

# Public Document Pack



MEETING: PLANNING COMMITTEE

DATE: 28th July 2021

TIME: 6.30 pm

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

## Member

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

## Substitute

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

COMMITTEE OFFICER: Olaf Hansen  
Telephone: 0151 934 2067  
email: [olaf.hansen@sefton.gov.uk](mailto:olaf.hansen@sefton.gov.uk)

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

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

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

## **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 [olaf.hansen@sefton.gov.uk](mailto:olaf.hansen@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.

In light of current social distancing requirements, access to the meeting room is limited.

**We have been advised by Public Health that Members, officers and the public should carry out a lateral flow test before attending the meeting, and only attend if that test is negative. Provided you are not classed as exempt, it is requested that you wear a mask that covers both your nose and mouth.**

# AGENDA

## 1. Apologies for Absence

## 2. Declarations of Interest

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

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

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

## 3. Minutes of the Previous Meeting (Pages 5 - 10)

Minutes of the meeting held on 30 June, 2021

## 4. Applications for Planning Permission - Petitions

Reports of the Chief Planning Officer

A DC/2021/00759 - Land Bounded By Wango Lane, River Alt, and Leeds and Liverpool Canal, Aintree (Pages 11 - 24)

B DC/2021/00069 - 29 Argarmeols Road, Formby (Pages 25 - 38)

## 5. Applications for Planning Permission - Approvals

Reports of the Chief Planning Officer

A DC/2021/00042 - 82 Freshfield Road, Formby (Pages 39 - 54)

B DC/2020/01729 - Former Lydiate Barn Garden Centre and Nurseries 341 Southport Road, Lydiate (Pages 55 - 64)

## 6. Applications for Planning Permission - Refusals

Report of the Chief Planning Officer

A DC/2021/00813 - 40 Blundell Road, Hightown (Pages 65 - 76)

## 7. Planning Appeals Report (Pages 77 - 98)

Report of the Chief Planning Officer

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

## **PLANNING COMMITTEE**

### **MEETING HELD AT THE TOWN HALL, BOOTLE ON 30 JUNE 2021**

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

Councillors Dutton, Hansen, John Kelly,  
Sonya Kelly, McGinnity, Riley, Spencer,  
Lynne Thompson, Tweed, Anne Thompson, Friel  
and Cluskey

#### **11. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Corcoran, Dutton, Pugh, Dodd (substitute Member), Roche, and Waterfield.

#### **12. DECLARATIONS OF INTEREST**

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

#### **13. MINUTES**

**RESOLVED:**

That the Minutes of the meeting held on 2 June, 2021 be confirmed as a correct record.

#### **14. COUNCILLOR CORCORAN**

The Committee conveyed its heartfelt congratulations to Councillor Corcoran on the birth of Delphine Willow on 12 June, 2021.

#### **15. DC/2020/02580 - 17 BROOK ROAD, MAGHULL**

The Committee considered the report of the Chief Planning Officer, recommending that the above application for erection of a part-three, part-two storey block of 8 apartments including access, parking, landscaping and associated works be approved subject to conditions and for the reasons stated or referred to in the report and Late Representations.

# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 30TH JUNE, 2021

Prior to consideration of the item the Committee received a representation from Ms.Manion in respect of a petition objecting to the application and a response from Mr.Morse, the agent on behalf of the applicant.

RESOLVED:

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

## **16. DC/2020/01853 - FORMER Z BLOCK SITES BUCKLEY HILL LANE, SEFTON**

The Committee considered the report of the Chief Planning Officer, recommending that the above application for the erection of 69 dwellings and associated infrastructure be approved subject to conditions and for the reasons stated or referred to in the report and Late Representations.

RESOLVED:

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

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

The Committee considered the report of the Chief Planning Officer, recommending that the above application for a hybrid application seeking full planning permission for the demolition of existing buildings, a new vehicular access off School Lane, a new distributor road, flood relief, drainage and landscaping works to Whinny Brook and ancillary infrastructure and outline planning permission with some matters reserved (scale, appearance, layout and landscaping) for the erection of up to 855 residential dwellings (C3), an older persons housing scheme with access also reserved (C2, C3), a mixed-use Local Centre (Uses A1-A5, C3, D1, D2); together with associated public open space, landscaping, highways, Sustainable Drainage Systems, and all ancillary infrastructure works be subject to an additional condition and a varied Section 106 legal agreement for the reasons stated or referred to in the report and Late Representations.

The Case Officer provided a verbal update to the Committee and indicated that:

“The agent advised that the Whinny Brook works referred to in the proposed clause in the variation of the Section 106 agreement is defined also as to include the Flood Relief Channel, spine road crossing and ancillary infrastructure.

In response to this and the points of clarification raised in the Late Representations report, a revised clause in the variation of the Section 106 legal agreement is proposed substantially in the following form:

'The Swifts (the Owners) further covenants with the Council not to Commence Development (save for the Whinny Brook works including the delivery of the Flood Relief Channel, spine road crossing and ancillary infrastructure, which will be excluded from the Definition of the Development) unless and until all parties with a legal or equitable interest in the Adjacent Land (comprising 'The Poplars, School Lane, Maghull', as shown edged red on Title Plan MS205452, or Bradleys Farm, School Lane, Maghull, as shown edged red on Title Plan MS601527) have been joined as parties to the S106 Agreement in the form (or substantially in the form) of the Confirmatory Deed\* annexed to this 106 Agreement.' "

RESOLVED:

That the recommendation be approved and the application be subject to the additional condition and variation to the Section 106 legal agreement for the reasons stated or referred to in the report, Late Representations, and verbal update presented by the Case Officer.

**18. DC/2020/02009 - THE LABURNUM, 92 LITHERLAND ROAD, BOOTLE**

The Committee considered the report of the Chief Planning Officer, recommending that the above application for the change of use of the existing vacant Public House (Sui Generis) to 8 self-contained flats (C3) including rear balconies be approved subject to conditions and for the reasons stated or referred to in the report and Late Representations.

RESOLVED:

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

**19. DC/2021/00807 - MARINE FOOTBALL CLUB, COLLEGE ROAD, CROSBY**

The Committee considered the report of the Chief Planning Officer, recommending that the above application for the construction of a 3G

# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 30TH JUNE, 2021

artificial football pitch, widening of the site entrance and installation of a 2.2m high acoustic fence to the rear of boundaries onto Rossett Road be approved subject to conditions and for the reasons stated or referred to in the report and Late Representations.

RESOLVED:

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

## 20. DC/2021/00042 - 82 FRESHFIELD ROAD, FORMBY

The Committee considered the report of the Chief Planning Officer, recommending that the above application for the erection of a detached 2 storey dwelling with basement garage and associated landscape and boundary works (retrospective) be approved subject to conditions and for the reasons stated or referred to in the report and Late Representations.

RESOLVED:

That the determination of the item be deferred to enable the site to be inspected by the Visiting Panel

## 21. PLANNING APPEALS

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

<u>Appellant</u>	<u>Proposal/Breach of Planning Control</u>	<u>Decision</u>
Mr J Hobbs	DC/2020/01591 - 39 Harebell Close Formby Liverpool L37 4JP - Appeal against refusal by the Council to grant planning permission for the erection of a part two storey part first floor extension to the side of the dwellinghouse.	Dismissed 08/06/2021
Mr A Corner	DC/2020/02369 - 1 Heather Close Formby Liverpool L37 7HN - Appeal against refusal by the Council to grant planning permission for the erection of a boundary wall 900 mm high with intermittent pillars at 1475 and one	Dismissed 25/05/2021



# Agenda Item 3

PLANNING COMMITTEE- WEDNESDAY 30TH JUNE, 2021

pillar at 1660.

RESOLVED:

That the report be noted.

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**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 28<sup>th</sup> July 2021

**Subject:** [DC/2021/00759](#)  
[Land Bounded by Wango Lane, River Alt and Leeds And Liverpool Canal, Aintree](#)

**Proposal:** Erection of 59 dwellinghouses including access, landscaping and associated works

**Applicant:** Mr Alistair Wilcock  
Mullberry Homes Ltd

**Ward:** Molyneux Ward      **Type:** Full application - Major

**Reason for Committee Determination:** Petition Endorsed by Councillor Carr

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## Summary

The proposal is for the erection of 59 dwellings and is presented as an alternative to a 53 dwelling scheme granted earlier this year which is under-construction. That permission was in itself an alternative to an original permission for 43 dwellings. The main issues to consider are design, affordable housing provision and whether the increased density gives rise to any environmental or highway safety concerns.

In conclusion, the principle of development is established. The proposed increase in dwellings is a result of substituting two rows of terraced dwellings in the centre of the site with two blocks of three-storey flats. They are considered to be of a design which respond positively to other dwellings within the development which are of similar height. The flats would be exclusively affordable which is acceptable given a general preference of many Registered Providers to manage whole blocks. There are no other issues which cannot be addressed by way of the existing conditions attached to the development under construction. The proposal complies with adopted policy and is recommended for approval.

## Recommendation: Approve with conditions subject to completion of a Section 106 Legal Agreement

**Case Officer**      Steven Healey

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

**Telephone**      0345 140 0845

# Agenda Item 4a

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQ69XHNWIM100>

Site Location Plan



Sefton Council



Reference: Map reference  
Date: 16/07/2021  
Scale: Scale: 1:2500  
Created by: Initials

# Agenda Item 4a

## The Site

The site comprises 1.8ha of land to the north of Wango Lane, Aintree currently under development. It is bounded by the Leeds and Liverpool Canal to the east, Valley Close to the west with the River Alt running close to the site's northern boundary.

## History

Planning permission was granted in October 2018 for the 'erection of 43 dwellings with new access, landscaping and associated works' (reference DC/2017/02298). Planning permission was refused in February 2019 to vary house types on 16 plots due to non-compliance with the Council's housing mix and affordable housing policies (DC/2018/02287).

An alternative application for the erection of 53 dwellings which is in the process of being implemented was granted in April 2021 (DC/2020/01052).

## Consultations

### **Canal and River Trust**

No objection.

### **Conservation**

No objection.

### **Environmental Health Manager**

No objection subject to conditions.

### **Flooding and Drainage Manager**

No objection subject to conditions.

### **Local Plans Manager**

No objection.

### **Merseyside Environmental Advisory Service**

No objection subject to conditions.

### **Tree Officer**

No objection.

### **United Utilities**

No objection.

## Neighbour Representations

A 26-signature petition endorsed by Councillor Carr has been received by Planning Services.

Objections received from 4 addresses on Wango Lane, 3 on Downside Drive and 10 addresses elsewhere on the following grounds: -

### Traffic and Highway Safety

- Greater number of vehicles associated with flats and increased traffic
- Incidents of dangerous parking in the area would be worsened
- Highway safety concerns and unsuitable access on a blind bend
- Construction traffic issues

### Environmental Matters

- Raising of levels and discrepancies on plans
- Impact on canal embankment
- Increased flood risk and drainage issues
- Loss of green space and overdevelopment
- Issues associated with piling

### Housing

- Flats would be out of character with the area
- Lack of affordable homes

### Procedural and Other Matters

- Developer continuously changing the plans
- Flats are already being advertised online suggesting a done deal
- Director of company was formerly disqualified
- Health and safety breaches on site and with developer in the past
- Lack of an infrastructure report
- Impact on services and infrastructure

## Policy Context

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

## Assessment of the Proposal

The proposal seeks planning permission for the erection of 59 dwellings as an alternative development to 53 dwellings currently being constructed on site. The layout of the development remains generally as approved with the increased number of units being as a result of the substitution of 6 dwellings within the centre of the site for two blocks of flats comprising a total of

# Agenda Item 4a

12 flats in total. The main issues to consider are residential amenity, housing mix, affordable housing provision and matters relating to design and character.

## **Principle of Development**

The application site is allocated for housing under policy MN2.34 which establishes the principle of development. Furthermore, an existing permission for 53 dwellings is in the process of being implemented. The works already carried out on site could facilitate either the approved development or the proposed development with a greater number of dwellings.

While the density is significantly higher than the indicative capacity set out within the Local Plan, this was guided by heritage constraints which have since been addressed. The density is 33 dwellings per hectare which exceeds the Council's minimum 30 dwelling per hectare standard for new residential development and is considered acceptable with respect to prevailing densities locally.

## **Housing Provision**

The proposal comprises 59 dwellings. 18 would be affordable which exceeds the Council's 30% requirement. Pepper potting (dispersal) of affordable housing across the site is generally acceptable, although the two 6-unit apartment buildings are exclusively affordable. Whilst the two apartment buildings are adjacent to each other, effectively they are separate as they are accessed via different roads.

The applicant has advised that they have spoken to Registered Providers who would take on single bedroom flats. This is supported by policy HC1 for functional or management purposes. The most recent Strategic Housing Market Assessment recommends that two thirds of affordable units be secured as social/ affordable rent with the remaining one third being affordable home ownership. This can be secured within a section 106 legal agreement.

With regard to the remaining 41 market dwellings, the proposal complies with policy HC2 which requires a minimum of 25% to be one or two bedroom and a minimum of 40% to be three bedroom. Further to this the policy requires 20% of all market dwellings to meet Building Regulation Requirement part M4(2) 'accessible and adaptable dwellings. This can be secured within the same legal agreement.

## **Living Conditions of Future Occupiers**

The main difference from the approved scheme of 53 dwellings is the introduction of flats. All other dwellings continue to benefit from a good standard of living in terms of outlook, light, privacy and garden sizes.



The proposed flats would be single bedroom, all exceeding the Council's standard floorspace requirement of 37sqm at almost 60sqm. The two blocks of flats would benefit from gardens in excess of 180sqm which again exceeds the Council's adopted standards.

## **Design and Character**

The layout of the proposed development would be largely as approved maintaining a large area of open space to act as a buffer to the listed Valley House. The proposed apartment buildings are a noticeable addition to the development however not one which is considered likely to result in adverse visual impacts. They would be of relatively modest width, similar to the terrace dwellings that would be replaced and although three storeys in height there are multiple examples of two and a half storey dwellings throughout the development of similar height, as is evident from the submitted street scene drawing which shows the flats within context of neighbouring plots.

In terms of style the flats would incorporate a gable-ended room with dormers, and decorative brick banding which are consistent with the traditional style of the approved dwellings throughout the remainder of the development. Overall the proposal is considered to be of acceptable design.

There is no change to the scheme with regard to the impact on trees, namely the linear band which is to be retained along the northern boundary.

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

A cause of concern of local residents is disturbance associated with the construction of the development, in particular issues with construction traffic. There is an approved Construction Traffic Management Plan in place which the developer must adhere to. Planning Services has investigated any reported breach of the Plan and has reminded the developer of their responsibilities.

The Highways Manager has raised no objection to the proposal itself. The main change to the approved scheme is the introduction of 12 flats within the centre of the site. These are provided with 12 parking spaces which is deemed acceptable given all of the flats are one-bedroom. The absence of a single visitor parking space is acceptable given parking would be available on street also.

## **Environmental Matters**

### Ground Levels

Concerns have been expressed over the raising of levels and purported discrepancies. The submitted Site Plan shows finished floor levels and corresponding garden levels the same as those approved through permission DC/2020/01052. Conditions requiring the validation of levels closest to Wango Lane and Taunton Drive are reasonable and necessary.

# Agenda Item 4a

## Flooding and Drainage

The proposed method of surface water drainage remains as approved for the 53-dwelling scheme. This includes attenuated discharge into an existing surface water drain which has an outfall into the River Alt and is considered acceptable by the Flooding and Drainage Manager.

