the proposal would provide up to 142 residential units for occupants over 55 years in age comprising a mixture of extra care (housing with care)

# Agenda Item 6

Appeal Decision APP/M4320/W/21/3270408

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- and independent living (housing with support). All of the units would be affordable and this is in excess of what is required by the development plan. Although it appears that the Council can currently demonstrate a five year housing land supply, the Council's Strategic Housing Market Needs Assessment has identified a need for 77 affordable units per year in the Crosby area, which includes Waterloo, and there is a projected increase in the population aged 65+ during the period 2017-2026. In this context, the provision of 142 units of affordable housing for the over 55s on a previously developed site in an accessible location is a significant benefit of the proposal to which I attach significant weight.
30. The proposal would also result in economic benefits both during the construction phase and once the units are occupied, through job creation and increased spend in the local economy. Given the scale of development proposed, I attach moderate weight to the economic benefits associated with the proposal.
  31. Weighed against these benefits is the harm that would arise from the complete loss of a non-designated heritage asset of low to moderate significance and the loss of a large number of trees from the site, some of which are protected by a TPO.
  32. As stated, although the proposal would result in the complete loss of significance of the non-designated heritage asset on site, its significance has been eroded over time by a number of unsympathetic additions and alterations to it. Consequently, the existing building has low to moderate significance. Whilst it would be preferable for the original villa to be retained as part of a re-development proposal, particularly having regard to the amount of local objection to its loss, given that it is not a designated heritage asset and its relatively low significance, I attach moderate weight to the loss of the non-designated heritage asset.
  33. The proposal would result in the loss of a significant number of trees from the site, which is located in a largely built up, urban area. Although some of these trees would be replaced, this would not adequately compensate for the losses proposed and the proposal would have a significant adverse effect on trees on the site. I am not therefore satisfied, based on the evidence before me, that the site could accommodate the quantum of development proposed whilst minimising tree loss to an acceptable level and I attach significant weight to the harm to trees identified.
  34. Section 38(6) of the Planning and Compulsory Purchase 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, whilst the benefits associated with the provision of up to 142 affordable units for older people would be significant, they would not outweigh the significant harm to trees and the moderate harm resulting from the loss of the non-designated heritage asset that I have identified. The proposal is therefore contrary to the development plan taken as a whole and there are no material considerations that justify a decision not in accordance with the development plan.

## **Conclusion**

35. I am satisfied that the site could accommodate a building/buildings for the provision of up to 142 units without being out of keeping with the character and appearance of the area and that an appropriate mix of development is proposed. However, the proposal would result in the complete loss of a non-designated heritage asset of low to moderate value and would result in a significant adverse effect on trees, some of which are protected by a TPO. The benefits of the proposal do not outweigh the harm that I have identified.
36. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Beverley Wilders*

INSPECTOR

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**Planning Committee**

**Visiting Panel Schedule**

**Date Monday 13<sup>th</sup> December 2021**

**Start: 10:00 am at BOOTLE TOWN HALL**

<b>Agenda Item</b>	<b>Time</b>	<b>Application Details</b>	<b>Ward</b>
5A	10:10am	<b>DC/2021/02138</b> 503-509 Hawthorne Road, Bootle L20 6JJ	Litherland
4A	10:40am	<b>DC/2021/01762</b> Land Off Raven Meols Road/Harebell Close/The Ravens Formby L37	Ravenmeols
5B	11:20am	<b>DC/2021/01602</b> 8A Granville Road, Birkdale PR8 2HU	Dukes

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