## Ecology

Merseyside Environmental Advisory Service has raised no objection to the proposal subject to ongoing compliance with the approved Ecological Mitigation Strategy and Construction Environmental Management Plan.

## **Other Matters**

### Impact on Services

The proposed increase in units would not have a noticeably greater burden on local services than the previously consented scheme with respect to the existing population of the wider Aintree settlement. In accordance with Local Plan policy IN1 however financial contributions are sought to support built infrastructure for primary schools within the area. The applicant has already paid just under £60,000 which would leave £46,112.50 to be paid for the current proposal (which excludes contributions for one-bedroom dwellings/flats). This can be secured through a legal agreement.

### Procedural Matters

It has been queried why the Council has allowed the developer to change their plans for the site on multiple occasions. Planning Services only has the power to 'decline to determine' applications in exceptional circumstances and this would not occur where there is a substantial or material change such as increasing unit numbers.

With regard to claims that the developer is advertising the flats proposed as part of the current application, this is entirely at their own risk pending the outcome of the planning application.

### Other Neighbour Comments

Residents have also expressed concerns over the history of the developer and health and safety practices on site. These are not a planning consideration and the latter is the responsibility of the Health and Safety Executive.

## **Planning Balance and Conclusion**

Taking all of the above into account the proposal is considered acceptable. The increased density above what has already been granted permission does not result in any harmful impact. The design of the two apartment buildings is considered acceptable with respect to the approved

house types and an acceptable housing mix and level of affordable housing is provided which can be secured through a legal agreement. The proposal complies with adopted local and national policy and is recommended for approval.

## **Recommendation - Approve with Conditions Subject to Completion of a S106 Legal Agreement**

### **Conditions**

#### **Approved Plans**

- 1) The development is hereby permitted in accordance with the following approved plans and documents:
  - Location Plan (Drawing Number 100)
  - Proposed Site Plan (150 T)
  - House Types BD262 (Rev A), BD362, (J) DER (AAH), EE3S (P), D5/S5 (N), JJ2S (AH), IR (B), KK2S (AAC), KK3S (AAF), MR (R) and 1 Bed Flats
  - Landscape Plan (MHWL-WW-01-P)
  - Road and Drainage Layout (056)
  - Golden Harvest Facing Brick, Breedon Roof Tiles and photograph depicting render and stone cills and window surrounds

Reason: For the avoidance of doubt.

#### **During Building Works**

- 2) The provisions of the submitted Construction Environment and Traffic Management Plans must be implemented in full during the period of construction.

Reason: In the interest of highway safety, to protect the ecological interest of the area, minimise waste and prevent land and water pollution.

- 3) The Ecological Mitigation Strategy (P.927.17 Rev C) must be implemented as part of the development throughout the course of construction and during the lifetime of development thereafter.

Reason: To prevent harm to protected sites and species.

- 4) The recommendations of the submitted Invasive Species Method Statement shall be carried out in accordance with Timetable for Himalayan Balsam Treatment.

Reason: To prevent the spread of an invasive plant species on site.

# Agenda Item 4a

- 5) Clearance of vegetation within the band of trees to the northern boundary of the site must be carried out in accordance with the scheme approved under reference DC/2018/02105 in consultation with the Council's Tree Officer.

Reason: In the interests of visual amenity and conservation.

- 6) The protective barriers as specified within the Arboricultural Impact Assessment (P.927.20 Rev A) must be erected around the outer limit of the crown spread of all trees and hedgerow shown to be retained (T3, T4 and G2). The protective tree barriers shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored or trenches dug within these enclosed areas.

Reason: To prevent damage to the trees in the interests of visual amenity.

- 7) Prior to the construction of external elevations above finished floor level (FFL) of dwellings on plots 1-5 and 46-53 the finished levels shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority.

The results of these surveys shall confirm that the FFL of those plots are constructed to the levels approved under condition 1 and no further construction above FFL of external elevations of dwellings on those plots shall take place until approval is given as required above.

In the event that the submitted surveys fail to confirm the FFL correspond to the levels as approved, or are not within 100mm of those levels, a new planning application(s) shall be submitted for those plots to which the variation relates.

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

- 8) Prior to the construction of external elevations on plots 1-5 and 46-53 the levels of gardens, adjacent highways and other public areas shall be subject to a topographical survey to be submitted to and approved in writing by the Local Planning Authority.

The results of these surveys shall confirm that the levels of those plots and adjacent areas are constructed to the levels approved under condition 1.

In the event that the submitted surveys fail to confirm the levels correspond to the levels as approved, or are not within 100mm of those levels, a new planning application(s) shall be submitted for those plots to which the variation relates.

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

## Before the Development is Occupied

- 9) No part of the development shall be brought into use until the sustainable urban drainage system has been installed and is operational in accordance with the following details and plans:- Road & Drainage Layout (056), Typical Section Through Attenuation Pond (056).

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

- 10) A scheme of works for the proposed vehicular access on to Wango Lane must be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until this means of access has been constructed in accordance with the approved scheme.

Reason: In the interests of highway safety.

- 11) A scheme of works for the following off-site improvements and alterations must be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved scheme(s):-

- Construction of a 2m wide footway along the full frontage of the application site including the provision of tactile paving at pedestrian crossing points
- Keep clear markings at the junction of the new vehicular access
- Provision of new tactile dropped pedestrian crossings at the entrance of Valley Close, in front of 57 Wango Lane and the east-bound bus stop within the central reservation of Wango Lane opposite.

Reason: In the interests of highway safety and to improve accessibility to public transportation.

- 12) No part of the development shall be brought into use until visibility splays of 2m by 43m at the proposed junction with Wango Lane have been provided clear of obstruction to visibility at or above a height of 1m above the carriageway level. 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.

- 13) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in

# Agenda Item 4a

accordance with the approved plan and these areas shall be retained thereafter for that specific dwelling.

Reason: In the interests of highway safety.

- 14) The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the approved Travel Plan shall be implemented and operated in accordance with the timetable contained therein.

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

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

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

- 16) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development have been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed and be operational prior to occupation of any dwelling and shall be retained thereafter in accordance with the approved details.

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

## Ongoing Conditions

- 17) The hard and soft landscaping scheme hereby approved under condition 1 must be carried out in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season.

Reason: In the interests of visual amenity and conservation.

- 18) The approved Bat and Bird Box Plan (P.927.20.06) shall be installed within one month of practical completion of the building to which they would be attached, while the single Schwegler 2F Bat Box to be fixed to a tree shall be installed within one month of the tree thinning works having been completed.

Reason: In order to mitigate the loss of protected habitat.

## Informatives

- 1) The developer is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name and property numbers.
- 2) The developer is advised that agreements under section 38 and 278 of the Highways Act 1980 will be required to ensure the implementation of off-site highway improvements. 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 Control Team on Tel: 0151 934 4175 for further information.
- 3) The applicant, their advisers and contractors should be made aware that if any European protected species (in this case bats and/or otter) are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

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**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 28th July 2021

**Subject:** [DC/2021/00069](#)  
[29 Argarmeols Road, Formby, L37 7BX](#)

**Proposal:** Erection of 2 No. four bedroom detached dwellings following a demolition of existing dwelling.

**Applicant:** Mrs. Vivienne Olver      **Agent:** Mr. Jonathon Prichard  
LAGP Chartered Architects

**Ward:** Harington Ward      **Type:** Outline Application

**Reason for Committee Determination:** Called in by Councillor Irving, and a petition objecting to the proposal endorsed by Councillor Irving

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## Summary

This application seeks outline approval for the erection of two two-storey detached dwellings following the demolition of the existing dwellinghouse with details of access, scale and layout submitted at this stage and landscaping and appearance reserved for later consideration. The main issues to consider are the principle of development and whether, based on the details provided, the site can sufficiently accommodate the proposal while complying with the aims and objectives of the Formby & Little Altcar Neighbourhood Plan and the Local Plan. It is considered for the reasoning set out that the proposal would not give rise to significant harm to the character of the area, would not have unacceptable impacts on neighbouring living conditions and is acceptable in all other respects. It is therefore recommended for approval with conditions.

## Recommendation: Approve with Conditions

**Case Officer**      Neil Mackie

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

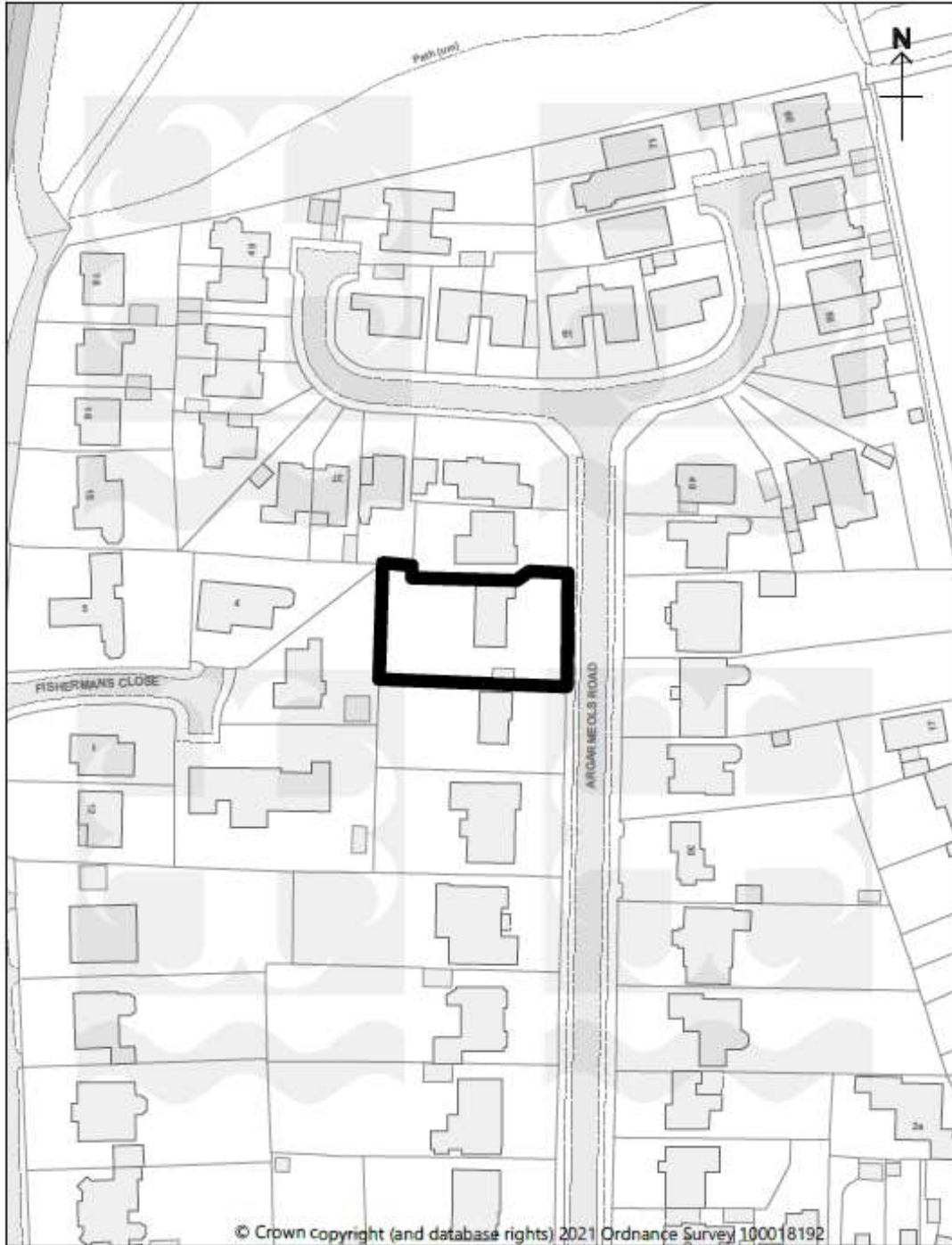
**Telephone**      0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QMVIYYNWGSK00>

# Agenda Item 4b

## Site Location Plan



Reference: Map reference  
Date: 16/07/2021  
Scale: Scale 1:1250  
Created by: Initials

## The Site

A detached two-storey dwellinghouse on the west side of Argarmeols Road within a primarily residential area of Formby. To the rear of the site lies Fishermans Close.

## History

N/1996/0494 - Erection of a first-floor extension over the existing garage at the side of the dwellinghouse. Approved.

## Consultations

### Environmental Health Manager

No objection to this proposal.

### Lead Local Flooding Authority

No objection

### United Utilities

No objections raised.

### Natural England

No objection.

### Highways Manager

No objections in principle to the proposal as there would be no adverse highway safety impacts.

### Merseyside Environmental Advisory Service

The proposal will not have likely significant effects on designated sites.

As the existing trees, buildings, and structures on site may provide potential roost features for bats then a preliminary roost assessment is required prior to determination.

As the site comprises habitat suitable for a number of Priority Species such as breeding birds, red squirrel and hedgehog a Preliminary Ecological Appraisal is required prior to determination.

## Neighbour Representations

### Petition

A petition with 29 signatories objecting to the proposal, endorsed by Councillor Irving, has been submitted.

### Objections

Objections received from Numbers 25, 27, 31, 34 and 35 Argarmeols Road and Number 3 Fishermans Close. Grounds of objection relate to:

# Agenda Item 4b

## Character of the area

- Redevelopment of one property to two would not be in keeping with the character of the area
- Two small identical properties will be detrimental to the appearance of the road
- The properties occupy too much of the plot
- Insufficient space between the properties and neighbours
- The properties project behind the rear building line, which is harmful to the character of the area and contrary to Council guidance
- The properties will project beyond the front of the adjacent neighbours, which would be harmful to the character of the area

## Living conditions of neighbouring residents

- The proposal will cause harm to living conditions of neighbouring properties through overlooking and overshadowing
- Two properties to this site will cause greater noise and disturbance to the detriment of neighbouring living conditions than a single property would

## Highway Safety

- There is insufficient off-road car parking
- The proposal will cause harm to highway safety & amenity as visitors will park on the highway

## Other Matters

- The proposal does not represent the most effective use of land
- The additional dwelling would place further strain on existing drainage
- Requests that a tree to the rear of the site is retained
- The proposal is not for the benefit of the community or neighbourhood
- They are not affordable housing
- There are enough new houses being built in Formby
- Concerns over the accuracy of the drawings and how it represents the proposed dwellings compared to existing neighbouring properties

## Councillors

Councillor Irving has also objected to the proposal. He stated, in respect of the proposal as originally submitted, that the proposed dwellings if built will both extend some distance beyond the building line of other houses in the road and will certainly overshadow the property at the front to No 31. This will give a very dominant effect on the street scene and fails to respect local character and especially residential amenity. The density of the proposed dwellings does not prevail the character of the immediate area and is contrary to Neighbourhood Plan policy H11 'Density'. The development fails to comply with policy EDS2 'High Quality Design' as the development fails to make a positive contribution to the local character due to its scale, height, massing, layout, frontages and residential amenity. In addition the proposal contravenes the 'New Housing' SPD as it does not respect the building lines.

## **Amended Plans**

Following the receipt of amended plans Councillor Irving maintained his objection to the proposal stating that the change in design has increased the density of the development with very little distance between the two new houses that will give very little natural light to the inside of each of them. He is concerned about the distance between the proposal and the existing properties at Numbers 27 & 31 Argarmeols Road and that the proposed houses do not fit into the established street scene. He considers that this does not represent sustainable development given the shortage of affordable houses in Formby and building two large detached four bedroom houses does not meet the housing needs of the area.

## **Other representations**

Representation received from the Merseyside & West Lancashire Bat Group who consider that a Preliminary Bat Roost Assessment should be undertaken prior to determination.

## **Policy Context**

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017. The Formby and Little Altcar Neighbourhood Plan was 'made' (i.e. adopted) on 21st November 2019 and carries full weight in decision making.

# Agenda Item 4b

## **Assessment of the Proposal**

As submitted this application is seeking outline approval for the erection of two detached two-storey dwellinghouses following the demolition of the existing two-storey dwelling with details of scale, layout and access submitted for consideration at this stage, while landscaping and appearance are to be reserved for later consideration.

The main issue to consider is whether the site is capable of supporting the development in principle based on the submitted details, having specific regard to the principle of development, the impact on the character of the area, the impact on living conditions for neighbouring properties and future occupiers of the property.

The proposal has been amended from that originally submitted due to concerns raised with the agent regarding the layout and scale of the proposed properties. The following comments are based on the amended drawings.

### **Principle of Development**

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

The Formby & Little Altcar Neighbourhood Plan, in Policy GP1 'Spatial Strategy', promotes the infilling of the settlement boundary (which this proposal falls within) for future housing, economic and community related development. Policy H2 'New Housing' requires new housing to be well connected within the site and within the wider town.

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

### **Character of the Area**

Local Plan policy EQ2 'Design' only permits development where it responds positively to the character, local distinctiveness and form of its surrounding. This approach is also taken within Neighbourhood Plan policy ESD2 'High Quality Design'.

Argarmeols Road is residential in character with variety to the scale and appearance of properties and has witnessed many replacement dwellings over the years. There are variations to rear building lines along the road while the front building line is largely consistent. The road as a whole tends to have a rather low density of development aided by sizeable rear gardens. For example the application site occupies an area of 0.1ha and so would represent a density of 10 dwellings per hectare.

This proposal would double the density of development to the site to 20 dwellings per hectare, which is still below the density target within the Council's guidance as well as that within policy H1 'Density' of the Neighbourhood Plan. While below the recommended target of 25-30 dwellings per hectare within the Neighbourhood Plan it is considered that this density reflects the prevailing character and is acceptable.

The proposal would largely fill the plot width at a single-storey level, though separation and relief to boundaries would still be had at first-floor level, which reflects the rhythm of development seen along the road.

The proposal will bring development closer to the highway than the existing property, which is 11.4m to the highway at its nearest point, with the separation reducing to 10m at its nearest point. It is noted that an objector states a figure much closer but from using the given scale and dimensions on drawing number SP02 Rev B 'Proposed Site Plan' it is not agreed that the proposal is only set back from the highway by 8.5m. Further it is not agreed with the objector that the proposal will be 4.5 - 5m in front of Number 31, when the scale and the given dimension on the site plan referred to both give a figure of 1.5m.

Bringing the property forward of the existing and in front of Number 31 Argarmeols Road will not give rise to unacceptable impacts on the character of the area, nor will the 1.7m projection beyond the front elevation of Number 27 Argarmeols Road.

The scale of the proposal can be seen from the submitted street scene drawing, which is considered to accurately reflect the scale of Numbers 27 and 31 (based on previously submitted plans for Number 31 as well as a proposal that scaled Number 27 when applying for the redevelopment of Number 25).

The proposed houses are shown to have a maximum ridge height of 7m, compared to the 7.6m ridge height at Number 31 and 8.0m ridge height at Number 27. Being lower than the neighbours will not give rise to harm, and while only indicative at this stage the mirrored properties on the proposed street scene drawing will ensure the highest part of each house is kept centrally within the site, which replicates the approach generally seen along Argarmeols Road.

Concern has been raised by objectors regarding the projection of the properties beyond the rear building line of Numbers 27 and 31 Argarmeols Road as the Council's guidance does not encourage this. However, such a projection is considered to be acceptable in this instance based on the characteristics of the site and the grain of surrounding development, where there isn't a consistent rear building line, at least not one consistent with the rear of the application site or Numbers 27 & 31 (as seen from aerial photography).

# Agenda Item 4b

The projection to the rear will not be readily appreciated from the Argarmeols Road highway due to the screening afforded by the proposed properties and neighbours and there will still remain at least 13m to the rear boundary with Fishermans Close. This will not lead to a feeling of a cramped form of development given the spacious front and rear garden areas that will still be retained and as such it will not detract from the character of the area.

The impacts of the rear projection on neighbouring living conditions will be assessed below.

The appearance of the properties, along with landscaping, is a matter reserved for later consideration but it is considered that the layout and scale of development as shown, and the indicative appearance demonstrates that the site can support two detached dwellings without causing harm to or detracting from the prevailing character of this residential area.

## **Living Conditions**

### **Neighbouring Properties**

Number 27 Argarmeols Road: Being positioned to the north of Number 27 it will not contribute to harm through overshadowing. The stepped rear projections lessen any impacts to the outlook from rear habitable room windows while the increasing separation from the shared side boundary lessens any harm through introducing a dominant or overbearing development. The indicative elevations illustrate first floor windows in the side elevations which could result in overlooking of the neighbouring property. However, as appearance has not been submitted for consideration, this matter could be controlled as part of any subsequent reserved matters application or by condition. The proposal is acceptable with regards to its impacts on Number 27.

Number 31 Argarmeols Road: The right hand dwelling will project 3m beyond the rear of this neighbouring property, with this element separated from the boundary by 5.3m. This modest projection plus the separation to the boundary will lessen any harm caused through overshadowing, and it will not cause harm through introducing a poor outlook. The forward projection of the proposal will not give rise to harm to Number 31 as the difference shown on the plans is 1.5m and this will not lead to a poor outlook or overshadowing of habitable room windows. As with no.27, any concerns of overlooking can be controlled as part of any subsequent reserved matters application or by condition. The proposal is acceptable with regards to its impacts on Number 31.

Number 35 Argarmeols Road: The proposal will not cause any harm to this property that shares a boundary to the rear of the proposed right hand dwelling. The proposal is sufficiently separated from this rear garden and from the house to this neighbour and will not cause unacceptable impacts through overshadowing, loss of privacy or creating a poor outlook. The proposal is therefore acceptable with regards to its impacts on Number 35.



3 Fishermans Close: A distance of 13m will be retained from the rear of the proposed properties to the rear boundary with this neighbour to the rear, which exceeds the Council's recommended minimum distance between windows and neighbouring gardens. As taken from Ordnance Survey maps the rear boundary of this neighbour is set off from the shared boundary by 12m and so the distance between window and window would be more than the 21m recommended within the Council's guidance. The proposal is acceptable with regards to its impacts on Number 3.

### Future Occupiers

It will be expected that the main window(s) to habitable rooms within the proposal will be provided with a good outlook front and rear, and the rear garden to be given to each property will comfortably exceed the minimum required for a dwellinghouse with at least 3 bedrooms, 60m<sup>2</sup>. The garden depth will also be largely commensurate with neighbouring properties noting that the garden to Number 31 is shorter than the application site and Number 27.

Based on the submitted information the proposal could provide acceptable living conditions for future occupiers of the properties.

### Other Matters

#### Highway Safety and Amenity

As evident from the comments by the Council's Highways Manager the proposal does not give rise to harm. At least 2 car parking spaces can be provided per property, thereby complying with Neighbourhood Plan Policy H6 'Off-Road Parking'.

Policy H7 'Design Car Parking' within the Neighbourhood Plan states that parking should be located in between houses (rather than in front) so that it does not dominate the street scene and that where located to the front landscaping should minimise the visual impact of the car parking. The car parking will be visible from the road but as car parking to the front of properties is common to Argarmeols Road this arrangement will not give rise to harm.

The exact details and size of any garage will be determined upon receipt of the appearance details as while layout is required this largely establishes the footprint of development but does not bind the proposal to a specified internal layout. The Neighbourhood Plan is explicit as to the requirements for vehicle garages and any reserved matters application will have to adhere to this.

It is considered that the site can accommodate two detached dwellings without causing harm to highway safety or amenity.

#### Ecology

The Council's ecologists at the Merseyside Environmental Advisory Service have recommended that a bat roost assessment and a preliminary ecological appraisal are undertaken prior to the determination of this application. These have not been requested as the nature of this application ensures that development can't commence following determination, given the requirement for reserved matters to be submitted.

# Agenda Item 4b

In view of the procedure for this outline application it is considered reasonable to secure the provision of these by way of conditions attached to any approval.

Further, once details of the appearance of the properties are submitted it is likely that a scheme of biodiversity enhancement (bat/bird boxes etc) will be sought to ensure a net gain.

## Flooding & Drainage

The submission of a foul and surface water drainage scheme can be secured by a condition, so as to ensure that flood risk is not increase elsewhere and to comply with the requirements of the Neighbourhood and Local Plans.

There are no other matters raised that would significantly weigh against the development.

## **Conclusion**

As the proposal has demonstrated that two detached properties of the layout and scale shown can be accommodated within the site while complying with the requirements of the Neighbourhood and Local Plans, and all other material considerations, it is recommended that the application is granted consent with the conditions that follow.

## **Recommendation - Approve with Conditions**

### **Time Limit for Commencement**

- 1) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2) Details of the appearance and landscaping shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

### **Approved Plans**

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

001 'Location Plan'  
SP01 Rev A 'Existing Site Plan'

SP02 Rev B 'Proposed Site Plan'  
SE01 Rev C 'Existing & Proposed Street Sections'

Reason: For the avoidance of doubt.

## Before the Development is Commenced

- 4) Prior to any development commencing, including demolition, a Bat Roost Assessment must be submitted to and the findings approved by the Local Planning Authority.

Any mitigation measures identified within the approved Bat Roost Assessment must then be incorporated into the proposal.

Reason: In the interests of protecting ecology

- 5) Prior to any development commencing, including demolition, a Preliminary Ecological Appraisal with specific regard to breeding birds, red squirrels and hedgehogs must be submitted to and the findings approved by the Local Planning Authority.

Any mitigation measures identified within the approved Preliminary Ecological Appraisal must then be incorporated into the proposal.

Reason: In the interests of protecting ecology

- 6) a) No development, other than demolition, shall be commenced until a scheme for the disposal of foul and surface water drainage, on separate systems and in accordance with the hierarchy within the National Planning Policy Framework, has been submitted to and approved in writing by the Local Planning Authority.

b) No part of the development shall be brought into use until the drainage system has been constructed and completed in accordance with the plan approved under (a) above.

Reason: In the interests of not increasing flood risk.

## During Building Works

- 7) All windows to the side elevations above ground-floor level shall not be glazed otherwise than with obscured glass (to level 3 on the Pilkington scale or similar) and fixed shut where the means of opening is below 1.7m as measured from the internal floor level and thereafter be permanently retained as such.

Reason: To safeguard the amenities of occupiers of adjoining properties.

## Before the Development is Occupied

- 8) No property shall be occupied until a means of vehicular access to that particular property has been constructed.

# Agenda Item 4b

Reason: In the interests of highway safety

- 9) No property shall be occupied until the area for vehicle parking, turning and manoeuvring has been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan for that particular property.

Reason: In the interests of highway safety.

- 10) a) Neither property shall be first occupied until visibility splays of 2.0 metres x 2.0 metres measured down each side of that property's access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 1 metres above the footway level of Argarmeols Road.

b) 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.

- 11) No dwelling shall be occupied until at least one electric vehicle charging point to serve that specific dwelling has been installed and is operational. The approved infrastructure shall be permanently retained thereafter.

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

- 12) No property shall be occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The approved landscaping scheme shall be implemented either prior to the first occupation of either property or in accordance with an agreed timetable.

Reason: To ensure an acceptable visual appearance to and sufficient living conditions for the development.

## **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) If the proposed development is to incorporate piling in the foundation detail, the developer is advised to consult with Sefton Council Pollution Control (email [ETSContact@sefton.gov.uk](mailto:ETSContact@sefton.gov.uk)). This will reduce the chance of enforcement action which could occur if an unsuitable method of piling is chosen without appropriate consultation and which subsequently causes nuisance by way of noise and/or vibration.
- 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.

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**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 28th July 2021

**Subject:** [DC/2021/00042](#)  
[82 Freshfield Road Formby Liverpool L37 7BJ](#)

**Proposal:** Erection of a detached 2 storey dwelling with basement garage and associated landscape and boundary works (Retrospective)

**Applicant:** Mike Goulbourne      **Agent:** Mr McCarrick  
TwentySix Architects

**Ward:** Harington Ward      **Type:** Full Application

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

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## Summary

This application was presented to members of the Planning Committee on 30<sup>th</sup> June 2021, where it was agreed to defer the decision on the application to allow members to visit the site, prior to determination of the application.

The main issues to consider are the principle of development, the impact on the setting of the neighbouring historic buildings, character and appearance of the area, living conditions of the neighbouring properties, highway safety, trees and drainage.

For the reasons set out within the report, the proposal is acceptable in principle and will not cause any harm to the setting of the listed building or to the non-designated heritage assets. The proposal will not cause any harm to the character and appearance of the area or to the living conditions of future or neighbouring properties. The proposal is considered acceptable on matters of highway safety, trees and drainage.

The proposal therefore complies with local policies and is recommended for approval subject to conditions.

## Recommendation: Approve with Conditions

**Case Officer**      Stephen O'Reilly

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

**Telephone**      0345 140 0845

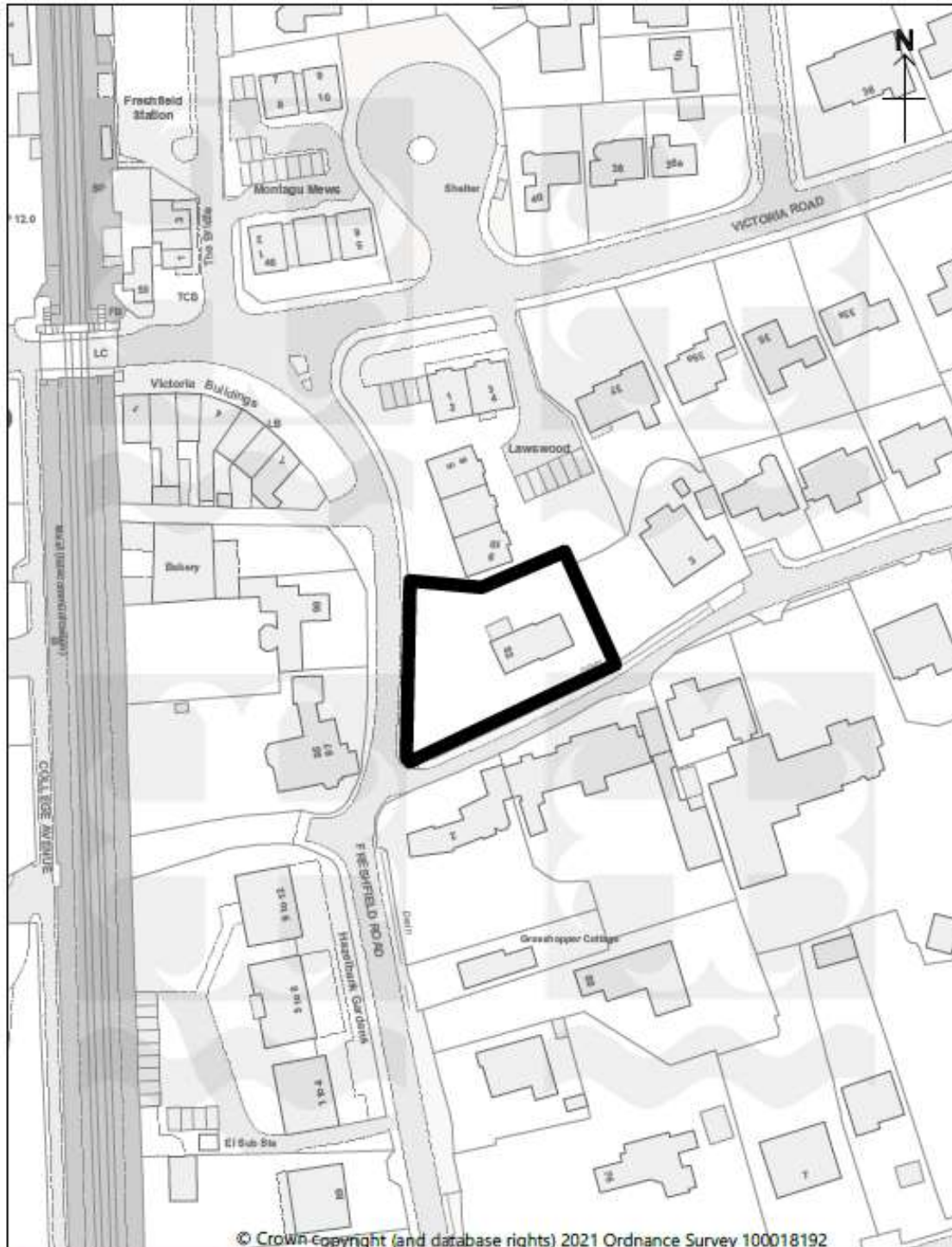
# Agenda Item 5a

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QMRL74NWGPY00>



Site Location Plan



Reference: Map reference  
Date: 16/07/2021  
Scale: Scale: 1:1250  
Created by: Initials

# Agenda Item 5a

## The Site

The application relates to a currently vacant plot of land at 82 Freshfield Road, Formby. The previous dwelling has been demolished and this application seeks a replacement dwelling.

## History

There have been various applications on the site. The most recent being a prior notification application for demolition of the existing dwellinghouse which was approved in June 2020 (app.ref: DC/2020/00934).

## Consultations

### **Tree Preservation Officer**

No objection subject to conditions.

### **Conservation**

No objection subject to conditions.

### **Highways Development Design**

No objection subject to condition.

### **Environmental Health**

No objection

### **Natural England**

No objection

### **Flooding and Drainage**

No objection

## Neighbour Representations

6 letters of objection have been received from local residents, alongside a request for the application to be determined at Planning Committee by Councillor Irving.

The objections can be summarised as follows:

## Listed Building

- Disappointed modern design if proposed in front of two listed buildings, acknowledge mitigating steps by using grey slate roof, white render, natural wood and sedum roofs, pitch to offset second storey, respecting building lines and new trees, hedging and boundary wall
- To enable better blending the following should be considered, grey slate roof to be welsh slate; timber to be darker / blackened larch; trees to be mature and encourage red squirrels; white render to be textured; fencing to Grange Lane to be black feather board and no higher than fencing to listed buildings on Grange Lane
- Extension to Tower Grange fits in close harmony with surrounding properties, does not seem to be the case at 82
- Fails to comply with Local Plan Policy NH11, new building fails to respect special architecture and historic buildings, design affects visual amenity from listed building
- Fails to respect and conserve historic and positive existing relationships between listed building and its surroundings

## Character and Appearance

- Looks extremely large, imposing and without any real sympathy for community of houses in which it will be placed
- Design out of character, should be more in keeping with existing properties
- These properties are in the Doomsday Book, having a modern property encroaching will be detrimental to residents and Formby as these are landmarks
- Fails to comply with Formby and Little Altcar Neighbourhood Plan policies H1 4.3.7 Density, fails to use high quality design that respects important local character and residential visual amenity, fails to value historic prevailing character of area. Policy ESD2, 4.7.6 High Quality Design, fails to make positive contribution due to scale, density, height, layout, materials used and residential amenity.
- Fails to comply with Local Plan policy EQ2, fails to respond positively to character, local distinctiveness and form of surroundings through quality of design in terms of scale height, form, massing, style and materials
- Development fails to reach required standard that the area deserves and goes against numerous policies

## Living Conditions

- Flat roof to rear should not be used as living space, will impinge on neighbour's privacy
- First floor would overlook front of my property and garden taking away my privacy
- Windows to side will overlook Tower House and Tower Grange, detrimental to owners as they are having to look onto a modern facade
- Such an imposing ultra-modern property will have a detrimental effect to the devaluation of my property and to everyday life
- As well as losing light I will be overlooked by two storey development which has doors leading from bedrooms to a flat roof area
- Concerns as to underground garage and effect on my property

# Agenda Item 5a

## Highway Safety

- Increase in traffic, often with careless disregard of speed, possibility of nasty crash is a real worry
- Electric gates would cause congestion

## Trees

- Trees should be planted to the rear to provide privacy screening
- Previous bungalow demolished without informing Council, removing trees including a TPO without relevant permission
- Fails to comply with Formby and Little Altcar Neighbourhood Plan policy ESD7 Trees and Landscaping, should not result in net loss of trees, new landscaping should be mature

## Other Matters

- Request removal of Permitted Development Rights
- Would be neighbourly gesture to clear ditch along Grange Lane and replant in natural style to maintain character and charm
- Plot advertised for sale with plans of proposed development prior to planning being approved

## Policy Context

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

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

## Assessment of the Proposal

The main issues to consider are the principle of development, the impact on the neighbouring historic buildings, the impact on the character and appearance of the area, the impact on the living conditions of the neighbouring properties, the impact on highway safety, the impact on trees and the impact on drainage.

### Principle

The application site lies within an area identified as Primarily Residential within the Local Plan and as such the proposal for residential development complies with the aims of policy HC3 (Residential Development and Primarily Residential Areas).

Policy GP1 of the Formby and Little Altcar Neighbourhood Plan seeks to ensure that housing is directed to the town of Formby and Little Altcar. As this is within the existing settlement boundary it is considered that the proposal complies with policy GP1.

The proposal is therefore considered to be acceptable in principle, subject to other material considerations.

### Listed Building

The proposal is near to numbers 2 and 4 Grange Lane, (known as Tower House and Tower Grange), Grade II Listed Buildings and near a Non-designated Heritage Asset, numbers 95-97 Freshfield Road. As a result, policies NH11 and NH15 are material considerations.

Policy NH11 (Works Affecting Listed Buildings) of the Local Plan seeks to ensure that development affecting a building's setting respects and conserves historic and positive existing relationships between the listed building and its surroundings.

Policy NH15 (Non-Designated Heritage Assets) states that development will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced.

The proposal is for a modern design that is on a similar footprint to the previous building, which at the time of its construction, was also considered a modern building.

The building respects the footprint of the previous bungalow with an addition to the side. The layout of the building works with the plot, respecting the space to its neighbours. Views are maintained to the listed buildings due to the position of the proposed dwelling, preserving existing trees and additional trees to strengthen the boundary of the site. The scale of the proposal responds to the context of the site. The increase in height will be minimised by the provision of the additional trees to be planted.

# Agenda Item 5a

In addition, a hedge is proposed to the frontage, this would help to reduce the impact of the proposed dwelling and would be set behind the revised boundary wall. The revised wall would be of a small-scale construction using reclaimed red brick similar to the previous wall. Details of this can be secured by condition.

The materials to be used in the external construction do not compete with the listed buildings and the design of the proposal offers clear differentiation. In order to ensure the materials are complementary to the listed buildings, a condition could be attached requesting details of the construction materials to be submitted prior to installation on the site.

It is therefore considered that the proposal will not cause any harm to the setting of the listed building or to the non-designated heritage assets.

## **Character and Appearance**

Policy EQ2 (Design) of the Local Plan seeks to ensure that development responds positively to the character, local distinctiveness and form of its surroundings. This is reflected within policy ESD2 (High Quality Design) of the Formby and Little Altcar Neighbourhood Plan.

The design of the proposed dwelling takes inspiration from surrounding properties in terms of the use of materials and finish. While a flat roof area is proposed, this would be a modern approach to reduce the impact of the proposal and reflect the modern design of the building as a whole. Other properties in the area would have a pitched roof to the lower element of the dwelling, however, given the level of planting proposed and existing, it is considered that the flat roof area would not cause any harm to the character of the street scene or of the character and appearance of the wider area.

The introduction of the basement garage, would establish a three-storey element to the development. However, the majority of the building would be 2 stories above ground level, with the basement garage being constructed underground, with a ramp leading to it. This element would not cause harm to the character of the area and would be compliant with policy H5 of the Local Plan.

Concerns have been raised around the increase in density of the site. However, the proposal would not result in any net increase in dwellings on the site and the density would be the same, this would comply with policy H1 of the neighbourhood plan. The proposal would see a larger footprint, however, the general scale and massing would not be uncharacteristic of the area, whilst there would remain ample space around the site to ensure its sits comfortably on the plot.

## **Living Conditions**

### *Future Occupiers*

The proposal will ensure that the private amenity space exceeds the Council's minimum requirement and each habitable room will have an acceptable outlook and source of natural light.

In this regard the proposal is considered acceptable.

### *Neighbouring Properties*

At first floor level the proposed dwelling would be 7.9m from the rear boundary (shared with no.3 Grange Lane) at its closest point. While this is below the recommended distance within the Council's guidance of 10.5m to shared boundaries, a distance of 25m from the side elevation of the property to the rear would be maintained, which is considered acceptable. There are windows to the side of number 3, these windows are 17.4m from the boundary with the application site.

The proposed ground floor would not have any windows to the rear elevation closest to the boundary with number 3. Given that the ground floor would have a flat roof and a height of 2.65m, it is considered that this would not have a significant impact in terms of a loss of outlook to number 3 Grange Lane.

A window is proposed to the rear elevation at first floor level which could cause overlooking into the neighbour's garden. In order to ensure that this would not result in a loss of privacy an amended plan has been received, which restricts this window to be obscure glass and non-opening, this could be conditioned.

In relation to the other first floor windows to the proposed dwelling, these would be 18m from the boundary and sufficiently distanced from the neighbouring property and would therefore not result in a loss of privacy.

Given the orientation of the site and the distance of the first-floor element to the boundary with number 3, it is considered that the proposal will not result in a significant level of overshadowing.

Concerns have been raised with regards to the flat roof element including a roof terrace, however, there are no proposals to include a roof terrace. That said, a condition could be attached to any approval to remove the ability to use the flat roof as a roof terrace to prevent unacceptable levels of overlooking occurring.

The proposal complies with interface distances to other neighbouring properties and would not give rise to concern of overlooking, overshadowing or the creation of an overbearing outlook.

# Agenda Item 5a

Given the proximity to neighbouring properties, it is considered that any additions to the property under permitted development could cause harm to the living conditions of neighbouring properties, such as the installation of windows to elevations and extensions to the upper floors. As a result, it is considered appropriate to remove permitted development rights to the dwelling. This would ensure that any future changes to the dwelling can be assessed by the Local Planning Authority. This can be secured by condition.

It is acknowledged that the front elevation of the storage building to be constructed to the rear garden has not been submitted with the application, albeit the drawings do show part of the front elevation along with the side elevations. For the avoidance of doubt and to ensure control over the development, it is proposed to add a condition requiring full details be submitted prior to its commencement.

## **Highway Safety**

The proposal includes an amendment to the existing pedestrian and vehicular access onto Freshfield Road, with the inclusion of an electric gate to a splayed-access. The splayed access would ensure visibility between pedestrians and vehicles emerging from the site and is therefore considered to be acceptable.

The submitted plans indicate that sufficient parking is available for the proposal consistent with policy H6 of the neighbourhood Plan.

The garage to be provided as part of the proposal would be of a size capable of accommodating two vehicles, while parking is also provided to the front of the premises. This would be screened by the trees and hedge to the front of the dwelling and would therefore comply with policy H7 of the neighbourhood plan.

Concerns have been raised in relation to highway safety in relation to the access gates. These are in the same position as the existing and will therefore not cause any harm in terms of highway safety.

## **Trees**

The site contains several trees which would be retained. No trees are proposed to be felled. A plan has also been submitted which shows the additional planting of six trees on the site, details of which can be secured by condition. The Council's Tree Officer has confirmed this is acceptable. The proposal would be in accordance with policy ESD7 (Trees and Landscape) of the Neighbourhood Plan.

In relation to the removal of a tree under a Tree Preservation Order, this has been investigated by the Council's Enforcement Team and confirmed that this has been undertaken without the relevant permissions. The tree is to be replaced under the above landscaping scheme which is supported by the Council's Tree Preservation Officer.



## **Drainage**

The proposal would be a replacement for the previous bungalow and would connect to the existing drainage on the site. The application also references the installation of a soakaway. The site lies within a critical drainage area, however, no objections have been raised by the Flooding and Drainage Manager. An informative is attached which sets out how sustainable drainage should be approached on the site.

## **Other Matters**

A request has been made for the applicants to clear the existing ditch to Grange Lane. This is outside of the scope of works of this planning application and not something that can be secured by the Local Planning Authority.

In relation to the plot being advertised for sale prior to the determination of the planning application, this is not something that can be used as a reason for refusal of the application. Any works undertaken within the benefit of planning permission being granted are at the risk of the owner of the site.

## **Conclusion**

The proposal is acceptable in principle and will not cause any harm to the setting of the listed building or to the non-designated heritage assets. The proposal will not cause any harm to the character and appearance of the area or to the living conditions of future or neighbouring properties. The proposal is considered acceptable in terms of highway safety, trees and drainage aspects.

The proposal therefore complies with local policies 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**

# Agenda Item 5a

- 2) The development shall be carried out in accordance with the following approved plans and documents: P\_00, P01, P\_02B, P\_03, P\_04, P\_05A, P\_06, P\_07, P\_08, P\_09A, P\_10, Site Constraints/ Interfaces, Arboricultural Method Statement, Tree Survey and Arboricultural Impact Assessment.

Reason: For the avoidance of doubt.

## Before the Development is Commenced

- 3) No development shall commence, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include the following: A scheme of piling methodology, which provides justification for the method chosen and details noise and vibration suppression methods proposed. Further advice in relation to this requirement can be found in the attached informative.

Reason: To safeguard the living conditions of neighbouring/adjacent occupiers and land users during both the demolition and construction phase of the development.

## During Building Works

- 4) Prior to the commencement of the rear storage building as illustrated on drawing no P\_02B, full details of the proposed storage building (including full elevations and materials) to be constructed to the rear garden area shall be submitted to and approved by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

Reason: To protect the living conditions of neighbouring properties

- 5) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the boundary wall with reclaimed red brick and red clay tiles, grey Welsh slates to the roof and blackened larch timber to the elevations are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

## Before the Development is Occupied

- 6) No part of the development shall be occupied until a scheme detailing the planting of 6 trees and details of the hedge to rear of the front boundary wall has been submitted to and approved in writing by the local planning authority. The scheme shall include details of their species, size, location and maintenance. If within a period of 5 years from the date of the

planting of any tree proposed as part of the 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 shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree.

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

- 7) The hereby approved dwelling shall not be occupied until full fibre broadband connections to the proposed dwelling has been installed prior to occupation and made available for use immediately on occupation of the dwelling.

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

- 8) The development shall not be occupied until a minimum of 1 electric vehicle charging points have been installed and are made available for use within the development as permitted. The infrastructure shall be permanently retained thereafter.

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

## Ongoing Conditions

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

Reason: In order to protect the residential amenities of nearby occupants.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/ residential amenities of nearby occupants.

- 11) The roof area of the hereby approved dwelling 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.

# Agenda Item 5a

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

- 12) The first floor window to the rear elevation facing number 3 Grange Lane, shall be fitted with obscure glass to level 3 of the Pilkington Scale or similar and shall be non-opening.

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

## Informatives

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

- 2) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.

Water supplies for fire-fighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities 0161 907 7351) with suitable and sufficient fire hydrants supplied.

## Housing

Housing developments with units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per

second through any single hydrant on the development.

The premises should comply with Section 55 of the County of Merseyside Act 1980.

- 3) 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.

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**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 28<sup>th</sup> July 2021

**Subject:** [DC/2020/01729](#)  
[Former Lydiate Barn Garden Centre And Nurseries, 341 Southport Road, Lydiate L31 4EE](#)

**Proposal:** Variation of condition 2 pursuant to planning permission DC/2018/00898 approved 19/12/2020 to allow changes to the overall site layout and house types (alternative to DC/2019/02194 approved 11.6.2020).

**Applicant:** Mr James Stock      **Agent:** Mr Matthew McGovern  
Stock Brickwork Ltd      Keith Davidson Partnership

**Ward:** Park Ward      **Type:** Variation of condition

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## Summary

The proposal seeks to vary the permission for an approved development of 7 dwellings, specifically in order to allow surface water runoff from access roads only to connect to an existing highway drain below the site. The application is submitted as an alternative to an identical scheme approved by Committee in June 2020, with the only difference being the drainage layout. There are no objections from the Flooding and Drainage Manager given the existing informal drainage conditions on site and the fact that run off would be restricted to access roads and attenuated before connecting to the highway drain. Surface water runoff associated with each dwelling would be via a soakaway designed into each plot. The proposal is acceptable and thus recommended for approval.

## 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=QFZA2KNW01A00>

# Agenda Item 5b

## Site Location Plan



Sefton Council



Reference: Map reference  
Date: 16/07/2021  
Scale: Scale: 1:1250  
Created by: Initials



## The Site

The application site comprises the former Lydiate Barn Garden Centre and Nurseries to the west of Southport Road, Lydiate. The site is currently being redeveloped for 7 dwellings.

## History

Planning permission was granted in December 2018 for the *'erection of 3 bungalows and 4 two storey detached dwellings following demolition of former garden centre'* (reference DC/2018/00898).

Planning permission was granted in June 2020 for *'Variation of condition 2 attached to planning approval DC/2018/00898 dated 19/12/2018 - to revise the overall site layout and house types'* (DC/2019/02194).

Planning permission was granted in July 2020 for *'Erection of a dwelling house on Plot No.6 (redesign of approved scheme DC/2019/02194)'* (DC/2020/00244).

The current application amalgamates DC/2019/02194 and DC/2020/00244, with the only difference being the amendments to the approved drainage scheme explained within this report.

## Consultations

### **Environmental Health Manager**

No comment.

### **Flooding and Drainage Manager**

No objection subject to conditions.

### **Highways Manager**

No objection subject to conditions.

### **Local Plans Manager**

No comment.

### **Merseyside Environmental Advisory Service**

No comment.

### **Natural England**

No comment received.

### **Tree Officer**

No objection.

# Agenda Item 5b

## Neighbour Representations

Application called-in to Committee by Cllr O’Hanlon due to concerns about foul water drainage, nuisance from the treatment plant and its reliance on a soakaway, along with concerns as to whether surface water drainage scheme accounts for effects of climate change.

Objection received from Lydiate Parish Council objecting to use of green space and querying why three different variations have been sought. The PC requests that development be in accordance with the Neighbourhood Plan.

## Policy Context

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

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

## Assessment of the Proposal

The proposal is submitted as an alternative to a development of 7 dwellings approved last year, which in itself was an alternative to the original scheme granted in 2018. As explained within the planning history section, this application amalgamates two existing permissions which seek the layout and house types altered.

Aside from the changes which already benefit from planning permission, the applicant is seeking to amend drainage proposals. Specifically condition 2 attached to permission DC/2019/02194 states that no surface or foul water is to discharge into a highway drain. By way of background highway drains do form part of the sustainable drainage hierarchy contained within the National Planning Policy Framework, albeit at the lower end of sustainability, however the Local Plan specifically omits highway drains from its hierarchy within policy EQ8 due to generalised concerns in relation to capacity.

During the course of the previous application the applicant made the Council aware of their intentions to connect to the highway drain which is why the condition was attached to permission reference DC/2019/02194. Subsequent discussions have taken place between Planning Services, the Flooding and Drainage Manager and the applicant and it was agreed in principle that limited attenuated discharge could be accommodated within the highway drain and a formal application to vary was submitted.

## **Flooding and Drainage**

The applicant has submitted detailed drainage plans and calculations which have been reviewed to the satisfaction of the Flooding and Drainage Manager. The scheme promotes infiltration as the method of drainage for each residential plot which is supported, whereas surface water run off from access roads would be directed towards a highways drain via a large attenuation crate below ground. The applicant has submitted sufficient information within their site investigation report to rule out infiltration on a wider scale and given the absence of a nearby watercourse, surface water or combined drain that connection to the highways drain is the most practicable method of drainage. The submitted calculations indicate that climate change has been accounted for within the design of the scheme and capacity of the attenuation crate.

In regard to foul water drainage, this would be treated on site and discharge by way of ground infiltration which is considered to be a sustainable solution. Such infrastructure is designed to not cause a nuisance by virtue of noise or odour.

Overall it is considered that the proposal complies with the provisions of Local Plan policy EQ8 and the proposal would not result in increased flood risk.

## **Other Matters**

The majority of neighbour representations have been responded to within the above. The principle of development (i.e. Green Belt policy) has been established, while a developer is free to make any number of iterations to a planning permission. In this specific situation the condition wording relating to drainage was prohibitive and did not allow flexibility in terms of surface water drainage, thus warranting a variation of the condition.

A condition requiring that the 'existing ornamental Pond be drained down in late autumn when amphibians and their larvae are less likely to be present' is no longer required as the pond has been drained and is no longer in situ, and thus can be removed from any subsequent decision notice.

## **Conclusion and Planning Balance**

Taking all of the above into account, the proposal is considered acceptable. The drainage strategy does not necessarily accord with the requirements of Local Plan policy EQ8 however as it has been demonstrated that the method of drainage is as sustainable as practicable when considering the sustainable drainage hierarchy set out under national Planning Practice Guidance. The proposal would introduce drainage infrastructure where there was previously little and there would be no increased risk of flooding as a result. The proposal incorporates attenuation which accounts for flood risk associated with climate change. Foul water would be drained on a separate system treated on site by a Klargest treatment plant and discharged via soakaway. The proposal is considered to comply with adopted local and national policy and is recommended for approval.

# Agenda Item 5b

## Recommendation - Approve with Conditions

### Approve with Conditions

#### Conditions

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

#### Approved Plans

- 1) The development hereby granted must be carried out strictly in accordance with the following details and plans:-
  - Location Plan (Drawing 1562 PL 001)
  - Proposed Site Plan (Right of Way) (201 Rev A)
  - Proposed Site Plan (101 Rev K)
  - House Types 1, 2, 3 (With and Without Carport), 4, 5 and 6
  - Phase 1 Site Investigation Report (Report No R1/01 Issues 1)
  - Phase 2 Site Investigation Report (19-09-04 Rev 1)
  - Phase 3A Remediation Strategy and Implementation Plan (20-03-07 Rev 2)
  - Preliminary Ecological Appraisal (9th April 2018) Issue 1.0
  - Tree Survey, Arboricultural Implications Assessment & Method Statement (19609/A1\_AIA\_Rev.A)
  - Proposed Site Plan Lighting Strategy (110 Rev A) (Position of Light Columns Only)
  - Highways Assessment Technical Note (12 July 2018) (067128/TN)
  - Geological Mineral Assessment Report (Report 3476R02/01)
  - Proposed Site Plan - Landscaping (202 Rev B)

Reason: To ensure a satisfactory development

#### During Building Works

- 2) The provisions of the Construction Traffic Management Plan and accompanying drawing approved under reference DC/2019/01657 shall be implemented in full during the period of construction.

Reason: In the interests of highway safety.

- 3) The remediation strategy approved under condition 1 must be carried out in accordance with its terms prior to first occupation of development. Following completion of the remedial works identified in the approved remediation strategy, a verification report that

demonstrates compliance with the agreed remediation objectives and criteria must be produced and is subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.

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

- 4) No trees shall be felled, no vegetation shall be cleared and no demolition shall take place during the bird nesting season (1 March - 31 August inclusive) unless the absence of nesting birds has been confirmed by a survey, which has been submitted to the local planning authority, and such works have been approved in writing beforehand by the local planning authority.

Reason: To ensure that wild birds building or using their nests are protected.

## Before the Development is Occupied

- 5) The development hereby permitted, including all components of the sustainable drainage system, shall be carried out in accordance with the approved Sustainable Drainage Strategy (Proposed Site Plan (101 Rev K)) and submitted Flow Control, Soakaway and Structural Calculations. The approved scheme shall be fully constructed prior to occupation of development in accordance with the approved details and be managed and maintained thereafter as such.

Reason: To ensure satisfactory drainage facilities are provided to serve the site and in order not to increase flood risk elsewhere.

- 6) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report required by condition 3.

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

- 7) The Existing Polytunnels shown within the blue boundary on Existing Site Plan shall be permanently removed prior to the occupation of any dwelling. Before the occupation of any dwelling, details of the replacement landscaping scheme for this area shall be submitted to and approved by the local authority. The landscape scheme shall be installed in accordance with the approved plans prior to occupation of plots 4-7 and retained thereafter.

# Agenda Item 5b

Reason: To preserve and enhance the openness of the Green Belt.

- 8) No dwelling (with dedicated parking) shall be occupied unless and until an electric vehicle charging point for that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The approved infrastructure shall be permanently retained thereafter. All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

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

- 9) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development have been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed and be operational prior to occupation of any dwelling and shall be retained thereafter in accordance with the approved details.

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

- 10) No part of the development shall be brought into use until visibility splays of 2.4 metres by 43 metres at the proposed junction with Southport Road, have been provided clear of obstruction to visibility at or above a height of 0.6 metres above the carriageway level of Southport Road. 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.

- 11) No part of the development shall be brought into use until a detailed scheme of highway improvement works for the provision of the introduction of dropped kerbs and tactile paving on both sides of the access to the site at its junction with Southport Road; together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority. The approved works must be completed before any of the dwellings are occupied and retained thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 14) The scheme of noise protection (Environmental Noise Impact Report, 13037) approved under application reference DC/2019/01657 shall be implemented prior to occupation of each respective dwelling and retained thereafter.

Reason: In order to safeguard the living conditions of future occupiers.

- 15) The light mitigation strategy approved under condition 1 shall be implemented prior to first occupation of any dwelling and thereafter retained in perpetuity.

Reason: To safeguard conservation of species/habitats.

- 16) No dwelling shall be occupied until a scheme and appropriate scaled plan identifying suitable locations on the site for the erection of bird nesting boxes together with a timetable for implementation has been submitted to and approved in writing by the local planning authority. The approved scheme of nesting and bat boxes shall be installed in accordance with the approved details and timetable.

Reason: To ensure the conservation of wild birds.

## Ongoing Conditions

- 17) The hard and soft landscaping scheme hereby approved under condition 1 must be carried out in full within the first available planting season following first occupation of development. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season.

Reason: In the interest of visual amenity.

- 18) 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 extension shall be erected to a dwelling unless expressly authorised.

# Agenda Item 5b

Reason: In order to protect the openness of the Green Belt.

- 19) 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 fences, gates or walls shall be erected aside from those shown on the Proposed Site Plan - Landscaping (202 Rev B), unless expressly authorised.

Reason: In order to protect the openness of the Green Belt.



**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 28th July 2021

**Subject:** [DC/2021/00813](#)  
[40 Blundell Road, Hightown, L38 9EQ](#)

**Proposal:** Erection of a detached dwellinghouse within the rear garden of 40 Blundell Road, with access, landscaping, and all associated works

**Applicant:** Mr. Nigel Linacre      **Agent:** Mr. David Morse  
Baltic PDC

**Ward:** Manor Ward      **Type:** Full Application

**Reason for Committee Determination:** Called-in by Councillor John Joseph Kelly

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## Summary

This application seeks approval for the erection of a two-storey dwellinghouse on land to be severed from the side and rear of Number 40 Blundell Road within a Primarily Residential Area of Hightown. The proposal is considered to cause significant harm to the local distinctiveness of the area by introducing a backland residential development and the benefits arising from the proposal do not outweigh this harm. The proposal does not therefore represent sustainable development and is recommended for refusal.

## Recommendation: Refuse

**Case Officer** Neil Mackie

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

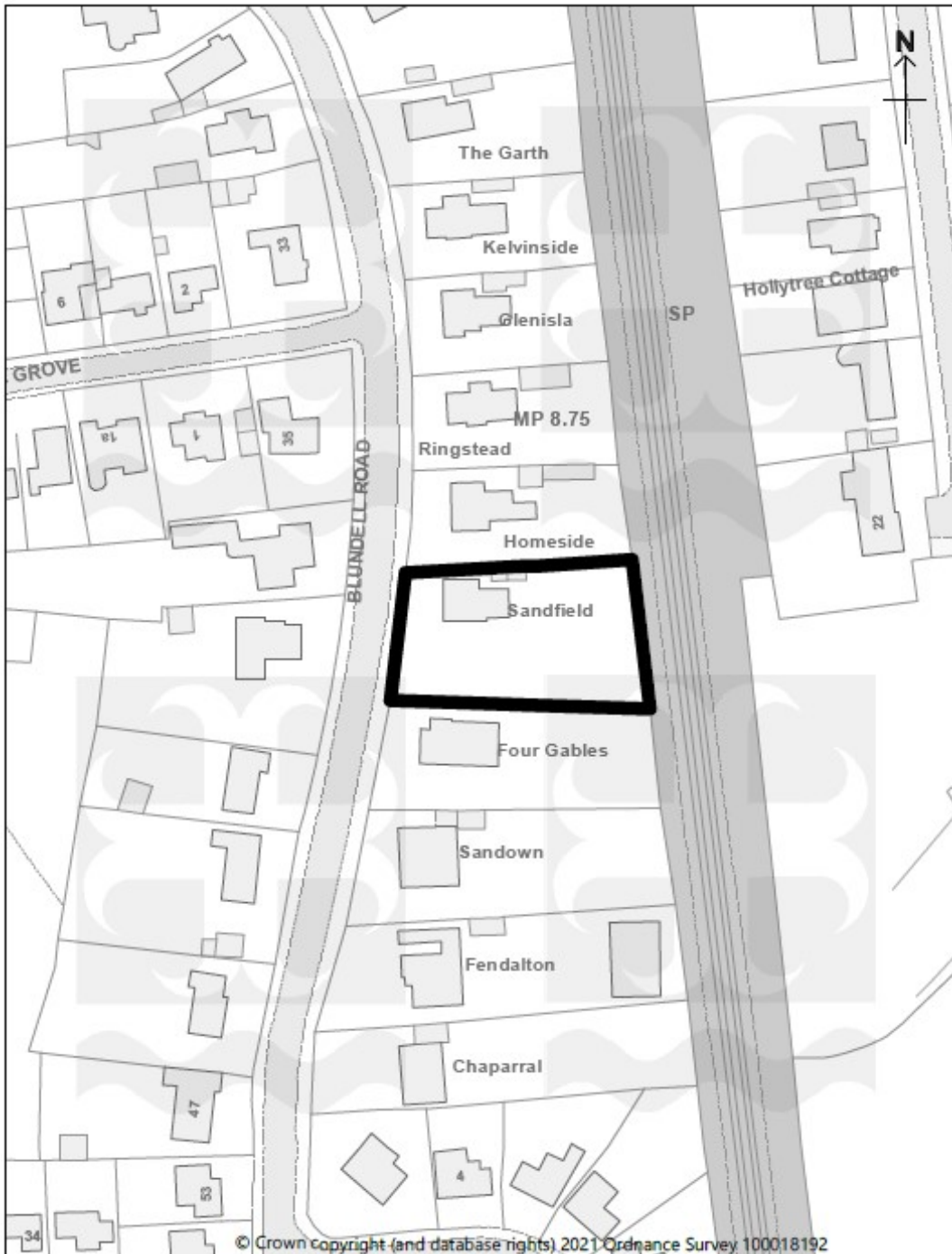
**Telephone** 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQH8AFNWIRG00>

# Agenda Item 6a

## Site Location Plan



Reference: Map reference  
Date: 16/07/2021  
Scale: Scale: 1:1250  
Created by: Initials

## The Site

The application site comprises land to be severed from the rear and side of an existing two-storey detached dwellinghouse at 40 Blundell Road within a primarily residential area of Hightown. The site is bordered to the rear (east) by a railway line.

## History

DC/2020/02483 - Erection of 2 detached dwellings with associated landscaping and new shared private driveway through the existing site entrance with alteration to the existing window fenestration to the rear of the existing house. Withdrawn.

S/2002/1181 - Erection of a single storey extension at the side of the dwelling house. Approved.

## Consultations

### Highways Manager

No objections in principle to the proposal as there would be no adverse highway safety impacts.

### Environmental Health

No objection in principle to this proposal.

### Tree Officer

Situated within and/or directly adjacent to the site are a number of trees which may be impacted on by the proposed development. Taking this into account and to allow full consideration of the proposals the application should be supported by a tree survey, impact assessment and method statement in accordance with BS5837:2012.

### Natural England

No objection.

### United Utilities

No objection.

### Network Rail

No objection in principle.

## Neighbour Representations

This application has been **called-in by Councillor John Joseph Kelly** in the event that it is recommended for refusal.

## Objections

Objections received from Numbers 38 & 42 Blundell Road Hightown.

# Agenda Item 6a

Points of objection relate to:

## Character of the area

- The proposal is not in keeping with design and layout of the area and adjacent properties
- This area is currently free from backland development other than ancillary domestic building or extensions to existing dwellings and this proposal would introduce an alien built form
- The lack of street frontage for the proposal would be out of character and incongruous with the existing established development
- The garden to Number 40 is commensurate with the calibre and size of that house and is not a development plot
- The proposal may lead to further backland development by setting a precedent
- Proposed landscaping will not lessen the imposing nature of the development

## Living Conditions

- The proposal will have a detrimental impact on neighbouring living conditions through introducing an overbearing development
- The proximity of the proposal will give rise to significant harm through overshadowing a neighbouring rear garden
- Habitable rooms to the north elevation of the proposal, within 3m of the boundary, will give rise to harm as these windows are less than 21m from a neighbouring conservatory (stated distance is circa 16m). This would result in a loss of privacy
- The introduction of a driveway plus a parking area will cause harm through noise and disturbance to neighbouring properties

## Flooding and Drainage

- The application is located within a high-risk area for surface water flooding and this proposal will exacerbate existing flooding within the immediate area

## Support

Support received from Numbers 31 Blundell Road, 37 Blundell Road, 39 Blundell Road, 45 Blundell Road, 59 Blundell Road, 75 Blundell Road, 20 Richmond Close, 4 Mayfair Close, 11 Mayfair Close, 9 St Stephens Road (all Hightown), 2 Rymers Green Formby, 4 Wicks Lane Formby, 30 Knowle Avenue Ainsdale, 4 Pine Grove Southport, Flat 1 Alexandra Court College Road Crosby, 39 Coppull Road Lydiate, 32 Bidston Court Upton Road Prenton, 57 Broad Lane Stapeley Nantwich

Points of support relate to:

- Good for the community
- Welcome addition to the village
- Proposal is in keeping with the surrounding houses
- Helps to address shortage of housing
- No reason to refuse
- Similar backland developments permitted elsewhere in Hightown

- Blundell Road has never flooded

## **Parish Council**

Hightown Parish Council object to this proposal for the reasons cited by an objector (as summarised above).

## **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**

This application seeks consent for the erection of a detached two-storey dwellinghouse to the rear of the existing two-storey dwellinghouse at Number 40 Blundell Road within a Primarily Residential Area of Hightown.

The purpose of the dwelling is to provide suitable accommodation for the applicants to live in and provide care for their elderly parents.

The main issues to consider in respect of this application are the principle of development, the impact on the character of the area, the impact on living conditions for neighbouring properties and future occupiers of the property and the impact on flooding and drainage.

### **Principle of Development**

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

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

### **Character of the Area**

Policy EQ2 'Design' of the Local Plan states that development will only be permitted where, amongst other matters, in relation to site context, the proposal should respond positively to the character, local distinctiveness and form of its surroundings. The policy also requires in terms of site design, that the arrangement of buildings, structures and spaces within the site, including density and layout, and the alignment and orientation of buildings relates positively to the character and form of the surroundings, achieves a high quality of design and amongst other things, integrates well with existing street patterns. The New Housing Supplementary Planning Document (SPD) includes guidance specific to proposals for backland development and, amongst

# Agenda Item 6a

other things, seeks that the form and layout respect the character of the area.

There are two-storey properties along this section of Blundell Road that have a rhythm in terms of architectural styles, scale, bulk and massing. The sizeable rear gardens to these properties and the spacing between the properties are a prominent feature which gives a sense of spaciousness to this particular grouping, with views through to the rear, that clearly differentiates them from more recent development elsewhere on this road.

The proposed dwelling would be accessed from Blundell Road with an access road lying adjacent to the shared boundary with Number 42 Blundell Road to the south. While the proposed house would be positioned behind Number 40 it is likely that due to the spacing between Number 40 and Number 42 it will be visible from the highway when approaching from the south, and it will also be visible from the adjacent railway line to the east.

There is a largely consistent rear building line to this curvilinear section of Blundell Road running from Number 32 to 48, before the planned development at Elvington Road, with rear gardens being free from development other than ancillary buildings connected with the dwellinghouses. This contributes to the sense of local distinctiveness that policy EQ2 and the SPD aim to protect.

The proposal would occupy a significant proportion of the garden area of the host property. The arrangements of building and space with the site would appear as incompatible and incongruous from public vantage points as well as when viewed from neighbouring first-floor windows. This would harmfully disrupt the existing sense of spaciousness of these plots and a key characteristic of this run of properties.

The agent for the application has drawn the Council's attention to other developments within Hightown but it is not agreed that developments at St George's Road, for example, provide justification for this proposal given the change in site circumstances, the benefits arising from such developments and that the Council can now demonstrate a five year housing land supply.

The agent also contends that the granting of approval for a backland property to Number 24 Blundell Road, reference DC/2016/01033, should carry significant weight to the determination of this application. However, as has been stated to the agent, that application was considered prior to the adoption of the 2017 Local Plan and prior to the Council being able to demonstrate a five year housing land supply. Further, this site has different characteristics in relation to neighbouring development and form than that to be considered here. Finally, it would appear from aerial photography and the absence of any approval of conditions or allocating of an address that this permission was not implemented and, as such, has lapsed.

For the reasoning set out above it is considered that the proposal would fail to respond positively to the character and form of its surroundings. The proposal would cause significant harm to the character and appearance of the area, and would therefore be contrary to the requirements of policy EQ2 and the SPD.

This matter will be considered further at the end of the report as part of the planning balance.

## **Living Conditions**

### *Future Occupiers*

The outlook from the ground-floor kitchen will be constrained as it is no more than 4m to the boundary with Number 38, as would the outlook from the French doors and a third opening serving this combined kitchen/dining & family room. This room as a whole, however, is also served by a window to the east with a distance of at least 8.2m to the boundary with the railway line. The limitations on outlook from this room, offset by a larger window to the east, would be apparent to any future occupier and on balance this is considered to be acceptable.

The lounge and dining room to the ground-floor have good outlook to the south towards the parking area and to the boundary with Number 42, and this outlook is repeated to Bedrooms 1, 2 & 3 to the first-floor. Bedroom 4 is served by a window to the east elevation at first-floor that is 8m to the boundary with the railway line and will provide views beyond that.

The garden area to be provided to this dwelling would significantly exceed that required within the SPD and is acceptable.

Any disturbance arising from the neighbouring railway line can be addressed by the occupiers through enhanced glazing, and the Council's Environmental Health Officers have not raised any objections regarding potential disturbance that could not be addressed through conditions attached to approval.

It is considered that the proposal is acceptable in this regard.

### *Neighbouring Properties*

Number 40 Blundell Road: As evident from the submitted drawings it is intended for existing clear glazed windows at the first-floor rear elevation of Number 40 to be made obscure. This affects a bathroom and a bedroom, with the bedroom having an existing window to the side elevation and as such would not lead to a poor outlook.

# Agenda Item 6a

The proposal would be sited 8.1m to the east and so will have an impact on the ground floor. This will be to a utility room and patio doors to a kitchen/dining room, that has two windows on the south facing side elevation. The outlook from the patio doors is likely to be affected by the proposal but the kitchen/dining room as a whole would still have a good outlook to the side. This approach is acceptable and in any case is being imposed by the applicant on their own property and would be apparent to any subsequent occupier of this dwelling.

Number 42 Blundell Road: The proposal will not give rise to harm through overshadowing or introducing an overbearing development given its separation from the shared side boundary, around 18m, and its position to the north of this neighbour. The distance from habitable room windows of the proposed dwelling to the rear garden of Number 42 exceed the minimum 10.5m distance as required within the SPD from habitable room windows to neighbouring gardens. It will therefore not cause significant harm to living conditions through overlooking the rear garden. The siting of the proposal also ensures that the habitable room windows to the side elevation are not directly facing any existing habitable room windows to this neighbour, and so there will not be significant harm caused through a loss of privacy.

The position of the access road and the parking area to the shared side boundary is not likely to give rise to significant detrimental harm through noise and general disturbance. This is the case as it will serve a single dwelling and as such vehicle movements are likely to be limited. Further, a condition has been recommended by the Council's Environmental Health Officers for an acoustic boundary.

It is therefore considered that the proposal is acceptable with regard to its impact on Number 42.

Number 38 Blundell Road: The proximity of the patio doors and clear glazed openings to the ground-floor elevation of the proposal facing the shared boundary does not give rise to concerns about harm through overlooking due to the height of the boundary between the two properties. The first-floor windows to this elevation are obscurely glazed and as such will not contribute to overlooking, subject to a condition for the level of obscured glazing and for them to be non-opening up to a specified height.

The proposal itself will be less than 4m from the boundary with this neighbouring property and being positioned to the south could give rise to harm through overshadowing. It is unlikely that it will give rise to harm through overshadowing habitable room windows due to the separation to the dwellinghouse at Number 38.

In respect of overshadowing the neighbouring garden, the proposal will have an eaves height of 5.4m increasing to a maximum ridge height of 8.7m. The angle of the roof ensures that the maximum height is approximately 5.5m in from the elevation adjacent to Number 38, but allied with the width of this elevation (12.8m) this does introduce a development that could overshadow this garden at key times through the early morning to midday, with the impacts greater when the sun is low.



It is considered that this building will overshadow the rear garden, particularly the area adjacent to the shared boundary and that this could be a relatively large area dependent upon the time of day and season. However, the rear garden to Number 38 is a substantial size and it is likely that large parts of it, if not the majority, will be free from overshadowing caused by the proposal. This then would not, in this instance, give rise to significant harm to the living conditions of current or future occupiers of this property given the remaining areas of garden that could be used.

On balance it is therefore considered that the proposal will not have an unacceptable impact on the living conditions for current or future occupiers of this property.

## **Other Matters**

### **Flooding & Drainage**

Reference has been made by objectors regarding flooding to this area and expressing concern that a further built development here would exacerbate this matter, as well as potentially impacting the neighbouring Network Rail land. Network Rail in their response raise no objections in principle to the proposal but then set out a number of concerns or requirements, particularly in relation to drainage.

In respect of the concerns raised both the NPPF and policy EQ8 'Flood Risk and Surface Water' require development to not increase flood risk elsewhere and, where possible, reduce the causes and impacts of flooding.

Further information on this matter having regard to site specific circumstances and the need to work with Network Rail was not sought from the applicant as it would not have overcome the character issue. In the event of any appeal or resubmission it is expected that such information would be provided.

### **Trees**

As set out in his response above the Council's tree officer requested a tree survey due to the proximity of trees that may be impacted by the proposal. This was not sought from the applicant as it would not have overcome the character issue. In the event of any appeal or resubmission it is expected that a tree survey would be provided.

## **Planning Balance**

At the heart of both the Local Plan and the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These roles are interdependent and must be jointly sought to achieve sustainable development.

# Agenda Item 6a

As seen above the proposal is considered to be capable of providing sufficient living conditions for future occupiers, would not cause significant harm to the living conditions of neighbouring properties or cause harm to highway safety & amenity. Further, the use of conditions would likely address concerns over flooding and drainage. No weight can be given to these elements as these are policy requirements and must be met as a minimum for any development.

The proposal would provide one new residential property, which will help contribute to Sefton's housing supply. This would meet the social objective as set out in paragraph 8 of the NPPF but as the Council can currently demonstrate a five year housing land supply the contribution of one property will be negligible and as such has very limited weight.

Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth. The proposal through the construction of the dwelling and expenditure associated with an additional household in the area may provide minor economic benefits. Very limited weight is attached to this contribution to the economic objective set out in paragraph 8 of the NPPF.

The purpose of the dwelling to provide suitable accommodation for the applicants to live in and provide care for their elderly parents. This complies with the social objective set out in paragraph 8 of the NPPF of meeting needs of present and future generations. Weighing against the proposal, however, is the significant harm to be caused to the character of the area and the local distinctiveness of this grouping of properties, which would be contrary to that same social objective as it would not result in a well-designed built environment.

Taking all of the above into account the Council considers that the limited benefits of this scheme are substantially and demonstrably outweighed by the significant harm that would be caused to the character of the area. Consequently, it would fail to fulfil the environmental objective within the NPPF and thus would not represent sustainable development

## **Conclusion**

For the reasons set out above it is considered that as this proposal, due to its detrimental impact on the character of the area, does not represent sustainable development that it should be refused consent for the following reason:

The proposed development, by virtue of its position to the rear garden of Number 40 Blundell Road, would cause significant harm to the character of the area and local distinctiveness contrary to the requirements of the Local Plan, particularly policies SD1, EQ2, 'New Housing' Supplementary Planning Document and all other material considerations including the National Planning Policy Framework. The proposal is not sustainable development and is therefore unacceptable.

## Recommendation - Refuse

### Reason for Refusal

This application has been recommended for refusal for the following reason:

- 1) The proposed development, by virtue of its position to the rear garden of Number 40 Blundell Road, would cause significant harm to the character of the area and local distinctiveness contrary to the requirements of the Local Plan, particularly policies SD1, EQ2, 'New Housing' Supplementary Planning Document and all other material considerations including the National Planning Policy Framework. The proposal is not sustainable development and is therefore unacceptable.

### Informative:

- 1) For the avoidance of doubt this decision has been reached having regard to the following drawings:

000 'Location Plan'

200 'Proposed Ground Floor Site Plan'

201 'Proposed First Floor Site Plan'

210 'Proposed Plans, Elevations and Street Scene'

211 'Proposed Plans and Elevations Existing Dwelling'

300 'Existing and Proposed Site Sections'

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# Agenda Item 7

<b>Report to:</b>	Planning Committee	<b>Date of Meeting:</b>	Wednesday 28 July 2021
<b>Subject:</b>	Planning Appeals		
<b>Report of:</b>	Chief Planning Officer	<b>Wards Affected:</b>	(All Wards)
<b>Cabinet Portfolio:</b>	Planning and Building Control		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

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

## Recommendation(s):

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

## Reasons for the Recommendation(s):

To update members on planning and enforcement appeals

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

N/A

## What will it cost and how will it be financed?

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

(B) **Capital Costs**

# Agenda Item 7

N/A

## 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.6462/21) and the Chief Legal and Democratic Officer (LD4663/21) have been consulted and any comments have been incorporated into the report.

## **(B) External Consultations**

Not applicable

## **Implementation Date for the Decision**

Immediately following the Committee / Council meeting.

<b>Contact Officer:</b>	Tina Berry
<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 Council's website [www.sefton.gov.uk/planapps](http://www.sefton.gov.uk/planapps)

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## Appeals Received and Decisions Made

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

Contact Officer: Mr Steve Matthews 0345 140 0845

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

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

Appeals received and decisions made between 08 June 2021 and 09 July 2021

## Appeal Decisions

### Abbotsford Court 24 Abbotsford Road Crosby Liverpool L23 6UX

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

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

**Procedure:** Written Representations

**Start Date:** 02/03/2021

**Decision:** Dismissed

**Decision Date:** 30/06/2021

### Highways Land Green Lane Thornton Liverpool L23 1TJ

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

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

**Procedure:** Written Representations

**Start Date:** 22/03/2021

**Decision:** Dismissed

**Decision Date:** 23/06/2021

### 144 College Road Crosby Liverpool L23 3DP

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

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

**Procedure:** Written Representations

**Start Date:** 02/03/2021

**Decision:** Dismissed

**Decision Date:** 22/06/2021

### Meadowcroft 2 Old Rectory Green Sefton Village Liverpool L29 6YD

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

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

**Procedure:** Written Representations

**Start Date:** 26/03/2021

**Decision:** Dismissed

**Decision Date:** 09/06/2021

### 39 Harebell Close Formby Liverpool L37 4JP

**Reference:** DC/2020/01591 (APP/M4320/D/21/3270063)

Erection of a part two storey part first floor extension to the side of the dwellinghouse.

**Procedure:** Householder Appeal

**Start Date:** 30/03/2021

**Decision:** Dismissed

**Decision Date:** 08/06/2021

## New Appeals

### 2A - 2D Curzon Road Waterloo Liverpool L22 0NL

## Agenda Item 7

**Reference:** DC/2021/00382 (APP/M4320/W/21/3275607)

Change of use of redundant commercial space on first floor to residential to create 1 Flat (C3).

**Procedure:** Written Representations

**Start Date:** 02/07/2021

**Decision:**

**Decision Date:**

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### Liverpool Ramblers Football Club Moor Lane Thornton Liverpool L23 4TN

**Reference:** DC/2019/02088 (APP/M4320/W/21/3269994)

Outline planning application for 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).

**Procedure:** Written Representations

**Start Date:** 23/06/2021

**Decision:**

**Decision Date:**

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### Liverpool Ramblers Football Club Moor Lane Thornton Liverpool L23 4TN

**Reference:** DC/2020/00423 (APP/M4320/W/21/3269995)

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

**Procedure:** Written Representations

**Start Date:** 23/06/2021

**Decision:**

**Decision Date:**



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## Appeal Decision

Site visit made on 4 May 2021

**by L Wilson BA (Hons) MA MRTPI**

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

**Decision date: 30 June 2021**

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**Appeal Ref: APP/M4320/W/21/3266992**

**Abbotsford Court, 24 Abbotsford Road, Crosby, Liverpool L23 6UX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Andrew Kelleher, York Montague Ltd, against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/00455, dated 10 March 2020, was refused by notice dated 17 July 2020.
  - The development proposed is described as two new one bedroom flats on the roof.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During the course of the appeal the Council refused prior approval<sup>1</sup> at the appeal site for a similar proposal. The appellant has had an opportunity to comment upon the decision and as such I have had regard to this in making my decision.

### Main Issues

3. The main issues are:
  - The effect of the proposed development upon the character and appearance of the host building and surrounding area, including the effect on trees and vegetation; and
  - Whether or not the proposed development would provide acceptable living conditions for future and existing occupants, having regard to the provision of private outdoor space.

### Reasons

#### *Character and appearance*

4. Abbotsford Court is a three-storey block of flats with a flat roof, situated at the end of a cul-de-sac. The building is set back from the road behind a low wall and lawned area. To the rear of the building is a garage court which is accessed via a driveway and to the southern side of the site is a bank covered in trees and vegetation which slopes up to Mersey Road.

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<sup>1</sup> DC/2021/00713

# Agenda Item 7

Appeal Decision APP/M4320/W/21/3266992

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5. Abbotsford Road contains a mix of three storey blocks of flats and more traditional three-storey buildings. The blocks of flats are typical 1970's buildings. The parapets of the flat roof buildings and the eaves of the pitched roof buildings within Abbotsford Road are broadly consistent. In addition, both Homewood and Ingleside Court have a similar roofline, and are similar in design, to Abbotsford Court. Whilst some of the more traditional buildings are taller, they read as three storey buildings and are not bulky due to architectural detailing and their roof design.
6. The appeal site sits considerably lower than Mersey Road. The trees within the appeal site and surrounding area make a positive contribution to the character and appearance of the area. The trees to a degree screen Abbotsford Court but the building is visible from Mersey Road due to its height. The building would be more prominent in winter months when the trees are not in leaf.
7. The proposed fourth storey and steeply sloping sides of the roof would appear at odds with the three storey buildings and roof designs within Abbotsford Road. The additional floor and its roof design would unduly increase the scale, massing and bulk of the building. Due to the increase in height of the building, the proposed development would be conspicuous from the surrounding area and would result in an incongruous addition which would not reflect the existing roof designs or three storey buildings. The scheme would not be consistent with the prevailing height and form of neighbouring properties nor the overall street scene.
8. The Council are concerned that the scheme seeks to widen the access which would reduce the tree bank. The appellant asserts that no changes are proposed to the existing site layout and the existing tree line will not be affected by the access. They have clarified that it is not their intention to widen the access and have illustrated this on a plan. I am satisfied that this illustration indicates that any harm to those trees could be adequately prevented by suitably worded planning conditions. Therefore, I am satisfied that the scheme, in relation to trees and vegetation, would not cause significant harm to the visual amenity of the character and appearance of the site and surrounding area.
9. For the reasons given above, and having regard to paragraphs 118, 127 and 130 of the National Planning Policy Framework (the 'Framework') and based on the evidence submitted, the development would be visually harmful to the character and appearance of the host building and surrounding area. However, I do not consider that it would result in a significant loss of trees or vegetation.
10. Consequently, the scheme would conflict with Policy EQ2 (1a) and (3a) of A Local Plan for Sefton (2017) (LP) which seeks, amongst other matters, to ensure new development responds positively to the character, local distinctiveness and form of its surroundings through the quality of its design. Whilst there would be no conflict with Policies EQ2 (1c) and EQ9 (7) of LP which requires important landscape features to be retained and development must not result in unacceptable loss of, or damage to, existing trees, the proposal would conflict with the development plan taken as a whole.

## *Living conditions*

11. The proposed development does not provide any new outdoor space for future or existing occupiers. The existing flats have limited useable private outdoor

- space due to the garage court, access to the garage court and the tree bank. To the front of the building is a communal outdoor space.
12. Occupiers of the new flats would only have access to the front lawn which is not private. The garage court and bank to the side would not provide high quality outdoor space. They would not provide an appropriate space due to their current function and topography. Although some existing occupiers have small balconies, there would be an increased pressure on the current front lawn. The outdoor space would not provide sufficient space for informal recreation, gardening, drying clothes and socialising for all of the existing and future occupiers.
  13. The Sefton Council's Flats and Houses in Multiple Occupation Supplementary Planning Document (2018) (SPD) sets out the minimum amenity space required and states that areas to the front of a building that are not private will not be included in the calculation. Both main parties agree that the current level of outdoor space, for the existing occupiers, does not meet the standards set out in the Council's SPD.
  14. The proposal would not comply with the 20sqm amenity space requirement per flat set out in the SPD. Furthermore, the substandard space is not considered private due to its location to the front. Nonetheless, the current communal outdoor space would provide existing and future occupiers with a degree of outdoor space.
  15. The SPD does point out that in limited exceptional circumstances a lower amount of amenity space may be accepted if it is not possible to meet the standards. The appellant suggests that domesticated additions such as balconies or roof terraces could result in an overbearing appearance. They also highlight that the site is constrained, not every resident wishes to have a garden and the new flats are not designed for families. In addition, I acknowledge that there are parks and Crosby beach nearby, but these amenities cannot provide private space in close proximity to the proposed flats.
  16. Although the existing outdoor space is substandard that should not be a reason to justify further inadequate outdoor space which would have a greater demand than the existing situation. The proposed development falls considerably short of the minimum standards.
  17. The considerations highlighted by the appellant do not outweigh the substandard private outdoor space and they have not clearly demonstrated why a lower standard should be accepted. Thus, the scheme would provide a substandard level of outdoor space and would increase pressure on the existing non-private space to the front of the building.
  18. For the reasons given above, and having regard to paragraph 127 of the Framework, the proposal would not provide acceptable living conditions for future and existing occupants, having regard to the provision of private outdoor space. Accordingly, the scheme would conflict with policy EQ2 (2e) of LP which seeks, amongst other matters, to ensure new development creates well-connected and attractive outdoor areas which fulfil their purpose well.

### *Other matters*

19. The appellant considers that the Council's approach contrasts with the Government's desire to make effective use of land in sustainable locations and

# Agenda Item 7

Appeal Decision APP/M4320/W/21/3266992

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utilising airspace. The appellant also states that the proposed development can be delivered quickly and provide much-needed local housing of a desirable mix.

20. I understand from the evidence presented that the Council can demonstrate a 5 year housing land supply. Therefore, this benefit carries very limited weight given the small scale of the development and the Council's housing land supply position. These considerations do not outweigh the harm identified above and the proposal's failure to comply with the policies of the development plan as a whole.
21. I have also taken into account that permitted development rights exist, which permits an additional storey above an existing building subject to limitations, and I have had regard to the potential fallback position<sup>2</sup>.
22. The appellant asserts that the recently refused prior approval demonstrates that the Council now accepts that an additional storey can be accommodated at the site without any harmful impacts to the external appearance of the existing building. Whilst the Council did not raise the design and external appearance of the prior approval scheme to be a concern, it cannot be directly compared to the scheme before me as its design and siting differs.
23. The two main parties dispute whether an unacceptable level of private outdoor space can lawfully be used as a reason to refuse prior approval. Whether or not the prior approval application should have been refused for this reason or whether a similar proposal could be constructed using permitted development rights is not a matter for me to determine in the context of a Section 78 appeal.
24. In order for permitted development rights to be implemented, prior approval is required. Prior approval has been refused and therefore there is not a real prospect that the fallback position can be implemented and therefore I attach limited weight to this matter. In any event, even if the Council unlawfully refused prior approval, there are differences between the two proposals and the permitted development rights would not justify the scheme before me and outweigh the harm I have identified.

## Conclusion

25. Although I have found that the proposed development would not have an unacceptable impact on trees and vegetation, the scheme would be visually harmful to the character and appearance of the host building and surrounding area and would not provide acceptable living conditions for future and existing occupants to which I attach significant weight. The benefits associated with two new flats would be small. The benefits in that respect do not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations that outweigh this conflict.
26. For the reasons given above the appeal should be dismissed.

*L M Wilson*

INSPECTOR

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<sup>2</sup> The appellant refers to the case of *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314



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## Appeal Decision

Site Visit made on 9 June 2021

**by R Morgan BSc (Hons) MCD MRTPI**

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

**Decision date: 23 June 2021**

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**Appeal Ref: APP/M4320/W/21/3267905**

**Highways Land, Green Lane, Thornton, L23 1TJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Telefonica UK Ltd against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/01140, dated 30 June 2020, was refused by notice dated 19 August 2020.
  - The development proposed is Installation of a 20m high street works column supporting 6 no. antennas, 2no. 0.3m dishes and ancillary equipment. The installation of 2no. equipment cabinets and development ancillary thereto.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to the policies of the development plan and related supplementary guidance only in so far as they are a material consideration relevant to matters of siting and appearance.

### Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on:
  - the character and appearance of the area, including the effect on the setting of designated and non-designated heritage assets; and
  - the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

# Agenda Item 7

Appeal Decision APP/M4320/W/21/3267905

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## Reasons

### *Character and appearance*

5. The appeal site is located on a large grass verge which fronts onto Green Lane, in a predominately residential area close to the edge of Thornton. The site, which follows a shallow bend in the road, contains several mature trees, and is bounded by a long, tall hedge along the southern boundary.
6. The surrounding area is suburban in character, and buildings are generally no more than two storey in height. In the main, the houses around the appeal site are set well back from Green Lane, as is the public house opposite. As a result, the area has an open and spacious feel, with the trees and vegetation on the wide grass verge contributing positively to the character of the area.
7. There are a number of existing vertical features in the area surrounding the site, including streetlights, telegraph poles and highway signs, as well as a telecommunications monopole on the grass verge. This existing mast is around 12.5 metres in height, and is of a simple design with shrouded antenna. Its low-key appearance, and siting close to two mature trees, means that the monopole is well screened and does not appear prominent in the streetscene. By comparison, the proposed 20m mast would be considerably taller than the existing trees and street furniture, and would be sited in a more open area, closer to the road frontages of Green Lane and Water Street. As a result, it would appear far more obvious within the streetscene than the existing equipment.
8. When viewed from further away, the surrounding trees and vegetation would provide screening, and the proposed mast would be seen in the context of the streetlamps and other vertical features in the area. However, the installation would be highly visible to passers-by on Green Lane and users of the footpath crossing the grass verge. I acknowledge that the height is the minimum necessary to meet the technical requirements, and that the equipment has been designed so as to minimise its visual impact, but the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate setting.
9. It is clear from comments made by the Parish Council and local residents that the site has significance to the community over and above its amenity function. The space is referred to as the Village Green, and is used for remembrance events and Christmas Tree lighting. Part of the area is already taken up by the existing telecommunications equipment, but the proposed mast and associated cabinets would result in additional clutter in a more central and open part of the site, which would reduce the space available for such community events. The installation would appear incongruous and overbearing to users of the village green, and would significantly detract from local community's ability to appreciate and enjoy this element of their local environment.
10. The site is located near to the Grade II listed stocks, cross base and sundial. The cross base is also a scheduled monument. These designated heritage assets are grouped together on the corner of Water Street and Green Lane, on what is now pavement but was formerly part of the village green. Whilst not visually prominent in the streetscene, these features are important in that they



provide a tangible link to the past and contribute to the understanding of the history of the local area.

11. On the other side of the site, on the corner of Green Lane and Rothwells Lane, is Lydiate Farmhouse, which is a simple, white rendered and slate roofed cottage with a brick outbuilding. The buildings are recorded in the Historic Environment Record as dating back to the eighteenth century, and are described by the Council as a non-designated heritage asset. The appeal site lies between these heritage assets and forms part of their wider setting, with the continuing role of the site as a village green providing context for the location of the designated heritage assets.
12. I acknowledge that the character of the area has been shaped by the generations of people who inhabit the area, and that telecommunications equipment is now a common feature of the built environment. The heritage assets are already viewed in the context of existing modern infrastructure such as street furniture and road signs. However, the proposed equipment would erode the open character of this area, which has historical value as a village green, and which continues to be a focus for community events to this day. In this way, the installation would cause a modest amount of harm to the setting of the listed buildings and scheduled monument.
13. I conclude that the siting and appearance of the proposed installation would cause harm to the character and appearance of the area, and as such conflicts with Policy EQ2 of the Sefton Local Plan (Local Plan) which requires that development responds positively to the character, local distinctiveness and form of the area. It would also cause modest harm to the setting of the designated heritage assets.

#### *Living conditions*

14. There are no houses which would face directly onto the mast. The semi-detached properties on the corner of Green Lane and Water Street look out towards the grass verge but views of the equipment would be from an oblique angle, and the mast would be seen amongst a number of road signs and street lights.
15. The mast would be visible from gardens of neighbouring properties, in particular the adjacent Vicarage, and from upper floor windows and gardens of properties on Calderdale Close. It would be a tall but narrow structure, and from these residences only the upper section would be visible above the existing trees. The siting of the mast would be such that it would be a reasonable distance from the nearest property, and it would be further away from the back garden of The Vicarage than the existing mast.
16. Although residents may not find it attractive, the mast would not appear overly dominant or overbearing from any neighbouring properties. As such, there would be no conflict with Local Plan Policy HC3 which seeks to protect the living conditions of neighbouring properties.

#### **Other Matters**

17. The existing slimline monopole, which provides 2G, 3G and 4G services on behalf of Telefónica UK and Vodafone UK, is not capable of being upgraded to provide 5G, so a new mast is required. To support both operators, a new 5G mast would need to be a much bulkier and larger structure, so the proposed

# Agenda Item 7

Appeal Decision APP/M4320/W/21/3267905

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mast would operate on behalf of Telefónica only, whilst the existing monopole would be retained for Vodafone. In order to retain coverage, it is necessary to locate the proposed mast as close as possible to the existing structure, which is sited some 37m away.

18. I acknowledge that there are few tall buildings with flat roofs in the area, so the potential for siting the equipment on an existing building is limited, and that the presence of utility services and narrow verges reduces options for using highways land. The equipment needs to be located close to residential development, as that is where the demand originates, and I note the appellant's comment that the suggested location on Broom's Cross Road would be too far away. However, no clear evidence has been provided regarding any alternative options that have been explored or discounted that are closer to the existing site, but which might avoid the harm identified.

## **Planning balance**

19. I have found that, owing to its siting and appearance, the proposal would cause harm to the character and appearance of the area. It would also cause a modest amount of harm to the setting of designated heritage assets.
20. The harm to the designated heritage assets is a matter to which I give great weight, as directed by paragraph 193 of the National Planning Policy Framework (the Framework). The harm would be less than substantial, and in applying the balancing test of Framework paragraph 196, I must weigh this harm against the public benefits of the proposal.
21. The installation would provide 5G coverage for the surrounding area, which would be of significant benefit to its users. The equipment would contribute to delivery of advanced, high quality and reliable communications infrastructure, which is recognised as being essential for economic growth and well-being in Framework paragraph 112.
22. Whilst recognising the significant benefits which the proposed equipment would provide, the evidence is insufficient to clearly demonstrate that there are no alternative sites available, which would cause less harm to the setting of the designated heritage assets, and to the character and appearance of the area, than that which I have identified. Consequently, the harm in this case would not be outweighed by the public benefits of the scheme.
23. The proposal would comply with International Commission on Non-Ionizing Radiation Protection standards and would not have an unacceptable impact on living conditions of neighbouring occupiers. However, this lack of harm is neutral in the planning balance.

## **Conclusion**

24. For the reasons given, the appeal is dismissed.

*R Morgan*

INSPECTOR



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## Appeal Decision

Site visit made on 4 May 2021

**by L Wilson BA (Hons) MA MRTPI**

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

**Decision date: 22 June 2021**

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**Appeal Ref: APP/M4320/W/21/3266665**  
**144 College Road, Crosby L23 3DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tony Smith against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/01972, dated 24 September 2020, was refused by notice dated 26 November 2020.
  - The development is described as proposed change of use from retail to cafe and hot food take away.
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The ground floor of the appeal site currently relates to a retail unit which is located within a short terrace and is part of a larger group of shops.
4. The Council's Local Shopping Parades Survey (2012) identifies that the site is located within a local shopping parade and outlines the extent of the parade. The appellant has not submitted any substantive evidence to persuade me that the local shopping parade defined by the Council is inaccurate.
5. There are not currently any hot food takeaways within the terrace which the appeal site forms part of. Nevertheless, on my site visit I observed that there were four existing hot food takeaways within the local shopping parade. Two of these takeaways are in close proximity to the appeal site<sup>1</sup>. Within the parade are also a range of commercial, business and service uses.
6. The Council's development plan policies seek to limit the number of hot food takeaways to reduce the potential problems arising from clustering and over-concentration of hot food takeaways. An unacceptable grouping of takeaways could harm the character of the area, the vitality and viability of a local shopping parade and harm public health. The analysis of whether there is an unacceptable grouping of hot food takeaways should be based upon the defined

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<sup>1</sup> Momtaj and College Fryer

# Agenda Item 7

Appeal Decision APP/M4320/W/21/3266665

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- local shopping parade rather than simply the terrace which the appeal site forms part of.
7. Based on the evidence presented, the existing number of hot food takeaways is currently above the 5% threshold set out in the Council's Control of Hot Food Takeaways and Betting Shops Supplementary Planning Document (2017) (SPD). The addition of a further hot food takeaway would result in an even greater concentration of this type of use along College Road. When considering the size of the parade, it already contains a relatively large number of hot food takeaways.
  8. A proliferation of hot food takeaways can harm the character of the area and undermine the vitality and viability of local parades. The appellant asserts that the proposal would increase the vitality and viability of the area by bringing into use a vacant unit. Nonetheless, on my site visit I observed that the unit was not vacant.
  9. The proposed development would result in the loss of a retail space. Given the existing takeaway units, particularly the two in close proximity, the proposal would result in a clustering of takeaways which would adversely affect the overall attractiveness of the parade. The inappropriate clustering would detract from the primary retail function of the parade and further unbalance the mix of uses. Accordingly, the proposed development would result in an unacceptable grouping of similar uses that would cause harm to the character of the area and undermine the vitality and viability of the shopping parade.
  10. The appellant contends that the Council does not define a healthy lifestyle or identify local well-being needs and hot food takeaways do not necessarily equate to an unhealthy lifestyle. However, I consider that too many hot food takeaways in an area may encourage unhealthy lifestyle choices for local residents. I understand from the Council's submission that levels of obesity are high within the Borough and the Council is seeking to improve the overall health and well-being of the population.
  11. Conversely there is little evidence before me to demonstrate that the proposal would help to improve the overall health and well-being of the local community. Thus, I consider that the proposed development would be an obstacle to healthy eating. The scheme would therefore result in an unacceptable grouping of hot food takeaways which would not promote healthy communities.
  12. The appellant considers that the proposal will enhance the services provided within the area, there is a need for the takeaway and the scheme would not impact the remaining shops. These arguments are to some extent anecdotal and are not supported by robust evidence.
  13. According to the Council's figures, which I have no reason to doubt, and bearing in mind what I observed on site, the exemptions set out in the SPD do not apply to this case as the vacancy rate of the parade is not above 20%. Furthermore, even if the unit was vacant, there is no evidence that the unit had remained vacant after being actively marketed for a minimum of one year, as required by the SPD.
  14. For the reasons given above, the proposal would be harmful to the character of the area, the vitality and viability of the local shopping parade and the health

and wellbeing of the local community. Consequently, it would conflict with Policies EQ1, EQ10 and ED2 of the Local Plan for Sefton (2017) which seek to ensure, amongst other matters, that hot food takeaways are appropriately located and do not result in an unacceptable grouping of similar uses where they would harm the character of the area and the vitality and viability of a parade.

15. Furthermore, the scheme would not comply with paragraph 91 c) of the National Planning Policy Framework which aims to achieve healthy places which enable and support healthy lifestyles especially where this would address identified local health and well-being needs, including access to healthier food. It would also be contrary to the SPD which seeks to ensure new hot food takeaways do not result in unacceptable groupings in order to promote healthy communities and maintain the character, vitality and viability of local shopping parades.

### *Other Matters*

16. The appellant states that the Council did not use the SPD in determining the application. However, it is evident within the first reason for refusal and the Officer's Report that the Council did assess the scheme against the SPD.
17. The appellant also states that the scheme would provide acceptable levels of sound attenuation and odour control to satisfy the requirements of the Environmental Health Department. The reasons for refusal did not relate to these matters and any avoidance of harm in these respects does not amount to a positive consideration in support of the appeal.
18. In addition, the appellant asserts that no meaningful discussions took place prior to the decision being made. Nevertheless, this does not have any bearing on the proposal and in any event I have determined the appeal on its planning merits.

### **Conclusion**

19. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict.
20. For the reasons given above the appeal should be dismissed.

*L M Wilson*

INSPECTOR



### Appeal Decision

Site Visit made on 25 May 2021

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

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

**Decision date: 9 June 2021**

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**Appeal Ref: APP/M4320/W/21/3267600**

**Meadowcroft, 2 Old Rectory Green, Sefton Village, Liverpool, L29 6YD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Deborah Daley against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/02082, dated 9 October 2020, was refused by notice dated 16 December 2020.
  - The development proposed is the change of use from garden room to office for administration only.
- 

#### Decision

1. The appeal is dismissed.

#### Procedural Matter

2. The garden room is already in situ at the appeal property and is being used for the purpose for which planning permission is sought. I have determined the appeal on that basis.

#### Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of nearby dwellings, with particular reference to noise and disturbance.

#### Reasons

4. The business employs three people who do not reside at the appeal property. In addition, it is advised that the occupier of the property attends to the business as and when needed. The officer report further suggests that deliveries are expected on up to two occasions per week. Whilst home working is not an unusual occurrence, in particular in the circumstances of recent times, the level of activity associated with the appeal property exceeds that which could usually be expected at a residential dwellinghouse.
5. The appeal property is located within a residential area and is accessed by a road and driveway which leads past several other dwellings on Old Rectory Green. Brickwall Lane is a busy main road leading into Sefton Village and the settlements beyond it, and traffic movements along it contribute to the noise environment in the surrounding area. However, a number of the properties within Old Rectory Green that the movements would be close to are set back from Brickwall Lane and are screened to some degree from its noise and movements by the presence of other dwellings.

6. Vehicles arriving at and leaving the appeal property pass close to the front elevations of 3 and 4 Old Rectory Green and alongside the rear garden area of 1 Old Rectory Green. With three employees arriving and leaving on a daily basis, possibly on multiple occasions, in addition to deliveries and the non-business activity that will be associated with the dwelling, there is the potential for a great number of movements to take place, resulting in significant harm to the living conditions of the occupiers of nearby dwellings through noise and disturbance.
7. Even if hours of working were to be restricted by way of a planning condition, the number of movements to and from the appeal site, the method of transport used and the number of deliveries made during those times could not reasonably be controlled or enforced through a planning condition.
8. I note the representation made by the occupier of No 1 with respect to the impact on their property, however this does not overcome the matters of concern identified above or the impact upon those dwellings which share the driveway with the appeal property.
9. The development therefore has the potential to cause significant harm to the living conditions of the occupiers of the nearby dwellings through the noise and disturbance caused by movements to and from the appeal property in close proximity to the existing dwellings on Old Rectory Green. In conclusion, the proposal fails to accord with Policy HC3 of the Sefton Local Plan 2017, where it seeks to protect living conditions.

## **Conclusion**

10. For the reasons given above, I conclude that the appeal should be dismissed.

*Graham Wraight*

INSPECTOR



### Appeal Decision

Site Visit made on 25 May 2021

**by F Rafiq BSc (Hons), MCD, MRTPI**

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

**Decision date: 8<sup>th</sup> June 2021**

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#### **Appeal Ref: APP/M4320/D/21/3270063**

#### **39 Harebell Close, Formby, Liverpool**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Hobbs against the decision of Sefton Council.
  - The application Ref DC/2020/01591, dated 13 August 2020, was refused by notice dated 16 December 2020.
  - The development proposed is a two storey and first floor extension to the side elevation.
- 

#### **Decision**

1. The appeal is dismissed.

#### **Main Issue**

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 41 Harebell Close with particular regard to daylight, sunlight and outlook.

#### **Reasons**

3. The appeal property is a detached house which is situated on a cul-de-sac that contains closely spaced dwellings. It is a two storey dwelling, with a single storey garage to one side. The proposal includes a first floor extension on part of the garage, with a two storey addition to the rear of the garage.
4. The neighbouring property, No. 41, has a kitchen window on its side elevation facing the appeal property. The appellant has set out that the passageway areas between the two dwellings are already shaded and there are tall, mature trees in the rear gardens of the appeal property and its neighbour at No. 41. However, despite the close sitting of the existing buildings and the presence of the trees, I was able to see at the time of my site visit in the morning, that No. 41's kitchen window receives direct sunlight for part of the day.
5. The proposal would bring a two storey built form close to the common side boundary with No. 41. I appreciate the neighbours' kitchen window already faces the original two storey gable of the appeal dwelling. However, the proposal would bring it closer to this window and would extend for a greater depth than the garage along the passageway that separates the appeal dwelling from No. 41. It would also be significantly taller than either the timber shed to the rear of the garage or the boundary fence.
6. Although the appellant considers that the kitchen window was never designed to have a visual outlook, the Council have identified this being the only window serving this room. I consider the proposal would appear dominant and visually



overbearing when viewed from the kitchen room served by this window and also result in a loss of light. Whilst the additional overshadowing created by the proposal may only be for part of the day, this would nevertheless have an unacceptable harmful effect on the living conditions of this neighbouring property's occupiers.

7. I therefore conclude that the proposal would have a detrimental impact on the occupiers of No 41 Harebell Close with reference to daylight, sunlight and outlook. As such, the proposal would be contrary to Policy HC4 of the Sefton Local Plan and the House Extensions Supplementary Planning Document, which seek to ensure, amongst other matters, that extensions and alterations are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties.

### **Other Considerations**

8. The proposed development's visual appearance would have no adverse impact on the character of the streetscene. This is however a neutral consideration and not a benefit of the proposal.
9. Reference has been made to a similar impact that would likely arise if the appeal property was to be extended to the rear and side using permitted development rights. I have not however been provided with any further details of such a scheme.
10. The appellant has stated that he can reduce the height of the two trees in the appeal dwelling's garden which would increase the daylight to the side passage areas between the two properties. The proposal has also been amended to include a render to the side elevation to reflect natural light. Neither these matters, nor the relationship between other properties on Harebell Close, would overcome the harm that I have identified from the size and the proximity of the proposal to No. 41.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*F Rafiq*

INSPECTOR

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